



Health & Human Services Agenda Request

3A

Agenda Item #

Requested Meeting Date: February 27, 2024

Title of Item: Proposed Update to Tobacco Ordinance

- ☒ REGULAR AGENDA
☐ CONSENT AGENDA
☐ INFORMATION ONLY

Action Requested:

- ☐ Approve/Deny Motion
☐ Adopt Resolution (attach draft)

☐ Direction Requested

☒ Discussion Item

☐ Hold Public Hearing*

**provide copy of hearing notice that was published*

Submitted by:
Paula Arimborgo

Department:
H&HS Administration

Presenter (Name and Title):
Brea Hamdorf & Hannah Colby, H&HS Public Health

Estimated Time Needed:
20 min

Summary of Issue:

Presentation on the proposed update to Tobacco Ordinance.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Financial Impact:

Is there a cost associated with this request?

☐ Yes

☐ No

What is the total cost, with tax and shipping? \$

Is this budgeted? ☐ Yes ☐ No


Please Explain:

THE SALE OF TOBACCO PRODUCTS IN AITKIN COUNTY

What you need to know about tobacco and tobacco product use and how it is affecting our youth and communities.



Presented by:
Brea Hamdorf, Public Health Nurse, Tobacco Prevention
Erin Melz, Public Health Supervisor
Hannah Colby, SHIP Coordinator



Tobacco is Still the #1 Preventable
Cause of Disease and Death.
Together, we can change that.

6,300 Minnesotans every day

COMMERCIALIZED TOBACCO

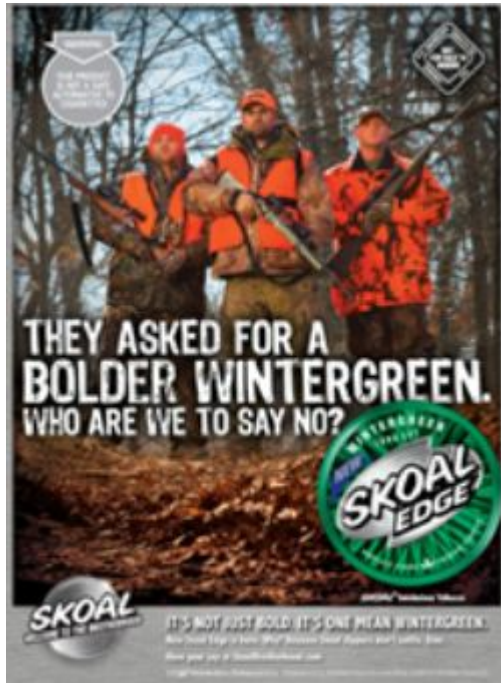
Tobacco products include cigarettes, cigars, hookah, smokeless or spit tobacco, snus, blunt wraps, loose tobacco, pipes, e-liquids, and vaping devices.



TOBACCO ADDICTION HARMS THE HEALTH AND POCKETBOOKS OF ALL MINNESOTANS



RURAL COMMUNITIES ARE DISPROPORTIONATELY AFFECTED BY TOBACCO USE



- Adults in rural areas smoke at a rate of 19.0% compared to 11.4% in urban areas.
- Kids are more likely to start at a younger age and use daily in rural areas

