



CITY OF CHESTERFIELD

Public Health & Safety Committee Meeting

June 6, 2022

5:30 PM

Conference Room 101

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
February 28, 2022
- IV. Select Vice-Chairperson to the Public Health & Safety Committee
- V. Select Council Liaison to Police Personnel Board
- VI. Proposal to amend Municipal Ordinance, Chapter 210, Article XII Offenses Concerning Tobacco, Alternative Nicotine Products or Vapor Products

Chief Johnson will present a proposed amendment to the Municipal Ordinance definition of a minor, from "under the age of 18" to "under the age of 21" to bring the ordinance into compliance/conformity with new State Law. Missouri recently adopted legislation raising the minimum age of sale of all tobacco products to 21. Municipalities have until the end of 2022 to come into compliance.)
- VII. Housing of Municipal Prisoners; St. Louis County Department of Corrections. Current status update.

Chief Johnson will brief the committee on the current process/policy of St. Louis County housing/ of municipal prisoners.
- VIII. Special Circumstances Court – Chesterfield Prosecuting Attorney, Tim Englemeyer
- IX. Other
- X. Next Meeting
- XI. Adjourn

MINUTES

PUBLIC HEALTH & SAFETY COMMITTEE MEETING

FEBRUARY 28, 2022

I. The meeting was called to order at 5:30 PM by Chairperson Councilmember Tom DeCampi.

II. Roll Call

Councilmember Tom DeCampi, Ward IV, Chairperson, Councilmember Barbara McGuinness, Ward I. Councilmember Aaron Wahl, Ward II, Councilmember Michael Moore, Ward III. Also, in attendance were Chief Ray Johnson, Nathan Bruns representing the City Attorney, and City Council candidates Merrel Hansen and Tamarah Wagner.

III. Approval of Minutes

Councilmember DeCampi motioned and Councilmember McGuinness seconded to approve the minutes of the September 27, 2021 minutes. Councilmember Wahl informed the Committee members that there was an item from those minutes that he wanted to discuss under "Other" at the end of the meeting. The motion to approve the minutes carried 4-0.

IV. Street Corner Solicitation

The Committee reviewed options regarding the regulation/prohibition against street corner solicitations. Councilmember DeCampi related that he has received many complaints regarding people soliciting in roadways.

Chief Johnson noted a recent St. Louis County lawsuit where a street solicitor won a suit against St. Louis County. Since that time, Chesterfield Police have not removed solicitors from roadways since that lawsuit noting that panhandlers have usually been on St. Louis County Roadways.

Mr. Nathan Bruns presented /reviewed the lawsuit and provide content-based regulations to be considered. Final options to update the Chesterfield Ordinance that regulate roadway solicitation were that: A-No One Can Solicit, or B- Everyone Can Solicit.

The Committee members noted the safety issues of persons in the roadway, both the actual roadway and the easement areas.

Councilmember McGuinness motioned to adopt Version A, No One Can Solicit. The motion was seconded by Councilmember Moore. Discussion followed which included options for door-to-door solicitation Chief Johnson noted that door-to-door solicitation is regulated already with permits being granted after review by the Chesterfield Police Department to ascertain that there are no permits granted to those with extensive criminal records. Under the proposed ordinance, permits would be granted for a 4-month permit to allow for seasonal solicitations. Councilmember Moore motioned that the original motion be amended to limit permit for door-

to-door solicitation to 28 days with an option for one renewal within each year. Councilmember McGuinness seconded the amended motion.

Discussion followed which then centered upon roadway and public easement solicitations especially the safety concerns. Councilmember Wahl voiced concerns regarding the possibility of those persons only holding signs on the easements and enforcement. After discussion, the motion, as amended, was carried 4-0. This revised ordinance will be forwarded to City Council with a recommendation for approval.

V. Ord. 2198, Dangerous Animals

Chief Johnson submitted for Committee consideration a proposed revision to Ord. 2198, which will lessen restrictions for the confinement of "Dangerous Animals". The proposed revision was precipitated upon a recent incident where a woman walking two dogs lost control of the animals and another dog was attacked by the two dogs. Upon review of the ordinance, the restrictions that could be imposed upon the owner of the attacking dogs could include the building of an enclosure (pen or kennel) specifically described in the current ordinance to prevent the dog from escaping, and adequate liability insurance to cover any future incident, and photographing of the animal for police evidence.

