BILL 2020-4

First Reading

Agenda Item

TO: Mayor and City Council

FROM: Shellie J. Blades, City Clerk

DATE: January 22, 2020

RE: Tobacco Products – Minimum Age 21

Purpose

As you may recall, the Council passed Ordinance 6114 on November 18, 2019 which raised the age to purchase vaping products to 21 years of age. Since then, the President has signed legislation raising the age to purchase tobacco products, in general, to 21 years of age. While the federal legislation went into effect immediately, State of Missouri agencies are waiting for additional details before they begin enforcement of the new standards. To that end, this Ordinance (if approved) will take effect 60 days from its passage. This interim period gives business owners time to make changes to their processes, inventory controls and training regimes.

Recommendation

The Ordinance attached has been reviewed by Counselor Corcoran and staff recommends approval.

Bill 2020-4

AN ORDINANCE OF THE CITY OF CAMERON, MISSOURI AMENDING ARTICLE V, TOBACCO, OF CHAPTER EIGHT, OFFENSES-MISCELLANEOUS OF THE CITY OF CAMERON CODE BY UPDATING THE MINIMUM AGE TO PURCHASE TOBACCO PRODUCTS

WHEREAS, pursuant to Chapter 8, Offenses-Miscellaneous, of the City of Cameron Code the City of Cameron, Missouri has previously adopted regulations relating to the sale and distribution of cigarettes as authorized by Sections 407.924 and 407.934 of the Revised Statutes of Missouri (the "Tobacco Products Statutes"); and

WHEREAS, the President of the United States recently signed legislation to amend the Federal Food, Drug and Cosmetic Act and raise the federal minimum age of sale of tobacco products from 18 to 21 years of age; and

WHEREAS, Chapter 8, Article V of the City of Cameron Code currently prohibits the sale and distribution of cigarettes and tobacco products to any person under 18 years of age; and

WHEREAS, based upon the information provided and its authority pursuant to Section 407.932 RSMo., and other applicable Missouri law the Cameron City Council desires to amend the Code relating to the regulation of the sale and distribution of tobacco products to minors under the age of 21.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, MISSOURI AS FOLLOWS:

Section 1. Section 8-208, Definitions, of Division 1, Smoking, Vaping and Alternative Nicotine Products, of Article V, Tobacco, of Chapter 8, Offenses-Miscellaneous, is hereby amended as follows:

> *Minor* means a person under the age of twenty-one (21) in regard to tobacco products, alternative nicotine products or vapor products.

Section 2. Subsection (a) of Section 8-216, Sale of tobacco, vapor and alternative nicotine products; prohibited; punishment, of Division 2, Selling of tobacco, vapor and alternative nicotine products, of Article V, Tobacco, of Chapter 8, Offenses-Miscellaneous, is hereby amended as follows:

(a) No person shall sell any tobacco or alternative nicotine products or distribute any tobacco or alternative nicotine products or rolling papers to any minor (under twenty-one (21) years of age). This section shall not apply to the distribution by family members on property that is not open to the public.

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Section 3. Subsections (1) and (2) of Section 8-217, Signs required, of Division 2, Selling of tobacco, vapor and alternative nicotine products, of Article V, Tobacco, of Chapter 8, Offenses-Miscellaneous, are hereby amended as follows:

(1) Contain in red lettering at least one-half inch high on a white background the following:

"IT IS A VIOLATION OF STATE LAW FOR CIGARETTES OR OTHER TOBACCO OR ALTERNATIVE NICOTINE PRODUCTS TO BE SOLD TO ANY PERSON UNDER THE AGE OF 21"; and

"IT IS A VIOLATION OF THE CODE OF THE CITY OF CAMERON FOR ANY VAPOR PRODUCT TO BE SOLD TO ANY PERSON UNDER THE AGE OF 21"

(2) Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "UNDER 21".

Section 4. Subsection (a) of Section 8-218, Product distribution to minors, prohibited, of Division 2, Selling of tobacco, vapor and alternative nicotine products, of Article V, Tobacco, of Chapter 8, Offenses-Miscellaneous, is hereby amended as follows:

(a) It shall be unlawful for any person to engage in tobacco or alternative nicotine product distribution to persons under twenty-one (21) years of age.

Section 5. Subsection (a) of Section 8-219, Proof of age required; exception, of Division 2, Selling of tobacco, vapor and alternative nicotine products, of Article V, Tobacco, of Chapter 8, Offenses-Miscellaneous, is hereby amended as follows:

(a) A person selling tobacco or alternative nicotine products or rolling papers or distributing tobacco or alternative nicotine product samples shall require proof of age from a prospective purchaser or recipient by verifying, via a photo identification such as a driver's license, that the person is twenty-one (21) years of age or older.

Section 6. The Mayor is authorized to sign this Ordinance approving it on behalf of the City Council of the City of Cameron, Missouri.

Section 7. The City Clerk is directed to attest to the Mayor's signature.

Section 8. This Ordinance shall be in full force and effect sixty (60) days from and after its passage and approval.

Passed on first reading this 22nd day of January 2020.

FIRST READING

Passed on second and final reading this ____ day of February 2020.

_____
Mayor Darlene Breckenridge

ATTEST:

_____
City Clerk

FIRST READING