BEHAVIORAL HEALTH AND TOBACCO USE

81%

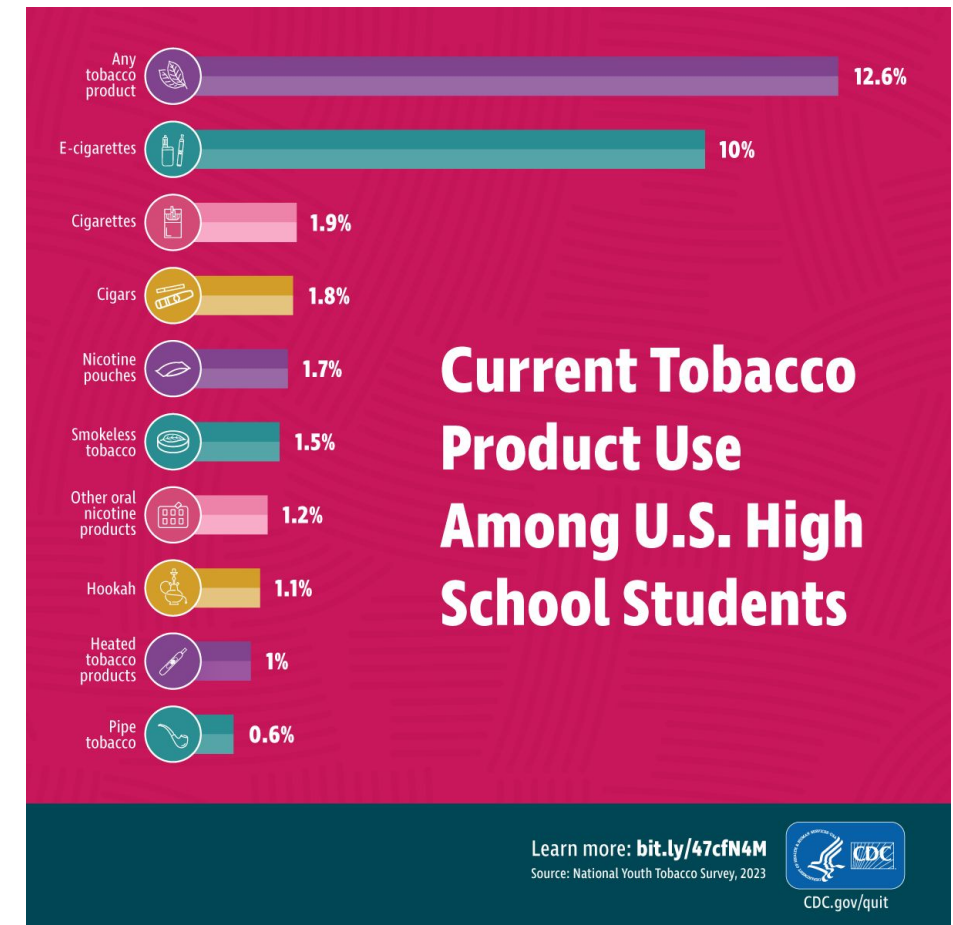
of young people ages 15-24
who had used e-cigarettes
said they started vaping to
decrease stress, anxiety, or
depression

Many people are self-medicating

- Individuals with behavioral or mental health disorders are nicotine dependent at a rate that is 2-3 times that of the general population.
- Smoking tobacco and vaping nicotine can make existing mental health conditions worse.

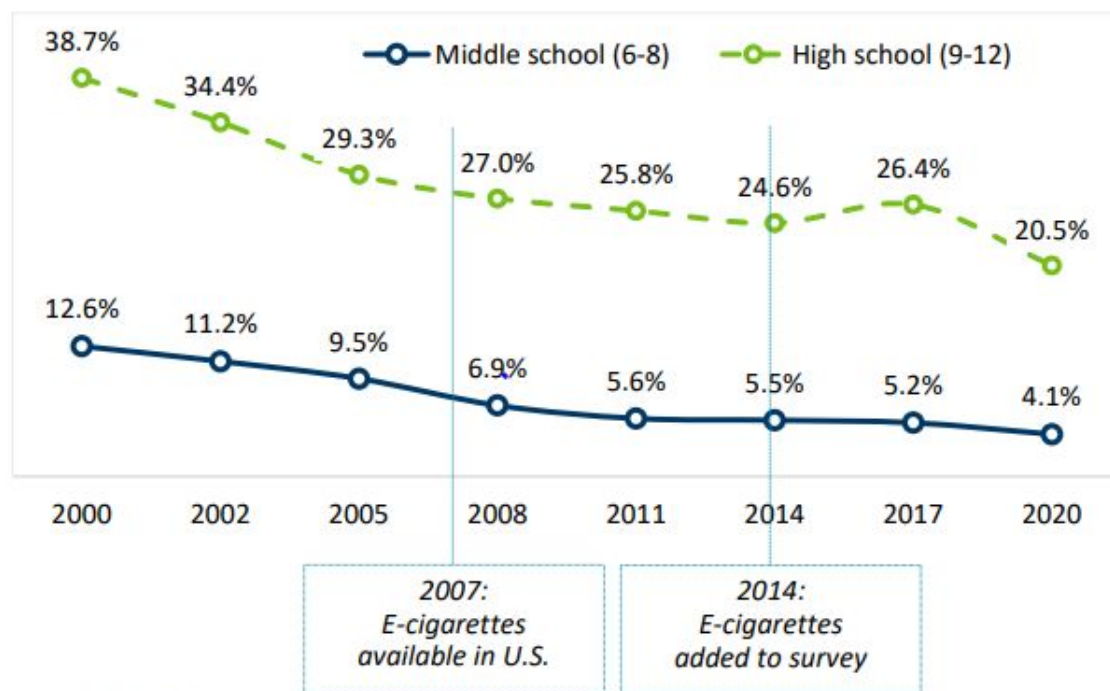
COMMERCIAL TOBACCO'S HARM STARTS AT A YOUNG AGE