Upon review of the current ordinance and the proposed changes to the ordinance, Councilmember DeCampi motioned and Councilmember McGuinness seconded to leave the current ordinance in place with no changes. The motion carried 4-0.

VI. Proposed Ordinance – Vehicle Prowling

Chief Johnson reviewed a proposed ordinance adding vehicle prowling (attempting to open vehicle doors for other than legitimate purposes) to the Municipal Code relating to vehicle tampering. He noted that this has become a major problem not only in Chesterfield but in neighboring municipalities. Those other municipalities have (or are in the process) passed ordinances similar to the proposed Chesterfield ordinance. This change would allow law enforcement to stop/question suspicious persons found to be attempting to open locked vehicles on private property or in parking lots.

(Note that Councilmember Moore left the meeting at 7:00 PM)

Councilmember Wahl motioned and Councilmember McGuinness seconded to approve the proposed ordinance and move it on to City Council with a recommendation for Council approval.

VII. Quarterly Update

Chief Johnson provided the Committee members with an update on Crime Reduction/Prevention strategies currently in place in the Police Department.

Chief Johnson noted the purchase of APLR (License Plate Recognition) and also Flock safety cameras throughout the City. They should be operational within the next few months.

Full custodial arrests for shoplifting repeat offenders has been successfully initiated and pleading to a lesser cause has been curtailed with the partnership of the municipal court.

Anti-theft programs have been initiated and also a two-man Crime Suppression Unit has been formed to investigate specific targeted crimes by the Police Department.

The Police Department continues to actively use social media. Chief Johnson noted the recent arrest of an adult who had utilized social media to kidnap an underage girl. The Detective Bureau found the location of the male through social media, and safely removed the underage girl.

The Police Department continues to work with surrounding municipalities interacting for mutual assistance.

VIII. Other – Sweet Gum Trees

Councilmember Wahl noted that during discussion at the September 27, 2021 meeting a request was made to have the City Attorney and City Staff discuss the possibility of amending the City Nuisance Ordinance to add wording that would assign responsibility of debris from nuisance vegetation to the owner of that vegetation. To date, there has been no action. City Staff will contact the City Attorney to seek a written opinion on this request.

IX. Next Meeting

No meeting was scheduled at this time.

X. Adjourn

The meeting adjourned at 7:50 PM

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 210. OFFENSES, CHANGING THE MINIMUM AGE TO PURCHASE OR POSSESS TOBACCO OR VAPOR PRODUCTS FROM 18 YEARS OF AGE TO 21 YEARS OF AGE IN CONFORMANCE WITH THE STATE OF MISSOURI REQUIREMENTS.

Whereas, the City of Chesterfield currently prohibits the purchase, sale, or possession of tobacco or vapor products by an individual under the age of 18 years of age; and,

Whereas, the State of Missouri recently enacted legislation establishing the minimum age for the purchase, sale, or possession of tobacco or vapor products at 21 years of age; and,

Whereas, the State of Missouri also requires all municipalities to establish the minimum age of 21 years for the purchase, sale, or possession of tobacco or vapor products; and,

Whereas, the Chesterfield Public Health and Safety Committee has reviewed and recommended the change in conformance with the State of Missouri's requirements;

NOW THEREFOR BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section one: Chapter 210 Offenses of the City Municipal Code shall be amended to replace all references to the minimum age of eighteen (18) requirement (~~**bold and stricken**~~), with the new twenty-one (21) year minimum age requirement (**bold, underlined, and italicized**) as follows:

Chapter 210. Offenses

Article XIII. Offenses Concerning Tobacco,
Alternative Nicotine Products Or Vapor Products

Section 210.2100. Definitions.

