



City of
Blue Earth

**CITY OF BLUE EARTH
CITY COUNCIL WORKSESSION
MONDAY, NOVEMBER 4, 2019 @ 4:30 P.M.**

Call to order.

Roll call.

Old Business.

1. Vaping Discussion/T-21
2. Follow-up on Building Permits Process

New Business.

Adjourn.

By Order of the Blue Earth City Council

**Timothy Ibisch
City Administrator**

Post @ City Hall-Friday, November 1, 2019 through Monday November 4, 2019
Distribute to Mayor & Council members-Media & file



**TOBACCO 21:
TRENDING ACROSS THE US
TRENDING IN MINNESOTA**



PUBLIC HEALTH
LAW CENTER



OF THE UNIVERSITY OF MINNESOTA

WHY TOBACCO 21?

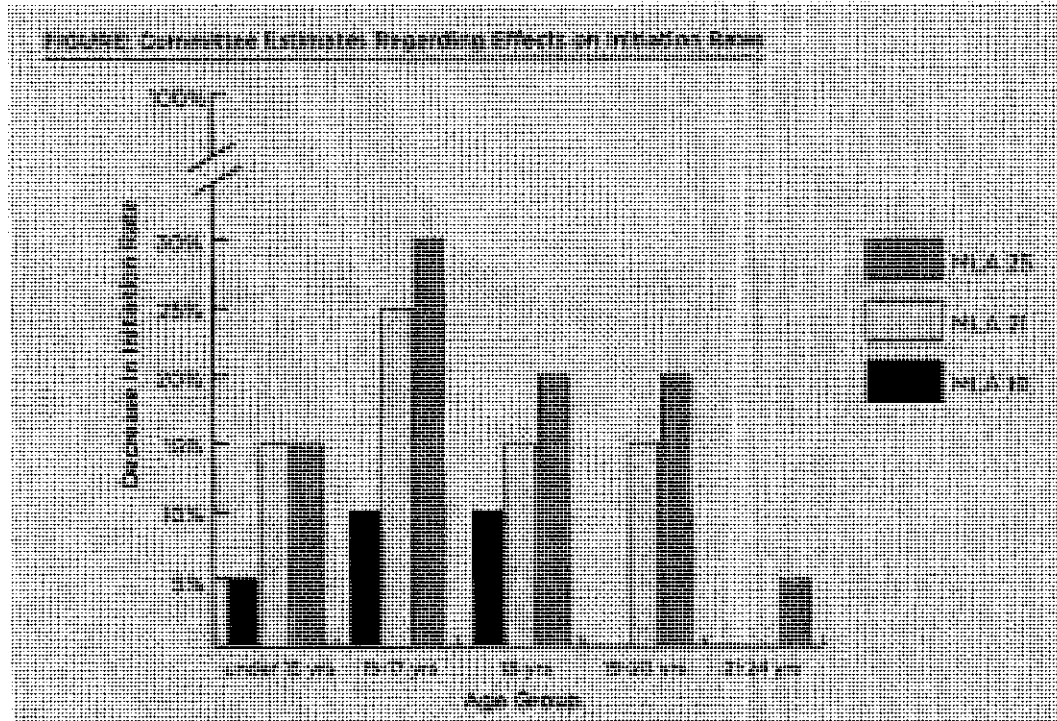
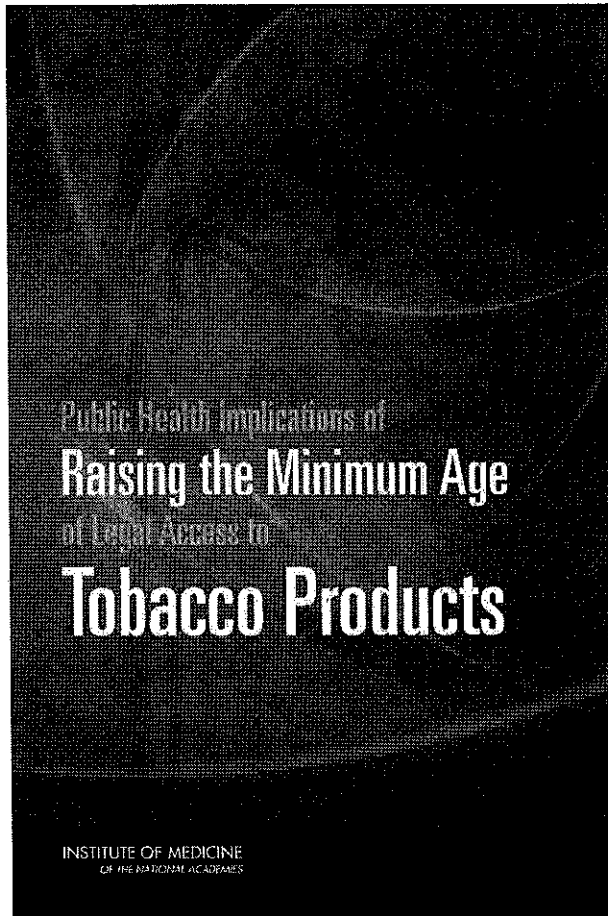
5.6 MILLION
CHILDREN ALIVE TODAY
WILL ULTIMATELY
DIE EARLY FROM SMOKING
IF WE DO NOT DO MORE
TO REDUCE CURRENT
SMOKING RATES