- Tobacco product use is started and established primarily during adolescence.
- Nearly 9 out of 10 adults who smoke daily first tried smoking by age 18.
- According to the 2023 National Youth Tobacco Survey, 1 out of every 22 middle school students (4.6%) and 1 out of every 10 high school students (10.0%) reported that they have used an e-cigarette in the past 30 days.



2020 MINNESOTA YOUTH TOBACCO SURVEY

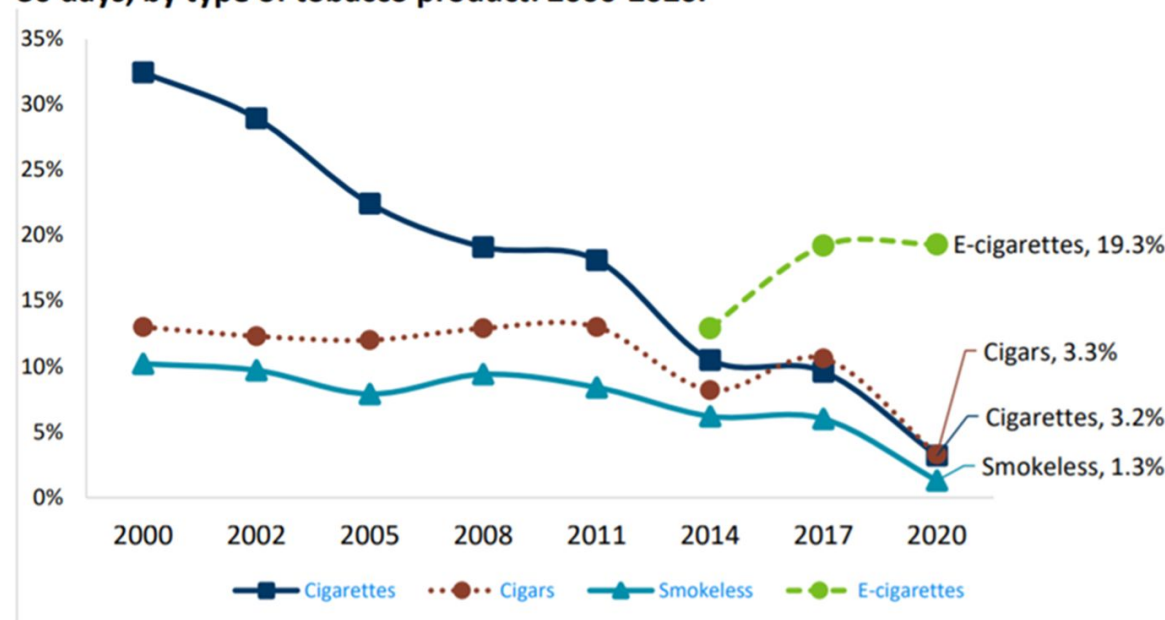
Figure 2. Percent of students who used a commercial tobacco product in the past 30 days: 2000-2017.



Source: Minnesota Youth Tobacco Survey, 2000-2020.

* Questions about e-cigarettes, hookah, and snus were added to the MYTS for the first time in 2014.