For purposes of this Article, the following definitions shall apply:

ALTERNATIVE NICOTINE PRODUCT

Any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved or ingested by any other means. "Alternative nicotine product" does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.^[1]

CENTER OF YOUTH ACTIVITIES

Any playground, school or other facility, when such facility is being used primarily by persons under the age of **eighteen (18) twenty-one (21)** for recreational, educational or other purposes.

DISTRIBUTE

A conveyance to the public by sale, barter, gift or sample.

MINOR

A person under the age of **eighteen (18) twenty-one (21)**.

PROOF OF AGE

A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

ROLLING PAPERS

Paper designed, manufactured, marketed or sold for use primarily as a wrapping or enclosure for tobacco which enables a person to roll loose tobacco into a smokeable cigarette.

SAMPLE

A tobacco product, alternative nicotine product or vapor product distributed to members of the general public at no cost or at nominal cost for product promotional purposes.

SAMPLING

The distribution to members of the general public of tobacco product, alternative nicotine product or vapor product samples.

TOBACCO PRODUCTS

Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco, but does not include alternative nicotine products or vapor products.

VAPOR PRODUCT

Any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to

produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device. "Vapor product" does not include any alternative nicotine product or tobacco product.

VENDING MACHINE

Any mechanical, electric or electronic self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products, alternative nicotine products or vapor products.

[1] *Editor's Note: See 21 U.S.C. § 351 et seq.*

Section 210.2105. No Tobacco Sales To Minors — Alternative Nicotine Products, Vapor Products And Nicotine Liquid Containers — Sale To Minors Prohibited.

- A. Any person or entity who sells tobacco products, alternative nicotine products, or vapor products shall deny the sale of such tobacco products to any person who is less than ~~eighteen (18)~~ **twenty-one (21)** years of age.
- B. Any person or entity who sells or distributes tobacco products, alternative nicotine products, or vapor products by mail or through the Internet in this State in violation of Subsection (A) of this Section shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.
- C. Alternative nicotine products and vapor products shall only be sold to persons ~~eighteen (18)~~ **twenty-one (21)** years of age or older, shall be subject to local and State sales tax, but shall not be otherwise taxed or regulated as tobacco products.
- D. Nicotine Liquid Containers — Regulations.
 - 1. Any nicotine liquid container that is sold at retail in this State shall satisfy the child-resistant effectiveness standards set forth in 16 CFR 1700.15(b) as in effect on the effective date of this Section when tested in accordance with the method described in 16 CFR 1700.20 as in effect on the effective date of this Section.
 - 2. For the purposes of this Subsection, "nicotine liquid container" shall mean a bottle or other container of liquid or other substance containing nicotine if the liquid or substance is sold, marketed, or intended for use in a vapor product. A "nicotine liquid container" shall not include a liquid

or other substance containing nicotine in a cartridge that is sold, marketed, or intended for use in a vapor product, provided that such cartridge is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

3. Any person who engages in retail sales of liquid nicotine containers in this State in violation of this Subsection shall be assessed a fine of two hundred fifty dollars (\$250.00) for the first violation and five hundred dollars (\$500.00) for each subsequent violation.

4. The Department of Health and Senior Services may adopt rules necessary to carry out the provisions of this Subsection. Any rule or portion of a rule, as that term is defined in Section 536.010, RSMo., that is created under the authority delegated in that Section shall become effective only if it complies with and is subject to all of the provisions of Chapter 536, RSMo., and, if applicable, Section 536.028, RSMo. This Section and Chapter 536, RSMo., are non-severable, and if any of the powers vested with the General Assembly under Chapter 536, RSMo., to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rule-making authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

5. The provisions of this Subsection and any rules adopted hereunder shall be null, void, and of no force and effect upon the effective date of the final regulations issued by the Federal Food and Drug Administration or from any other Federal agency if such regulations mandate child-resistant effectiveness standards for nicotine liquid containers.

Section 210.2110. Unlawful To Sell Or Distribute Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors — Vending Machine Requirements.

