



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

Licensing
375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

September 4, 2015

Dear Cigarette/Tobacco License Holders,

The City of Saint Paul is required by Minnesota state law to conduct compliance checks on all establishments that sell tobacco products. The Department of Safety and Inspections (DSI) is currently conducting checks of all licensed vendors. Compliance check procedures include a minor entering the establishment and attempting to purchase tobacco products while a Licensing Inspector awaits the results outside the entrance. If asked, the minor's proper identification will be shown to the sales clerk and they will not give any false information regarding their age or attempt to deceive the clerk. **All clerks who sell tobacco products to a minor will receive a fine of \$50.00 and the licensed establishment will be subject to adverse licensing action for the sale of tobacco to an underage person.**

This year Licensing Staff is also working with Licensees to foster compliance with four laws recently passed affecting retail tobacco vendors.

1. St. Paul Legislative Code Sec. 64.504 (b) 5, limits temporary signs within windows to maintain view of cashier area; effective 2012.
2. MN State Statute § 461.20, requires child- resistant packaging of any liquid (e-juice) for use in an electronic delivery device (e-cig); effective 2014.
3. St. Paul Legislative Code Sec. 324.07, single cigars and/or cigars sold in packages of less than five must sell at a retail price greater than \$ 2.10 per cigar before the addition of sales tax; effective 2014.
4. MN State Statute § 461.21, prohibits sales of tobacco, tobacco-related devices, or electronic delivery devices and nicotine or lobelia delivery products from a moveable place of business; effective 2014.

Please take this opportunity to verify that you and your employees have procedures in place that restrict the access of tobacco products to underage persons in your establishment and that you are in compliance with the laws noted above. If you have any questions or concerns, please contact Inspector Barry Brown at 651-266-9143 or barry.brown@ci.stpaul.mn.us.

Sincerely,

Thomas Ferrara
Inspector, Licensing & Project Facilitation
Department of Safety and Inspections
tom.ferrara@ci.stpaul.mn.us
651-266-9087



City of Saint Paul
WINDOW SIGN REGULATION
Improves Visibility & Promotes Public Safety



In conjunction with the National Association of Convenience Stores, the Saint Paul Police Department recommends reducing the number, placement, and size of window signs to decrease the risk of robbery and theft. Good business practices suggest that having clear lines of sight can alert you to someone casing your store. Called “natural surveillance,” it allows people to easily observe the space around them, both inside and outside the store. Safety is often cited as an important consideration in choosing one store over another.

Section 64.504(b)(5) of the Saint Paul Legislative Code

Temporary window signs

To improve visibility and promote public safety, as of August 8, 2012, temporary window signs placed within 4 feet of a window and visible to the outside may not cover more than 30% of the window space between 4 feet and 7 feet above grade and shall not block views into the cashier area. If individual letters or designs are placed directly on the window, allowing visibility into the store between the letters, only 50% of those signs are counted toward the maximum window coverage.

These regulations do not apply to permanent signs inside of a window. Permanent and temporary signs located on the exterior of windows must meet all requirements of the sign code. A permit is not needed for any type of sign inside of windows that advertise a commodity, service or entertainment conducted, offered, sold or manufactured on the premises.

For more information

Contact the Zoning Section of the Department of Safety and Inspections at 651-266-9008.



City of Saint Paul

E - JUICE PACKAGING REGULATION

The State of Minnesota now requires that all liquid sold for use in an electronic delivery device must be in child-resistant packaging (MINN.STAT. § 461.20 (2014)). Child-resistant packaging is required whether or not the e-juice contains nicotine. Retailers should be prepared to provide documentation of child-resistant packaging when requested by a DSI Licensing Inspector present at their site. This documentation, called a full protocol testing laboratory report, should be provided to you by your manufacturer or supplier.

The United States Consumer Products Safety Commission (CPSC) Guide to Child Resistant and Senior-Friendly Packages provides an overview of child-resistant packaging, the different types that are available, as well as a list of companies that manufacture and test child-resistant packaging (<http://www.cpsc.gov/en/Regulations-Laws--Standards/Statutes/Poison-Prevention-Packaging-Act/Child-Resistant-and-Senior-Friendly-Packages-packaging-guide/>).