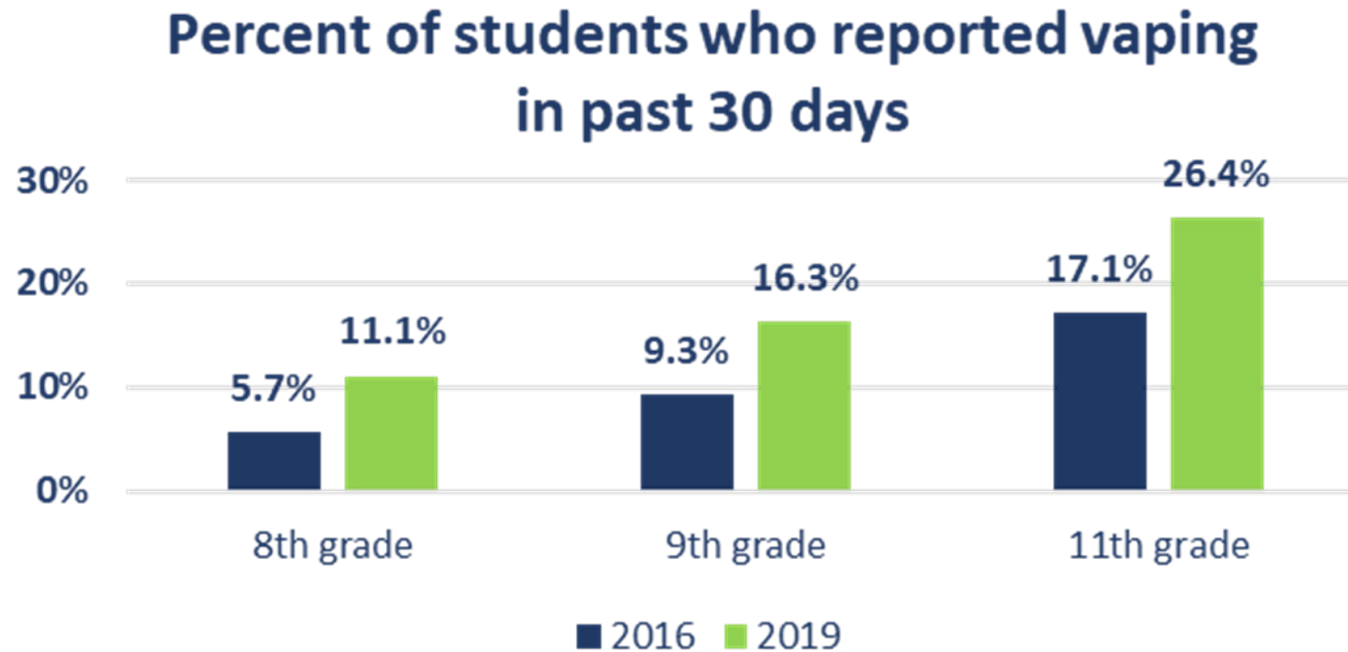
Figure 5. Percent of high school students who used a tobacco product in the past 30 days, by type of tobacco product: 2000-2020.



Source: Minnesota Youth Tobacco Survey, 2000-2020.

* Questions about e-cigarettes were added to the MYTS for the first time in 2014.

SHARP INCREASE IN YOUTH VAPING ACROSS ALL GRADES: MN DATA



Increases among students in all grades from 2016-2019.