THAT'S EQUAL TO
1 CHILD
OUT OF
EVERY 13
ALIVE IN THE U.S. TODAY

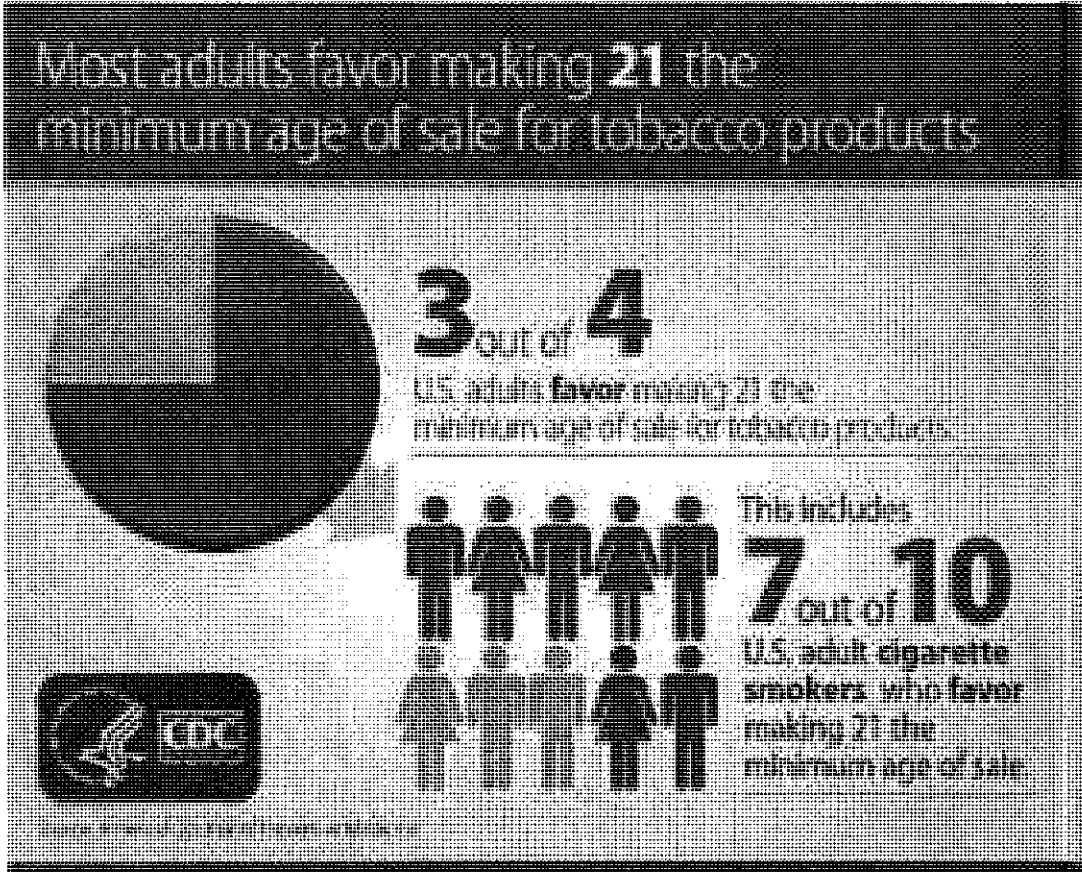
—OR—
2 OF THE 27
CHILDREN
IN THE AVERAGE
3RD GRADE
CLASSROOM



