



Health & Human Services Agenda Request

2B
Agenda Item #

Requested Meeting Date: May 28, 2024

Title of Item: Public Hearing for updated Aitkin County Tobacco Ordinance

<input checked="" type="checkbox"/> REGULAR AGENDA	Action Requested:	<input type="checkbox"/> Direction Requested	
<input type="checkbox"/> CONSENT AGENDA		<input type="checkbox"/> Approve/Deny Motion	<input type="checkbox"/> Discussion Item
<input type="checkbox"/> INFORMATION ONLY		<input type="checkbox"/> Adopt Resolution (attach draft)	<input checked="" type="checkbox"/> Hold Public Hearing* <i>*provide copy of hearing notice that was published</i>

Submitted by: Erin Melz	Department: H&HS
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Presenter (Name and Title): Erin Melz, Public Health Supervisor	Estimated Time Needed: Unknown
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Summary of Issue:
MS 375.51, Sub 2, no county ordinance shall be enacted unless a notice of the intention to enact it has been published in the official newspaper of the county not less than ten days before the meeting or public hearing. The notice shall state the subject matter and the general purpose of the proposed ordinance. At the April 23, 2024 County Board meeting, the date and time for the public hearing was set for May 28, 2024 at 9:15 a.m. As of this date, we have not received any comments or recommendations on the revisions prior to the public hearing. Attached is the notice of the public hearing.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Financial Impact:

Is there a cost associated with this request? Yes No

What is the total cost, with tax and shipping? \$

Is this budgeted? Yes No *Please Explain:*



-Public Notice Ad Proof-

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Ad Proof

Not Actual Size

**AITKIN COUNTY
PUBLIC MEETING
ORDINANCE FOR THE
SALE, PROCUREMENT,
AND POSSESSION OF
TOBACCO PRODUCTS
IN AITKIN COUNTY
TUESDAY, MAY 28, 2024
AT 9:15 AM
GOVERNMENT CENTER
BOARD MEETING
ROOM 307
2ND STREET NW,
AITKIN MN. 56431**

WHEREAS, Under Minn. Stat. § 461.19, a county is required to give retailers notice that it is considering adopting or substantially amending a retail tobacco licensing ordinance. The county must take reasonable steps to send notice by mail at least 30 days prior to the meeting, to the last known address of each licensee or person required to hold a license.

WHEREAS, Under Minn. Stat. 375.51, Sub 2, no county ordinance shall be enacted unless a notice of the intention to enact it has been published in the official newspaper of the county not less than ten days before the meeting or public hearing. The notice shall state the subject matter and the general purpose of the proposed ordinance

WHEREAS, Minn. Stat. § 13D.01, states that meetings must be open to the public.

WHEREAS, a public hearing provides a meaningful opportunity for local officials to receive public input on an issue. A public hearing is not required to adopt a tobacco retail-licensing ordinance unless specifically required by a charter.

THEREFORE, BE IT RESOLVED, the Aitkin County Board of Commissioners hereby sets a public hearing for May 28, 2024 at 9:15 a.m. at the Aitkin County Board of Commissioners Meeting to be held at the Government Center Board Meeting for the following proposed changes to the Ordinance for the Sale, Procurement, and Possession of Tobacco Products in Aitkin County

A copy of the proposed ordinance is available to be read at the Aitkin County Auditor's office.

Proposed ordinance revisions include:

Licensee Provisions:

Fees: The annual licensing fee will be established by the County's fee schedule and may be amended from time to time.

Samples prohibited. No person shall distribute samples of any licensed product free of charge or at a nominal cost. The distribution of licensed products as a free donation is prohibited.

Publications:

Aitkin Independent Age

Date: 04/24/24
Account #: 483452
Customer: AITKIN COUNTY HEALTH & HUMAN SERVICES
Address: 204 1st St. NW
AITKIN
Telephone: (218) 927-7200
Fax:

Ad ID: 1390718
Copy Line: Tobacco Products Ordinance
PO Number:
Start: 05/01/24
Stop: 05/01/2024
Total Cost: \$295.23
of Lines: 219
Total Depth: 24.444
of Inserts: 1
Ad Class: 145
Phone # (763) 691-6000
Email: publicnotice@apgecm.com
Rep No: MA700

Contract-Gross

Youth-oriented facility. No new license will be granted to any person for a retail establishment location not already established as of the date of the ordinance that is within 500 feet of a youth-oriented facility, as measured by the shortest line from the property line of the space to be occupied by the proposed licensee to the nearest property line of the youth-oriented facility.

Prohibited Sales and Acts:

MLSA: Under federal and Minnesota state law, it is unlawful to sell licensed products to any person under the age of 21. Minn. Stat. § 609.685; Minn. Stat. § 609.6855.

Flavored products: No person shall sell or offer for sale any flavored products. Any communication by, or on behalf of, the manufacturer or retailer of a tobacco product that indicates that the product imparts a taste or smell other than the taste or smell of tobacco; or a cooling or numbing sensation, constitutes presumptive evidence of a violation of this section. Presumptive evidence may include but is not limited to the use of terms such as "cool," "chill," "ice," "fresh," "arctic," or "frost" to describe the product.

Possession: It shall be a violation of this ordinance for any person under age 21 to have in his or her possession any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product. This subdivision shall not apply to minors lawfully involved in a compliance check.

Violations:

Minimum fine schedule: state law set a minimum fine schedule for underage sales or other ordinance violations by licensed tobacco retailers at: \$300 for a first violation, \$600 for a second violation within 36 months, and \$1,000 for a third or subsequent violation within 36 months. Upon the third or subsequent violation within 36 months of the first violation, state law requires a suspension of at least seven days and allows for license revocation. (Minn. Stat. § 461.12, subd. 2).

Employees of licensee and other individuals: Other individuals found to be in violation of this ordinance will, within 10 calendar days, be required to provide proof of completion for an instructional program regarding the requirements of tobacco retail licensing and sales to the Aitkin County Public Health Department and may be charged an administrative fine of no more than \$50.

Persons under the age of 21:

(1) Persons under the age of 21 who use false identification to purchase or attempt to purchase licensed products may only be subject to non-criminal, non-monetary civil penalties or remedies such as tobacco-related education classes, diversion programs, community services, or another non-monetary, civil penalty that the legal and licensing authority determine to

be appropriate. Law Enforcement, Court System, and Public Health representatives may consult, as applicable, with interested persons, including, but not limited to, educators, parents, guardians, persons under the age of 21, public health officials, court personnel, and other interested parties to determine an appropriate remedy for persons under the age of 21 in the county in the best interest of the underage person.

(2) Persons under the age of 21 who has in his or her possession any tobacco, tobacco-related devices, electronic delivery device, nicotine or lobelia delivery product may be subject to non-criminal, non-monetary civil penalties or remedies such as tobacco-related education classes, diversion programs, community services, another non-monetary, civil penalty or may be charged with an administrative penalty of no more than \$50, whichever the legal authority determines to be appropriate. Law Enforcement, Court System, and Public Health representatives may consult with interested persons, including, but not limited to, educators, parents, guardians, persons under the age of 21, public health officials, court personnel, and other interested parties to determine an appropriate remedy for persons under the age of 21 in the county and is in the best interest of the underage person.

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