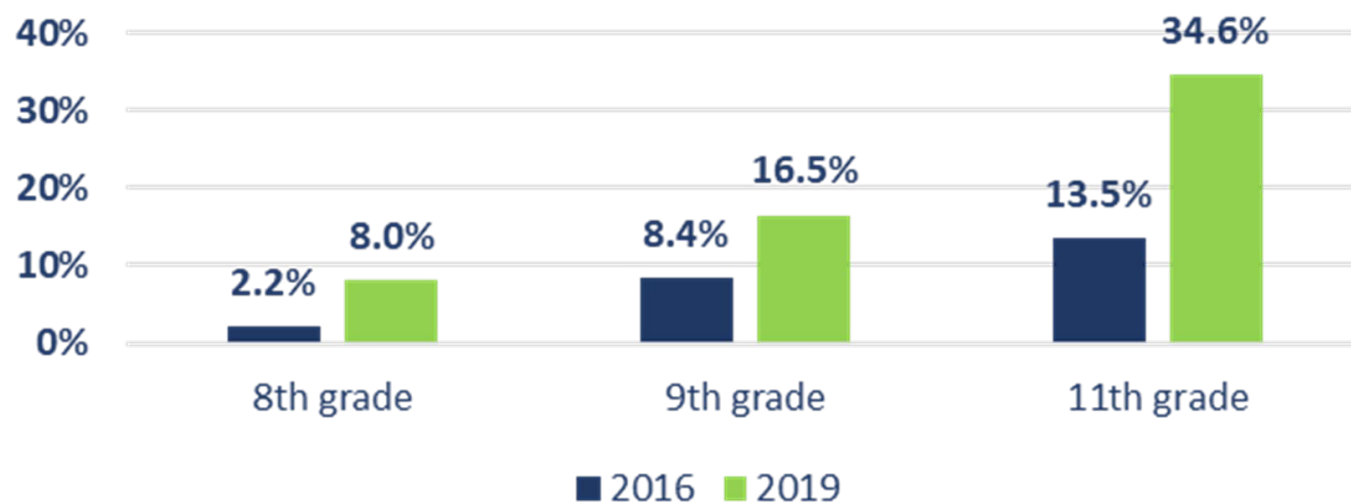
Grade 8: 95% increase

Grade 9: 75% increase

Grade 11: 54% increase

AITKIN COUNTY MINNESOTA STUDENT SURVEY DATA

Percent of students who reported vaping in past 30 days

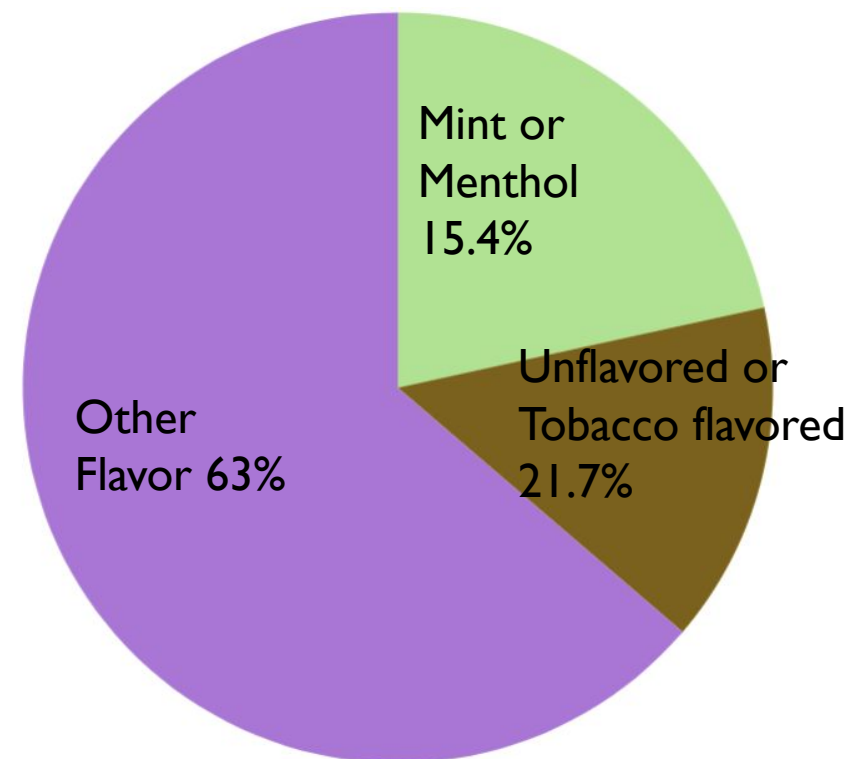


Significant increase among
Aitkin County students in
all grades from 2016-2019.

Grade 8: 264% increase
Grade 9: 96% increase
Grade 11: 156% increase

THE PROBLEM: FLAVORS HOOK KIDS

There are over 15,000 flavors on the market



78+% of Minnesota students report that the first tobacco product they ever tried was mint, menthol or flavored.