- A. It shall be unlawful for any person to sell, provide or distribute tobacco products, alternative nicotine products or vapor products to persons under **~~eighteen (18)~~ twenty-one (21)** years of age.
- B. All vending machines that dispense tobacco products, alternative nicotine products or vapor products shall be located within the unobstructed line of sight and under the direct supervision of an adult responsible for preventing persons less than **~~eighteen (18)~~ twenty-one (21)** years of age from purchasing any tobacco product, alternative nicotine product or vapor product from such machine or shall be equipped with a lock-out device to prevent the machines from being operated until the person responsible for monitoring sales from the machines disables the lock. Such locking device

shall be of a design that prevents it from being left in an unlocked condition and which will allow only a single sale when activated. A locking device shall not be required on machines that are located in areas where persons less than ~~eighteen (18)~~ twenty-one (21) years of age are not permitted or prohibited by law. An owner of an establishment whose vending machine is not in compliance with the provisions of this Subsection shall be subject to the penalties contained in Subsection **(D)** of this Section. A determination of non-compliance may be made by a local law enforcement agency or the Division of Alcohol and Tobacco Control. Nothing in this Section shall apply to a vending machine if located in a factory, private club or other location not generally accessible to the general public.

- C. No person or entity shall sell, provide or distribute any tobacco product, alternative nicotine product or vapor product or rolling papers to any minor or sell any individual cigarettes to any person in this State. This Subsection shall not apply to the distribution by family members on property that is not open to the public.
- D. Any person, including, but not limited to, a sales clerk, owner or operator, who violates Subsection **(A)**, **(B)** or **(C)** of this Section or Section **210.2140** of this Article shall be penalized as follows:
 - 1. For the first offense, twenty-five dollars (\$25.00);
 - 2. For the second offense, one hundred dollars (\$100.00); and
 - 3. For a third and subsequent offense, two hundred fifty dollars (\$250.00).
- E. Any owner of the establishment where tobacco products, alternative nicotine products or vapor products are available for sale who violates Subsection **(C)** of this Section shall not be penalized pursuant to this Section if such person documents the following:
 - 1. An in-house or other tobacco compliance employee training program was in place to provide the employee with information on the State and Federal regulations regarding sales of tobacco products, alternative nicotine products or vapor products to minors. Such training program must be attended by all employees who sell tobacco products, alternative nicotine products or vapor products to the general public;
 - 2. A signed statement by the employee stating that the employee has been trained and understands the State laws and Federal regulations regarding the sale of tobacco to minors products, alternative nicotine products or vapor products; and
 - 3. Such in-house or other tobacco compliance training meets the minimum training criteria, which shall not exceed a total of ninety (90)

minutes in length, established by the Division of Alcohol and Tobacco Control.

- F. The exemption in Subsection **(E)** of this Section shall not apply to any person who is considered the general owner or operator of the outlet where tobacco products, alternative nicotine products or vapor products are available for sale if:
1. Four (4) or more violations per location of Subsection **(C)** of this Section occur within a one-year period; or
 2. Such person knowingly violates or knowingly allows his/her employees to violate Subsection **(C)** of this Section.
- G. If a sale is made by an employee of the owner of an establishment in violation of this Article, the employee shall be guilty of an offense established in Subsections **(A)**, **(B)** and **(C)** of this Section. If a vending machine is in violation of Section **210.2140**, the owner of the establishment shall be guilty of an offense established in Subsections **(C)** and **(D)** of this Section. If a sample is distributed by an employee of a company conducting the sampling, such employee shall be guilty of an offense established in Subsections **(C)** and **(D)** of this Section.
- H. A person cited for selling, providing or distributing any tobacco product, alternative nicotine product or vapor product to any individual less than **eighteen (18) twenty-one (21)** years of age in violation of Subsection **(A)**, **(B)** or **(C)** of this Section shall conclusively be presumed to have reasonably relied on proof of age of the purchaser or recipient, and such person shall not be found guilty of such violation if such person raises and proves as an affirmative defense that such individual presented a driver's license or other government-issued photo identification purporting to establish that such individual was **eighteen (18) twenty-one (21)** years of age or older.
- I. Any person adversely affected by this Section may file an appeal with the Administrative Hearing Commission which shall be adjudicated pursuant to the procedures established in Chapter 621, RSMo.