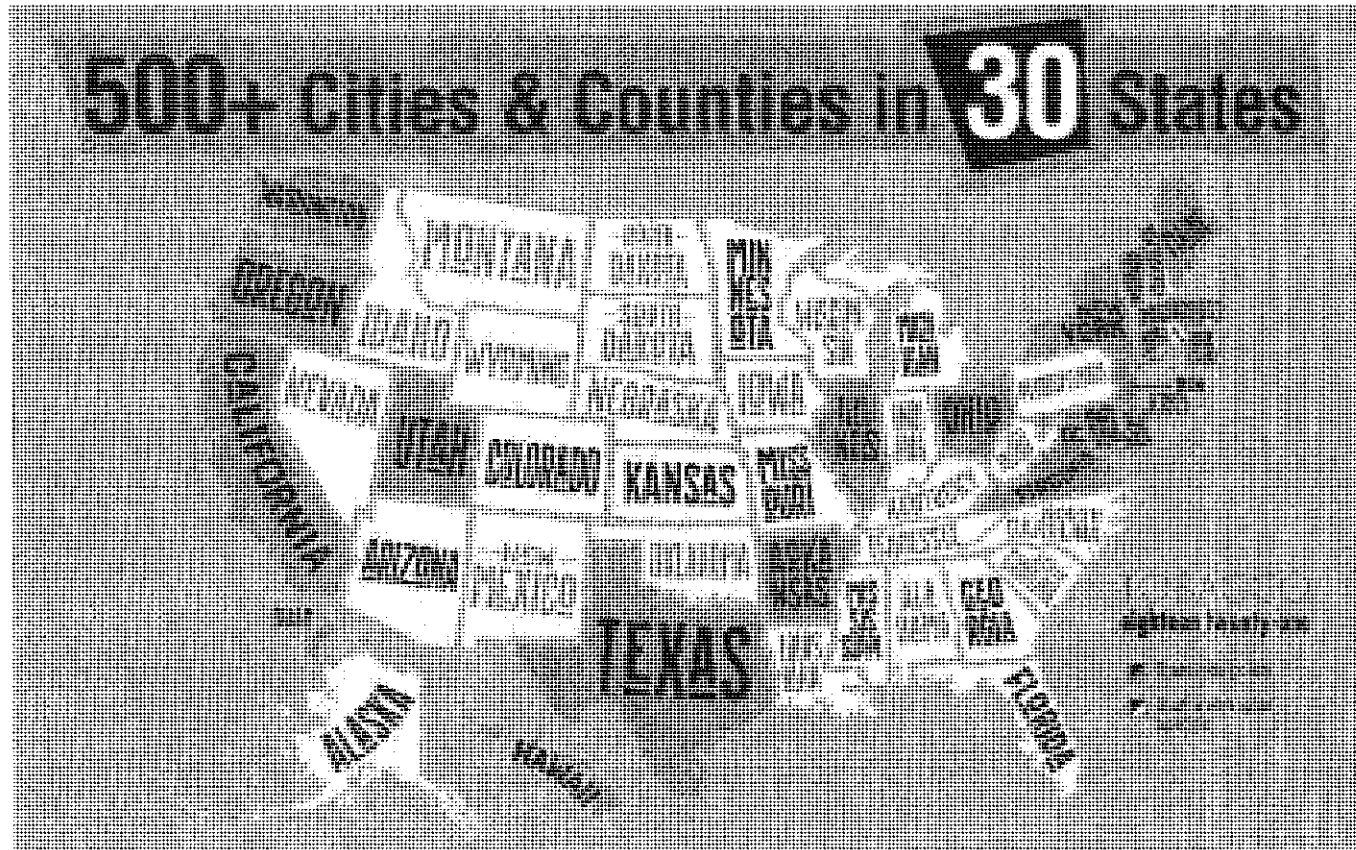
PUBLIC HEALTH RATIONALE



WHY TOBACCO 21?