MENTHOL IS A “FLAVORED” PRODUCT

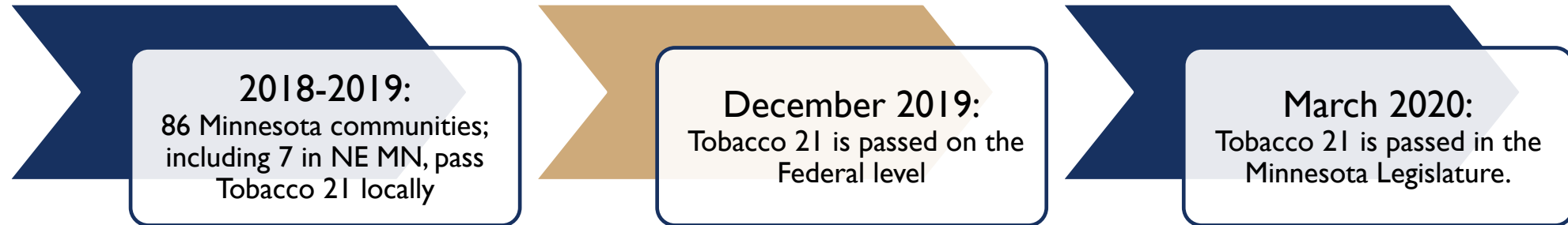


- Easier to start, harder to quit
- Reduces the harshness of cigarette smoke
- Suppresses the coughing reflex making inhaling smoke more tolerable

THE PROBLEM: COMMERCIAL TOBACCO DISPROPORTIONATELY HARMS YOUTH



TOBACCO 21 - TIMELINE



TOBACCO 21 (MINN. STAT. 609.685)



What changed in state law?

- Purchase age of commercial tobacco increased from 18 to 21 years of age.
- Compliance checks: age changed from 15-17 to 17-20.
- Increased fines for retailers to a minimum of \$300 for first offense, \$600 second, and \$1000 for third offense.
- Requires photo identification to verify age of anyone under 30.
- Removed penalties for purchase, use, and possession for youth from state law.
- Requires vaping curriculum at least once in middle school and recommended to be offered in high school.

UNDERAGE PUP PENALTIES

PUP: Purchase, Use, and Possession penalties: administrative fines, criminal penalties, expulsion, suspension and criminal sanctions.

Why were they removed from state law?

- Underage PUP penalties have not been proven to reduce youth tobacco use.
- Puts youth into the system at a young age and sets them up for failure.

What can we do to enforce without under age PUP penalties?

- Alternative to suspension programs
- Tobacco treatment programs
- Ongoing compliance checks
- Education to retailers

REGULATIONS OF THE SALE OF TOBACCO PRODUCTS IN AITKIN COUNTY

- Current ordinance last amended and adopted in 2006
- Currently revising ordinance to align with federal and state requirements
 - Advised by Public Health Law Center, American Lung Association, Healthy Northland - SHIP
 - Reviewed by Aitkin County Health & Human Services, Aitkin County Sheriff's Office, County Attorney, County Auditor's Office

REGULATIONS OF THE SALE OF TOBACCO PRODUCTS IN AITKIN COUNTY

Proposed Revised Ordinance

- Updating name
- Aligning minimum age of sale of 21 years to State and Federal laws.
- Updating definitions
- Allowing licensing fee to be adjusted annually per County fee schedule
- Removing any language about youth penalty for purchase, use, and possession of tobacco and tobacco related devices
- Prohibiting sampling of products
- Requiring education for employees of licensee in violation
- Including licensing provision prohibiting new licenses within 500 feet of a youth-oriented facility
- Restricting the sale of flavored tobacco products

REQUIRED RETAIL EMPLOYEE EDUCATION



Minnesota Tobacco Retailer Training



This training is designed to help tobacco retailers comply with Minnesota and federal laws about selling commercial tobacco, electronic delivery devices or e-cigarettes, and tobacco-related devices. Cities and counties across the State of Minnesota have additional laws about the sales of these devices that retailers are also required to comply with. This training focuses on federal and state laws for tobacco retailers.