Section 210.2120. Minors Prohibited From Purchase Or Possession Of Tobacco Products, Alternative Nicotine Products Or Vapor Products — Misrepresentation Of Age.

- A. No person less than twenty-one (21) years of age shall purchase, attempt to purchase or possess cigarettes, tobacco products, alternative nicotine products or vapor products unless such person is an employee of a seller of cigarettes, tobacco products, alternative nicotine products or vapor products and is in such possession to effect a sale in the course of employment or an

employee of the Division of Alcohol and Tobacco Control for enforcement purposes pursuant to Subsection (5) of Section 407.934, RSMo.

- B. Any person less than ~~eighteen (18)~~ twenty-one (21) years of age shall not misrepresent his/her age to purchase cigarettes, tobacco products, alternative nicotine products or vapor products.
- C. Any person who violates the provisions of this Section shall be penalized as follows:
 - 1. For the first violation, the person is guilty of an infraction and shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated;
 - 2. For a second violation and any subsequent violations, the person is guilty of an infraction, shall have any cigarettes, tobacco products, alternative nicotine products or vapor products confiscated and shall complete a tobacco education or smoking cessation program, if available.

Section 210.2130. Retail Sales Tax License Required For Sale Of Tobacco Products, Alternative Nicotine Products Or Vapor Products.

No person shall sell cigarettes, tobacco products, alternative nicotine products or vapor products unless the person has a retail sales tax license.

Section 210.2140. Required Sign Stating Violation Of State Law To Sell Tobacco Products, Alternative Nicotine Products Or Vapor Products To Minors Under Age ~~eighteen (18)~~ TWENTY-ONE (21) — Display Of Sign Required, Where.

- A. The owner of an establishment at which tobacco products, alternative nicotine products, vapor products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products are purchased a sign that shall:
 - 1. Contain in red lettering at least one-half (1/2) inch high on a white background the following:

IT IS A VIOLATION OF STATE LAW FOR CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS TO BE SOLD OR OTHERWISE PROVIDED TO ANY PERSON UNDER THE AGE OF EIGHTEEN OR FOR SUCH PERSON TO PURCHASE, ATTEMPT TO PURCHASE OR POSSESS CIGARETTES, OTHER TOBACCO PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS OR VAPOR PRODUCTS; and

2. Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle and the words "~~Under 18~~" "Under 21".

Section 210.2150. Restrictions On Sales Of Individual Packs Of Cigarettes.

A. No person or entity shall sell individual packs of cigarettes or smokeless tobacco products unless such packs satisfy one (1) of the following conditions prior to the time of sale:

1. It is sold through a vending machine; or
2. It is displayed behind the checkout counter or it is within the unobstructed line of sight of the sales clerk or store attendant from the checkout counter.

Section 210.2160. Proof Of Age Required, When Defense To Action For Violation Is Reasonable Reliance On Proof — Liability.

A. A person or entity selling tobacco products, alternative nicotine products or vapor products or rolling papers or distributing tobacco product, alternative nicotine product or vapor product samples shall require proof of age from a prospective purchaser or recipient if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of ~~eighteen (18)~~ twenty-one (21).

B. The operator's or chauffeur's license issued pursuant to the provisions of Section 302.177, RSMo., or the operator's or chauffeur's license issued pursuant to the laws of any State or possession of the United States to residents of those States or possessions, or an identification card as provided for in Section 302.181, RSMo., or the identification card issued by any uniformed service of the United States, or a valid passport shall be presented by the holder thereof upon request of any agent of the Division of

Alcohol and Tobacco Control or any owner or employee of an establishment that sells tobacco products, alternative nicotine products or vapor products for the purpose of aiding the registrant, agent or employee to determine whether or not the person is at least ~~eighteen (18)~~ twenty-one (21) years of age when such person desires to purchase or possess tobacco products, alternative nicotine products or vapor products procured from a registrant. Upon such presentation, the owner or employee of the establishment shall compare the photograph and physical characteristics noted on the license, identification card or passport with the physical characteristics of the person presenting the license, identification card or passport.

