



PROJECTWATCH
Working Against Tobacco Companies' Harm

UPDATING YOUR LOCAL TOBACCO ORDINANCE

WHY DO WE NEED TO UPDATE OUR TOBACCO ORDINANCE?

Recent changes to state and federal law make it necessary to update your local tobacco ordinance. Local tobacco ordinances should be updated so that they are compatible with new state and federal requirements. This will make it easier to enforce these new regulations at the local level. This is important because the local tobacco licensing authority is responsible for enforcing statewide laws that restrict youth access to tobacco.

WHAT CHANGES DO WE NEED TO MAKE TO OUR TOBACCO ORDINANCE?

It is important to make sure that your tobacco ordinance includes the following new provisions:

- Updated definition of tobacco products to include those products that are dissolved, absorbed, inhaled, or ingested by any other means;
- Requirement that vendors must hold a tobacco license in order to sell pipes and rolling papers;
- Prohibition on selling tobacco products in open displays that are accessible by the public without clerk assistance (except in adult-only tobacco shops);
- Prohibition on the sale of single cigarettes or “loosies;” and
- Prohibition on the sale of nicotine or lobelia delivery devices, such as electronic cigarettes, to minors (except FDA approved cessation devices).

ARE THERE OTHER PIECES THAT WE SHOULD CONSIDER ADDING TO OUR TOBACCO ORDINANCE?

There are many policy options available if you are considering strengthening your tobacco ordinance beyond state and federal minimum requirements. For example, a licensing authority could elect to adopt any or all of the following policy options:

- Prohibit the sampling of tobacco in tobacco shops (this would close the loophole used by hookah establishments to allow indoor smoking);
- Increase the required age of tobacco sellers to 18 years of age; and
- Require that all licensees regularly train their employees about complying with youth access requirements.

In addition to these strategies, there are a variety of more progressive policy options available such as:

- Restrict the sale of flavored tobacco products (other than cigarettes);
- Prohibit the redemption of tobacco coupons;
- Reduce tobacco advertisements through time, place, and manner restrictions; and
- Establish a minimum pack size for other tobacco products (such as little cigars, which are often sold as very cheap singles).

These policies have the potential to reduce tobacco use by both adults and youth. However, they are cutting edge and should be approached cautiously and in consultation with experts such as Public Health Law Center and the Association for Nonsmokers-Minnesota.

IS THERE A MODEL TOBACCO LICENSING ORDINANCE AVAILABLE?

*FOR ASSISTANCE, OR FOR
MORE INFORMATION, PLEASE CONTACT:*

The Association for Nonsmokers—Minnesota

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(651) 646-3005

Yes. The Public Health Law Center and the League of Minnesota Cities worked together to develop a model tobacco licensing ordinance. Following this ordinance will help ensure that your tobacco ordinance meets state and federal requirements. This model ordinance also includes some optional provisions that will help strengthen your ordinance. The model ordinance can be downloaded from the League of Minnesota Cities' website (www.lmc.org/media/document/1/tobacco_licensing_ordinance.doc) or the Public Health Law Center's website (<http://publichealthlawcenter.org/sites/default/files/resources/phlc-modelord-tobaccolicensing-mn-2010.pdf>).



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