NATIONAL POLICY LANDSCAPE



EFFECTIVENESS

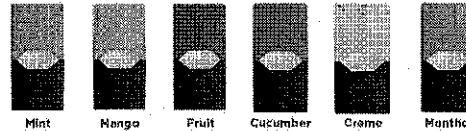


Key Findings

- Recent initiation of tobacco use among youth and young adults decreased.
Recent initiation decreased significantly among current tobacco users aged 18-17 years (from 34% to 23%) and aged 18-20 years (from 32% to 18%).
- Perceived ease of access decreased.
The percentage of tobacco users aged 18-20 years who reported that it was "sort of easy" or "very easy" to obtain tobacco products decreased significantly.
- Statewide requests for proof of age did not change significantly, although there were differences based on geography.
Current tobacco users outside the Portland metro area who tried to purchase products in a store were less likely to be asked for proof of age than those in the Portland metro area after legislation.

ISSUES RELATED TO TOBACCO 21 JUUL & THE E-CIGARETTE EPIDEMIC

Big Tobacco is back,
thanks to JUUL —
with a whole new
way to get kids
hooked on nicotine.



JUUL's flavored e-cigarettes deliver massive doses of nicotine

Don't let sweeping ads from JUUL fool you — each JUUL pod delivers the same amount of addictive nicotine as 20 cigarettes. It's no wonder tobacco maker Altria spent \$12.8 billion buying two JUUL. Their mint, tropical, fruit, creme and menthol flavors have fooled what the FDA warns is a "youth e-cigarette epidemic." It's time to act. Stop flavored e-cigarettes and give our kids, parents and teachers a fighting chance.



ISSUES RELATED TO TOBACCO 21 MILITARY EXEMPTIONS

1 in 3

*service members who use tobacco started
after joining the military.*



**“ TOBACCO PRODUCT USE IS A
THREAT TO THE HEALTH AND
FITNESS OF OUR FORCES AND
COMPROMISES READINESS, THE
FOUNDATION OF A STRONG
NATIONAL DEFENSE. JOIN US NOW
TO BUILD A STRONGER, HEALTHIER,
MORE RESILIENT FORCE ”**



*U.S. Surgeon General Jerome Adams,
MD, MPH.*

astho

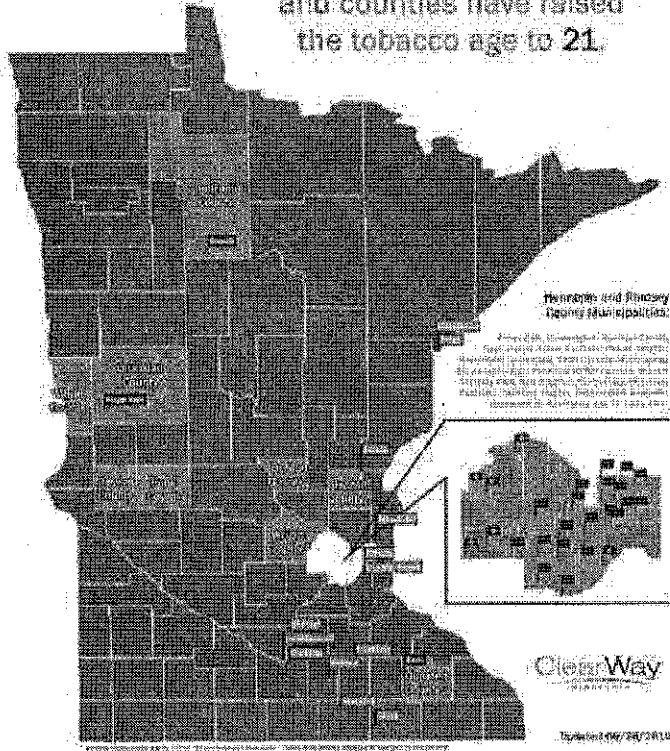
PUTTING T21 IN CONTEXT OTHER TOBACCO CONTROL POLICIES

- Flavor restrictions
- Density and location policies
- Advertising and marketing restrictions
- Tax and price policies
- Prevention education
- Cessation support

TOBACCO 21 MINNESOTA MUNICIPALITIES

Tobacco 21 Policies in Minnesota

46 Minnesota cities
and counties have raised
the tobacco age to 21.



- First few:
 - Edina (May 2017)
 - St. Louis Park (July 2017)
- Most recent – now up to 46:
 - Stevens, Benton, Hennepin, and Olmsted counties (July 2019) ... Wright County (Sept 2019)
 - Cities of New Brighton (June 2019) ... Mounds View and Braham (Sept 2019)