- C. Any person who shall, without authorization from the Department of Revenue, reproduce, alter, modify or misrepresent any chauffeur's license, motor vehicle operator's license or identification card shall be deemed guilty of an ordinance violation.
- D. Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for a violation of Subsections (A), (B) and (C) of Section **210.2110** of this Article. No person shall be liable for more than one (1) violation of Subsections (B) and (C) of Section **210.2110** on any single day.

Section 210.2170. Sale, Use And Possession Of Electronic Cigarettes And Vaporizing Products By Minors Prohibited.

[CC 1990 §§ 21-34 — 21-35; Ord. No. 2803, 7-21-2014]

- A. Definitions. As used in this Section, the following terms shall have the meanings indicated:

VAPORIZING PRODUCTS

Electronic devices which employ a battery to power a heating chamber that converts a liquid solution containing tobacco-derived nicotine, through a non-combustive process, into a vapor or vapor-like mist. The definition includes electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, which are personal vaporizing products on which users inhale through a mouthpiece.

- B. Distribution Of Vaporizing Products To Or Possession By Persons Under ~~eighteen (18)~~ Twenty-one (21) Years Of Age Prohibited.

1. A person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person's establishment, may not sell, offer for sale, give, or furnish any vaporizing product or any component to a person under ~~eighteen (18)~~ twenty-one (21) years of age.

2. Before selling, offering for sale, giving, or furnishing any vaporizing product, or any cartridge or component of any vaporizing product, to another person, the person selling, offering for sale, giving, or furnishing the vaporizing product shall verify that the person is at least **eighteen ~~(18)~~ twenty-one (21)** years of age by:
 - a. Examining from any person that appears to be under twenty-seven (27) years of age a government-issued photographic identification that establishes the person is at least **eighteen ~~(18)~~ twenty-one (21)** years of age; or
 - b. For sales made through the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is **eighteen ~~(18)~~ twenty-one (21)** years of age or older.
3. No minor under **eighteen ~~(18)~~ twenty-one (21)** years of age shall possess any vaporizing product, buy any vaporizing product, or, in the furtherance or facilitation of obtaining any vaporizing product, shall display or use a false or forged identification card or transfer, alter, or deface an identification card.
4. It is not a violation of this Act for a person under **eighteen ~~(18)~~ twenty-one (21)** years of age to purchase or possess a vaporizing product if the person under the age of **eighteen ~~(18)~~ twenty-one (21)** purchases or is given the vaporizing product from a retail seller of vaporizing products or an employee of the retail seller pursuant to a plan or action to investigate, patrol, or otherwise conduct a "sting operation" or enforcement action against a retail seller of any vaporizing product or a person employed by the retail seller of vaporizing products or on any premises authorized to sell vaporizing products to determine if vaporizing products are being sold or given to persons under **eighteen ~~(18)~~ twenty-one (21)** years of age if the "sting operation" or enforcement action is approved by the Department of State Police, the county sheriff, a municipal police department, the Department of Public Health, or a local health department.

Section 210.2180. Sale Of Cigarette Papers Prohibited.

[CC 1990 § 21-7; Ord. No. 276 §§ 1 — 3, 4-17-1989]

- A. **Furnishing Cigarette Papers To Any Person.** No individual, corporation, partnership or other entity or their employees shall sell or supply cigarette

papers (said being defined as "papers identified as being able to be used to wrap tobacco or any tobacco product which is not pre-wrapped and packaged for sale as cigarettes") to any person within the City limits.

- B. Possession By Any Person. No person shall purchase, attempt to purchase or have in his/her possession any cigarette papers within the City limits.
- C. Unlawful To Consume On Premises. It shall be unlawful for any merchant or keeper of any place of business in the City, subject to regulation by the Mayor or City Council or the employees of such merchant or keeper, to permit any person to use cigarette papers to wrap tobacco on the premises on which the business is conducted.

Section 210.2190. through Section 210.2260. (Reserved)

Section 3. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

Passed and approved this _____ day of _____, 2022.

Presiding Officer

MAYOR

ATTEST:

CITY CLERK

FIRST READING HELD _____