

# Complying with Robbinsdale's Tobacco Product Requirements

## About the Ordinance

The Robbinsdale City Council voted in December 2017 to change the Robbinsdale City Code, Chapter 11, Business Licenses – Tobacco and Related Products. Beginning April 1, 2018:

### Cigars

The minimum price of cigars (after coupons, promotions or discounts have been applied and before sales tax) is:

- 1 single cigar = \$2.60
- 2-pack or "double" pack = \$5.20
- 3-pack = \$7.80
- Packs with 4 or more cigars = \$10.40

### Flavor

The sale of flavored tobacco products is restricted to retail stores (referred to as "tobacco product stores" in this document) that:

- Prohibit persons under 18 from entering at all times; and
- Derive at least 90% of their revenues from the sales of licensed tobacco products.

This restriction does not apply to menthol, mint, wintergreen, or "tobacco" flavored products.

Definition flavored product: 1132.01(e)....any licensed product that contains a taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, that is distinguishable by an ordinary consumer either prior to or during consumption of the licensed product, including, but not limited to, tastes or aromas of chocolate, vanilla, honey, cocoa, or any candy, dessert, alcoholic beverage, fruit, herb, or any spice.

For more information, contact Robbinsdale City Hall at 763-537-4534.



City of Robbinsdale

## FLAVORED PRODUCT EXAMPLES

The following photos provide guidance for compliance with the flavored tobacco product restrictions. The products pictured are only examples.

### CIGARS



#### Sales restricted to tobacco product stores

Examples: Strawberry, Sweet Razz, Raspberry Cream, Peach, Mango, Grape, White Grape, "Wine" cigars and cigarillos



#### No restrictions on sales

Examples: Unflavored or menthol, Swisher Sweets cigarillos, Swisher Sweets mini cigarillos and Black & Mild cigars, Dutch Masters Palma, Swisher Diamonds, White Owl Black

### E-CIGARETTES and E-JUICE



#### Sales restricted to tobacco product stores

Examples: EZ Cig Licorice, blu Cherry Crush and Shisha Time Blueberry e-cigarettes, Haus by Mystic Berry e-liquid



#### No restrictions on sales

Examples: Unflavored or menthol, Vuse Menthol, NJOY and blu e-cigarettes, Hells Vapor menthol e-liquid

## SMOKELESS TOBACCO and POUCHES



### Sales restricted to tobacco product stores

Examples: Skoal Pouches Berry Blend and Skoal Berry



### No restrictions on sales

Examples: Unflavored or menthol, Copenhagen Wintergreen and Camel Snus Mint

## SHISHA



### Sales restricted to tobacco product stores

Examples: Al Fakher Pineapple, Starbuzz Apple Martini or Fantasia Bubble Gum shisha



### No restrictions on sales

Examples: Unflavored or menthol, Al Fakher Mint shisha

## CIGAR and BLUNT WRAPS



### Sales restricted to tobacco product stores

Examples: Hood Wraps "Da Bomb Blueberry" cigar wraps



### No restrictions on sales

Examples: Unflavored or Menthol, Zig Zag "Straight Up" cigar wraps

# Frequently Asked Questions

## **Which tobacco products are included in the flavor restriction?**

Any licensed product that contains a taste or aroma, other than the taste or aroma of tobacco, menthol, mint or wintergreen, that is distinguishable by an ordinary consumer either prior to or during consumption of the licensed product, including, but not limited to, tastes or aromas of chocolate, vanilla, honey, cocoa, or any candy, dessert, alcoholic beverage, fruit, herb, or any spice.

Tobacco products outlined in the ordinance include: any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoke, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to cigarettes, cigars, cheroots, stogies, perique, granulated, plug-cut, crimp-out, ready-rubbed, and other smoking tobacco; snuff, snuff flower, cavendish, plug and twist tobacco, fine cut or other chewing tobaccos; shorts, refuse, scraps, clippings, and sweepings of tobacco; and other kinds and forms of tobacco.

Tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose as defined by Minn. Statute Section 609.685.

## **How are “flavors” restricted under this policy?**

Any licensed product that contains a taste or aroma, other than tobacco, menthol, mint or wintergreen, can only be sold in tobacco product stores.

## **Who can I contact for more information?**

For more information, contact Robbinsdale City Hall at 763-537-4534.

## **What if a product doesn't have a flavor description or the description is vague, such as “tropical fusion?”**

Several companies have removed flavor descriptions from their packaging. Regardless of how a product is labeled, if the product contains a taste or aroma other than tobacco, menthol, mint or wintergreen, its sales are restricted to tobacco-products stores.

## **What about menthol, mint, and wintergreen-flavored products?**

Menthol, mint and wintergreen flavors are exempted from these restrictions. All licensed tobacco retailers can sell menthol, mint and wintergreen-flavored tobacco products.

## **What if the product contains mint and another flavor, for example, Mint Chocolate Chip?**

If the product contains more than one flavor, with one flavor (such as mint) being permitted and another flavor (such as chocolate) being restricted, it can only be sold by tobacco-products stores.

## **When does this go into effect?**

April 1, 2018. The Robbinsdale Police Department will begin checking and enforcing the ordinance during their 2018 round of compliance checks.

## **What are the penalties?**

Violations of the minimum cigar pricing or flavored product restrictions will be the same as other tobacco license-related violations.

- First violation: Civil fine of not less than \$75 nor more than \$500. The licensee's license may also be suspended for a period of not more than 10 days.
- Second violation with 24 months: Civil fine of not less than \$200 nor more than \$750. The licensee's license shall also be suspended for a period of not more than 20 days.
- Third violation with 24 months: Civil fine of not less than \$250 nor more than \$1,000. The licensee's license shall also be suspended for a period of not more than 30 days.