TOBACCO 21 MN MUNICIPALITIES: TRENDS

- Community education and support
 - Youth engagement
 - Identification of policy solutions (sometimes T21, sometimes not)
- Coalition building
- Engaging with decision-makers
- Work sessions, first or multiple readings
- Notice and vote
- Implementation – administrative process and education
- Enforcement

TOBACCO 21 MN MUNICIPALITIES: TRENDS

- Removing penalties for underage purchase, use, and possession

Councilmember Maria Regan Gonzalez at the first reading said this ordinance was not about stigmatizing smokers or stigmatizing the vaping community.

"It is about limiting access for our youth to nicotine and starting smoking," Gonzalez said.

According to a city staff report, the proposed ordinance will not use "purchase, use, and possession" or "PUP laws" against minors citing that studies that suggest these penalties do not prevent youth tobacco use. There are currently 22 licensed establishments within the city of Richfield that sell tobacco products, including e-cigarettes.

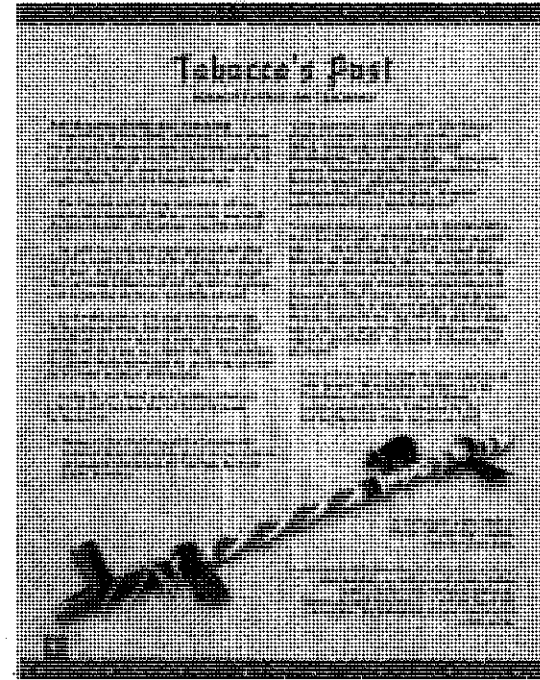
TOBACCO 21

MN MUNICIPALITIES: TRENDS

- Exemption for provision of tobacco products and devices for traditional, sacred tobacco practices



<http://www.glitc.org/forms/Tabacco/tabacco-booklet-web-.pdf>



TOBACCO 21 MN MUNICIPALITIES: TRENDS

- Requiring age verification and signage

AGE VERIFICATION CALENDAR

The age verification calendar allows you to easily figure out whether or not your customer is old enough to legally purchase tobacco products according to federal law. This tool tells you the exact date a customer must be born on or prior to in order to buy tobacco. REMINDER: You must also follow state or local tobacco laws, even if they are more restrictive. For example, in some states the minimum age to purchase a tobacco product is 19.

Suggested Placement: On sales counter with the retailer side facing the clerk and the customer side facing away. Prop the calendar up using the built-in stand.



FDA.gov

TOBACCO 21 MN MUNICIPALITIES: TRENDS

- Increasing required number of compliance checks



Tobacco and Alcohol Compliance Check Training Video – Freeborn County 2013

YouTube, Freeborn County

TOBACCO 21

MN MUNICIPALITIES: TRENDS

- Requiring tobacco retailer employee training
- Setting a minimum clerk age



TOBACCO 21 MN MUNICIPALITIES: TRENDS

- Increasing penalties – fines, suspensions, revocations – against licensees
- Increase lookback period for penalties

Council revokes vape shop's tobacco license

By Elizabeth Callen/Staff Writer | Dec 21, 2018



The Forest Lake City Council voted to revoke the tobacco license of Cloud X Vapes, located at 843 West Broadway Ave., after the store was cited for three license violations in less than a year.