Cigarette/Tobacco Licensees that fail to comply with this requirement will be subject adverse action.

2014 MINNESOTA STATUTE

461.20 Sale of Electronic Delivery Device; Packaging.

(a) For purposes of this section, "child-resistant packaging" is defined as set forth in Code of Federal Regulations, title 16, section 1700.15 (b)(1), as in effect on January 1, 2015, when tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

(b) The sale of any liquid, whether or not such liquid contains nicotine, that is intended for human consumption and use in an electronic delivery device, as defined in section 609.685, subdivision 1, that is not contained in packaging that is child-resistant, is prohibited. All licensees under this chapter must ensure that any liquid intended for human consumption and use in an electronic delivery device is sold in child-resistant packaging.

(c) A licensee that fails to comply with this section is subject to administrative penalties under section 461.12, subdivision 2.

NOTE: This section, as added by Laws 2014, chapter 291, article 6, section 31, is effective January 1, 2015.



City of Saint Paul CIGAR PRICING REGULATION

Chapter 324 of the Saint Paul Legislative Code

Section 324.07. Sales prohibited.

(e) No person shall sell, offer for sale, or distribute a single cigar unless the cigar is sold in an original package of at least five cigars, provided that:

(1) This restriction shall not apply to any sale, offer to sell, or distribution of a single cigar that has a retail price greater than \$2.10 before the addition of sales tax, or of any "premium cigar," as defined by Minn. Stat. § 297F.01 subd.13a, including any amendments.

(2) Cigars to which price promotions or discounts apply shall not be excluded from this restriction.

Cigar Pricing Examples

You may sell packages of four or less ONLY if they are priced as follows:

A single cigar must be sold in its original packaging for a minimum of \$2.10 before sales tax.

Two cigars in a package must retail for at least of \$4.20 before sales tax.

Three cigars in a package must retail for at least of \$6.30 before sales tax.

Four cigars in a package must retail for at least of \$8.40 before sales tax.

This regulation does not impact cigars in packages of five or more.

2014 MINNESOTA STATUTE

297F.01 Definitions.

Subd. 13a. Premium cigar.

"Premium cigar" means any cigar that is hand-constructed and hand-rolled, has a wrapper that is made entirely from whole tobacco leaf, has a filler and binder that is made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor, and has a wholesale price of no less than \$2.



City of Saint Paul

MOBILE TOBACCO SALES REGULATION

The State of Minnesota now requires that tobacco sales be conducted solely from a permanent physical location [MINN.STAT. § 461.21 (2014)]. Therefore, tobacco product sales and/or distribution of free tobacco product promotional items outside of a City cigarette/tobacco retailer's actual licensed building space are prohibited even if conducted as part of temporary outdoor or special events.

Cigarette/Tobacco Licensees that fail to comply with this requirement will be subject adverse action.

2014 MINNESOTA STATUTE

461.21 KIOSK SALES PROHIBITED.

No person shall sell tobacco, tobacco-related devices, or electronic delivery devices as defined in section 609.685, subdivision 1, or nicotine or lobelia delivery products as described in section 609.6855, from a moveable place of business. For the purposes of this section, a moveable place of business means any retail business whose physical location is not permanent, including, but not limited to, any retail business that is operated from a kiosk, other transportable structure, or a motorized or nonmotorized vehicle.

History: 2014 c 291 art 6 s 32

325F.77 PROMOTIONAL DISTRIBUTION.

Subd. 3. Legislative intent. Because the state prohibits both the use of tobacco products by minors and the furnishing of tobacco products to minors, and because the enforcement of an age-related restriction on the promotional distribution of tobacco products is impractical and ineffective, it is the intent of the legislature to control the distribution of these products and discourage illegal activity by prohibiting all promotional distribution, except as allowed in this section.

Subd. 4. Prohibition. No person shall distribute smokeless tobacco products or cigarettes, cigars, pipe tobacco, or other tobacco products as defined in section 297F.01, subdivision 19, except that single serving samples of tobacco may be distributed in tobacco stores.

History: 1986 c 352 s 2; 1987 c 399 s 3,4; 2010 c 305 s 3