



City Council Memorandum

To: Mayor and City Councilmembers

From: Bryan D. Schafer, Chief of Police

Date: July 1, 2019

Item: Tobacco 21 Discussion

Council Action Requested:

Consider recommendations of the Public Safety Advisory Commission (PSAC) be forwarded to the PS Committee of the Council for consideration.

Background Information:

In late 2018, the City Council, at the request of CM Braucks, charged PSAC with researching the viability of enacting a Tobacco 21 Ordinance in the City of Hastings. If adopted, Hastings would be the 21st city in MN do so. The Commission was provided numerous supporting documents to include, but not limited to the effects of nicotine on those under the age of 18, increased use seen in MN, and eCigarettes. PSAC also listened to testimonials by our School Resource Officer about the vaping epidemic in our school system and his conversations with other school districts where their city had adopted Tobacco 21. The Commission heard from City Attorney Fluegel as to legal ramifications and options to consider if this was undertaken. He also prepared a DRAFT ordinance modeled after recommendations by the Public Health Law Center. Lastly, Chief Schafer presented information from the League of MN Cities exploring other means to address the tobacco problem in lieu of adopting Tobacco 21.

Recommendations:

1. In a 5-0 vote, the Commission recommends the City adopt an Ordinance prohibiting retailers and any other person(s) from selling tobacco products, including eCigarettes (vaping products) to anyone under the age of 21; and
2. In a 4-1 vote, the Commission recommends the City adopt an Ordinance prohibiting anyone under the age of 21 from using or possessing tobacco products, including eCigarettes (vaping products).
 - a. There was much discussion about this recommendation, particularly as it pertains to the 18-21 age group.
 - i. Discussion
 1. How does the City fairly apply the ordinance to those who can legally use and possess under the current ordinance?
 2. How does the City enforce the ordinance for non-residents or transient population where their place of origin has a less restrictive law/ordinance?
 3. If adopted, use and possession by someone under 21 would be a misdemeanor, a higher level crime compared to current. This has greater implications on one's future, including the military.

4. If adopted, it would be consistent with the rest of the ordinance and easier to enforce.
 5. Should the City allow 18-21 use and possession until the Legislature takes action, enacting State Law to address Tobacco 21?
3. The Commission also recommended utilizing fines to fund a joint City/Schools educational component.

Financial Impact:

None

Advisory Commission Discussion:

Public Safety Advisory Commission (PSAC)

Council Committee Discussion:

None

Attachments:

Dakota County Cities opinions.

From: Melanie Lee [<mailto:Melanie.Lee@burnsvillemn.gov>]

Sent: Thursday, April 11, 2019 1:24 PM

To: Lawell, Tom ; 'Dave Osberg' ; Miller, Justin ; Joe Lynch ; Ryan Schroeder ; Julie Flaten ; Martin, Logan ; Joel Hanson

Subject: Tobacco 21

Hi all:

Thanks for the responses to my question earlier this week. Here is what I've learned:

AV: Our take is this should be a statewide issue. At this point, we are not planning to discuss it at the Council level in 2019.

Eagan: We have not adopted a Tobacco 21 Ordinance. The City Council has not discussed it, nor do I expect they will in the near future.

Lakeville: We discussed it but chose not to.

IGH: The City of Inver Grove Heights relies on Dakota County for our tobacco licensing and enforcement. We do not have any plans in the very near future to adopt an Ordinance. If Dakota County were to consider such a move, we would follow.

WSP: our Council decided to wait and see if legislators did anything and if not it will be brought back for consideration

Hastings: This is still working through our Public Safety Advisory commission process (referred by the Council for discussion).

Rosemount: We haven't adopted it and really there's been no interest shown in tackling it. My impression is that they think the State is going to handle it in the next few years.

SSP: South St. Paul has not adopted a Tobacco 21 Ordinance. We will be discussing some modifications to our tobacco licensing ordinance in the next few weeks, but I doubt our Council will choose to go down this road.

As for Burnsville, I am not expecting this to be proposed.

Thanks everyone!



Melanie Mesko Lee | City Manager

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