Elizabeth Callen | Press Publications

TOBACCO 21 MN MUNICIPALITIES: TRENDS

- Passing T21 with other policies to better protect public health:
 - Restricting or prohibiting the sale of flavored tobacco products
 - Prohibit the indoor use of all tobacco products for the purpose of sampling and prohibit the distribution of samples
 - Increasing the price of products and prohibit price discount redemption
 - Limiting the location, number and density of tobacco retailers

Excelsior raises tobacco sales age to 21 and restricts access near schools

St. Paul Suburb Becomes 14th City to Pass T21 Ordinance

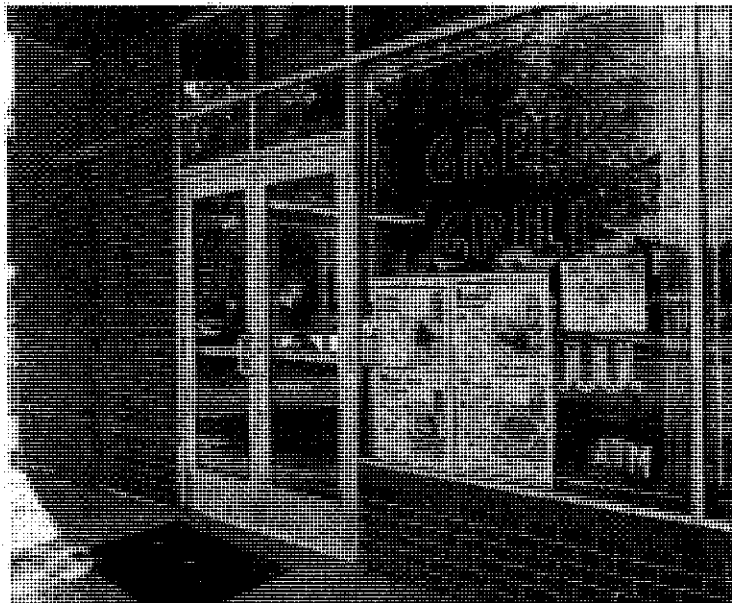
10/25/2018

On Oct. 23, Lauderdale became the 14th Minnesota city to pass an ordinance raising the tobacco sales age to 21. Its City Council also voted to restrict the sale of flavored tobacco products, making it the ninth city to do so.

TOBACCO 21 MN MUNICIPALITIES: REACTIONS

As Tobacco 21 regulation settles in, Eden Prairie retailers see little change

By Eden Teller eteller@swpub.com Aug. 1, 2019



A neon sign advertises Juul, an e-cigarette brand, at Eden Prairie's Anderson Market, 8795 Columbine Road. Photos by Eden Teller

Buy Now



Apple Tree Dental @appletreedental · 13h

As the city of Mounds View looks into implementing #Tobacco21, we, as a nonprofit dental organization, show our support for raising the tobacco purchasing age to 21. Let's discourage teen tobacco use. #T21MN @smokefreegenMN



MINNESOTA
MEDICAL
ASSOCIATION

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MMA Supports T21 Ordinances in Mankato, North Mankato

1/18/2018

The MMA sent letters of support to the mayors and city councils of Mankato and North Mankato regarding ordinances that would raise the minimum legal sale age for tobacco products to 21 in those cities.

"Cigarette smoking remains the leading preventable cause of death in the United States, and while there

QUICK LINKS



MEDPAC



MMA Foundation



**PUBLIC HEALTH
LAW CENTER**
at Mitchell Hamline School of Law

TOBACCO 21 MN MUNICIPALITIES: TROUBLESHOOTING

- Enforcement:
 - If law enforcement, work with local public health
 - Early stage of policy implementation period: educate retailers and their employees
 - Minnesota DHS “Congratulate and Educate Program”
 - ANSR MN Retailer training program
- Grandfathering (retailer complaints)
- Schools



Minnesota Department of Human Services

Reducing tobacco sales to minors: Congratulate and Educate

In its second year, the Congratulate and Educate Program found a decrease in the sale of tobacco products to minors.

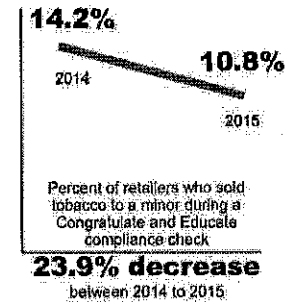
Compliance checks and Congratulate and Educate

Minnesota performs tobacco merchant compliance checks using undercover minors. Should a retailer sell tobacco to the minor, the consequences are a citation, and business owners may receive a fine or civil penalty.

