



# REPEAL POSSESSION OF TOBACCO ORDINANCE

OR-21-005

April 20, 2021

# Background

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- ❑ Chapter 16, Article VI provides offenses for:
  - ▣ Possession of a tobacco by a minor;
  - ▣ Purchase of tobacco by a minor;
  - ▣ Falsely claiming to be 18 or over to purchase tobacco; and
  - ▣ Presenting false/misleading documentation regarding age to purchase tobacco.
- ❑ A minor for purposes of this ordinance is a person less than 18 years of age.
- ❑ Ordinance has not been amended since 1996.

# Federal and State Law

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- ❑ Federal and state law establish the age of violations regarding tobacco as younger than 21 years of age.
- ❑ Regulations are also more expansive, including items such as e-cigarettes.

# Repeal City Ordinance

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- Because of the conflict between the city ordinance and the federal and state laws, and because city ordinance is preempted, staff suggests repealing Chapter 16, Article VI in its entirety.
- No impact on police enforcement as officers cite violations using state law.

# Alternatives

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- The City Council may:
  - ▣ Leave the current ordinance in place
  - ▣ Make amendments to the current ordinance
  - ▣ Repeal the ordinance

# Recommendation

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- Staff recommends repealing Chapter 16, Article VI possession of tobacco.