DHS received feedback from local law enforcement that tobacco merchant education and additional compliance checks may help reduce the tobacco retailer violation rate in the state. As a result, in 2014 the Department of Human Services piloted Congratulate and Educate.

Congratulate and Educate compliance checks differ from traditional compliance checks in that:

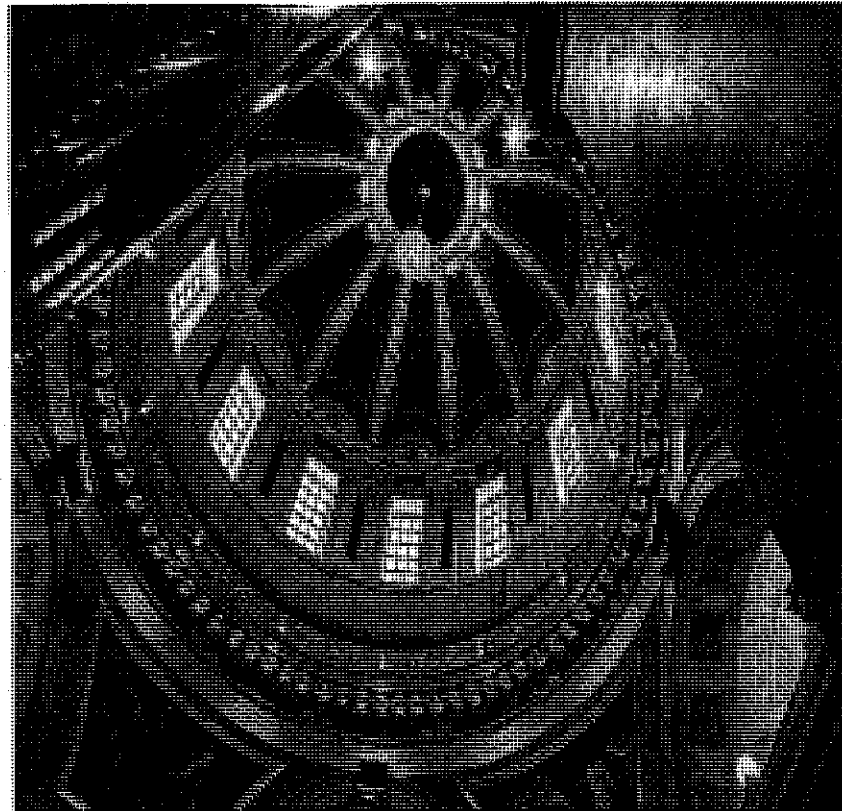
- Retailers who do not sell tobacco to a minor receive a certificate of congratulations.
- Retailers who sell tobacco to a minor, rather than receiving a citation, are provided education on the importance of keeping tobacco away from youth and education on the consequences of future violations. Information and materials are supplied that management can use to educate their employees on best practices to avoid selling tobacco to minors.



*Congratulate and Educate program goals:
To implement tobacco merchant education and increase the number of tobacco compliance checks across the state of Minnesota.*

TOBACCO 21 STATE LEGISLATION

- Did not pass during the 2018 or 2019 legislative sessions
- 2019 Session
 - Juul/Altria “support”
 - PUP
 - Preemption



Tony Webster (2017)

TOBACCO 21 NOT SLOWING DOWN IN MN

SPOTLIGHT

Owatonna moves forward on Tobacco 21 in 5-2 vote

By ANNIE GRANLUND agranlund@owatonna.com Aug 9, 2019



News Release

September 6, 2019

Contact information

Health officials report death in a patient hospitalized for vaping-related lung injury

Patient had underlying lung disease and experienced medical complications

Minnesota health officials have confirmed the first death in the state associated with an outbreak of serious lung injuries related to vaping. The Minnesota patient was over 65 years old and died in August after a long and complicated hospitalization.

According to Minnesota State Epidemiologist Dr. Ruth Lynfield, the patient had a history of underlying lung disease and was hospitalized with a severe lung injury that progressed to include other conditions. Investigators looking into the case

RESOURCES FOR CITIES

- PHLC TA and publications
 - Ordinance analyses and sample language
 - Model licensing code
 - Publications on policy options
 - Presentations
- Minnesota Department of Health
 - Statewide Health Improvement Program
 - Local public health departments
 - Advisories, toolkits and other resources
- Clearway MN, American Lung Association of MN, Association for Nonsmokers - MN

 PUBLIC HEALTH LAW CENTER
Minnesota Center for Legal Education

POINT-OF-SALE

November 2018



MINNESOTA CITY RETAIL TOBACCO LICENSING ORDINANCE



Through licensing and related regulations, Minnesota cities have the opportunity to address the sale of commercial tobacco and related devices and products in the retail environment.

This model ordinance includes all of the minimum retail tobacco sales restrictions required by Minnesota state and federal law. It also includes a number of additional provisions a city may choose to adopt in order to further advance public health. A city planning to adopt this model ordinance, in whole or in part, should review it with its city attorney before and to determine suitability for the city's circumstances. While the model ordinance language can be modified by adding or omitting content concerning activities that a city does or does not seek to regulate, doing so may result in an ordinance that does not conform to state law, federal law, and best public health policy practices.

Because provisions within this model ordinance are controlled by statute and rule, the city attorney should review any modifications to ensure they conform to state and federal law. In addition, because the ordinance establishes rights and responsibilities of both the city and license applicants and holders, the city attorney should review the entire ordinance before it is adopted. The Public Health Law Center provides legal technical assistance to help communities that wish to adopt commercial tobacco control ordinances. We encourage communities to contact us for assistance when considering this model language.



www.pulchhealthlawcenter.org

RESOURCES FOR CITIES

- PHLC is hosting a free Continuing Legal Education (CLE) seminar on Hot Topics in Minnesota's Commercial Tobacco Control Laws in three locations across Minnesota.
 - 3 standard CLE credits has been approved.
 - Free lunch will be provided.
 - Pre-registration is required: <http://bit.ly/PHLCCLE>

Three Events	Duluth	Fergus Falls	Mankato
Date/Time:	Oct. 29th 9:30AM-1:30PM 9:30-10AM registration 10:00AM-1:30 program	Oct. 29th 9:30AM-1:30PM 9:30-10AM registration 10:00AM-1:30 program	Oct. 29th 9:30AM-1:30PM 9:30-10AM registration 10:00AM-1:30 program
Location:	Gr dean Building American Lung Association 424 W. Superior Street Duluth, MN 55802	Otter Tail County Government Services Building Otter Tail Board Room 500 W. 5th Ave Fergus Falls, MN 56537	Shared Spaces 127 S 2nd St Mankato, MN 56001

KEY TAKEAWAYS

- T21 is a popular policy option that is trending across the country with the main goal of restricting youth access to commercial tobacco products.
- There are important issues to consider when passing local T21:
 - Penalties– shifting focus from youth and young adults and
 - Effective implementation and enforcement requires collaboration.
- Other effective policy options address youth access/interest, vaping epidemic/injuries/deaths:
 - Restricting or prohibiting the sale of flavored tobacco products;
 - Increasing the price of tobacco products; prohibiting the redemption of coupons and price promotions; and
 - Limiting the location, number and density of tobacco retailers.



City of
Blue Earth

the earth so rich the city grows

MEMORANDUM

TO: City of Blue Earth City Council
FROM: Timothy P. Ibisch, Administrator
SUBJECT: Building Inspection Follow-up
DATE: 11-4-19

Earlier this fall the Council discussed the building inspection process and directed staff to find ways to streamline and accelerate the process. After consultation, staff is suggesting the below options:

I have discussed it with Tammy and Steve and staff will **be periodically calling people who** have not called for inspections, that is that they have a permit out and have not called us to come to check on it. Whenever we get a call about a project, we do follow-up to the best of our ability, however it has not been the practice of the staff to get in between business owner disputes.

Additionally, Steve is recommending that we **advertise in the newspaper to remind** contractors of their responsibilities. In the New Year **we will be mailing out reminders** to all of the contractors that we had get a permit this, to remind them to obtain proper permits in 2020.

Please let me know if you **become aware of other violations** to the building permit process and we will certainly follow-up. Steve mentioned that in the past we have **fined people by doubling the permit fee** if they don't get the permit correctly. In addition, we certainly welcome extra input and suggestions on how we can improve this process.