Training Format

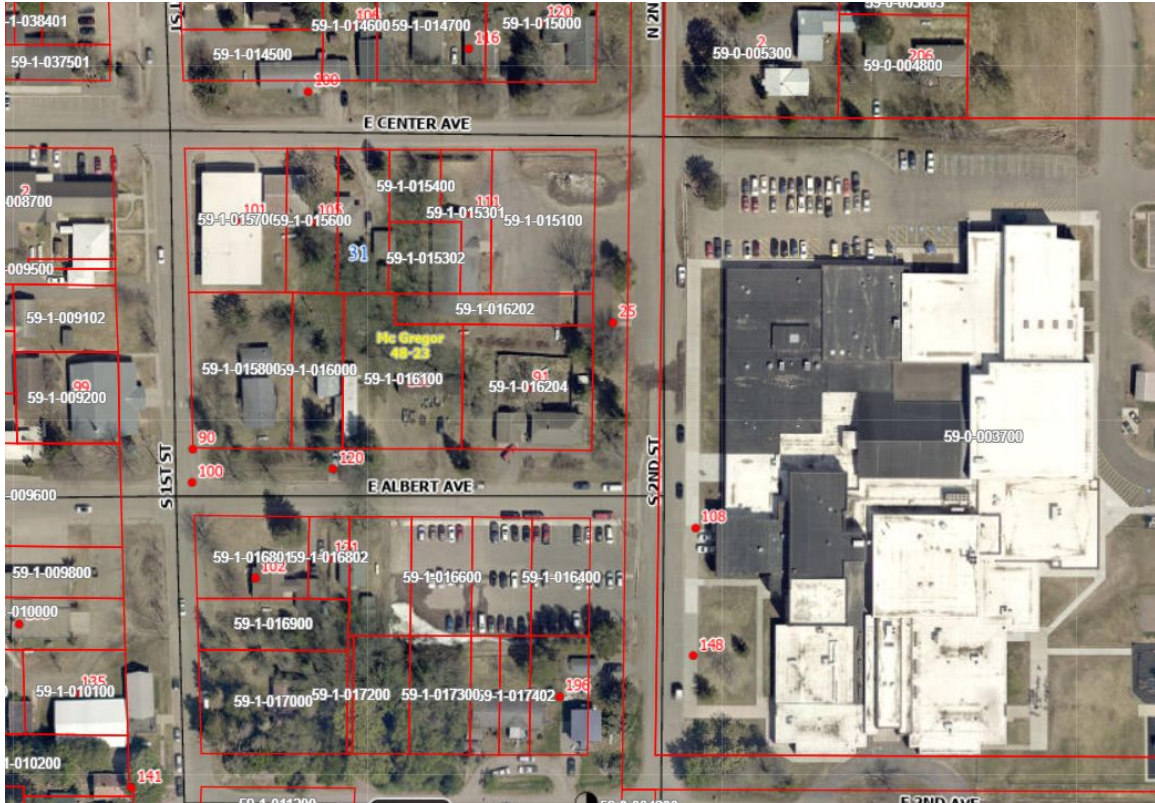
Retailer Education

- Stop Sales to Minors
- Can help reinforce education before compliance checks



Hill City

Restriction of NEW Tobacco retailers within 500 FT of a youth-oriented facility



McGregor

Restriction of NEW Tobacco retailers within 500 FT of a youth-oriented facility

JURISDICTIONS WITH RESTRICTIONS ON THE SALE OF FLAVORED TOBACCO PRODUCTS

Over 25% of Minnesotans already live in a community with flavor restrictions.



- Arden Hills
- Benton County
- Bloomington
- Brown's Valley
- Columbia Heights
- Dilworth
- Duluth
- Edina
- Falcon heights
- Fridley
- Golden Valley
- Hennepin County
- Lauderdale
- Lilydale
- Mendota Heights
- Minneapolis
- Moorhead
- New Hope
- Nobles County
- Prior Lake
- Richfield
- Robbinsdale
- Roseville
- Rushford
- Shakopee
- St. Louis Park
- St. Paul
- Shoreview
- Traverse County
- Wheaton

COMMUNITY INSIGHT:AITKIN COUNTY YOUTH





IMPACT OF RESTRICTING THE SALE OF FLAVORED TOBACCO ON THE COMMUNITY

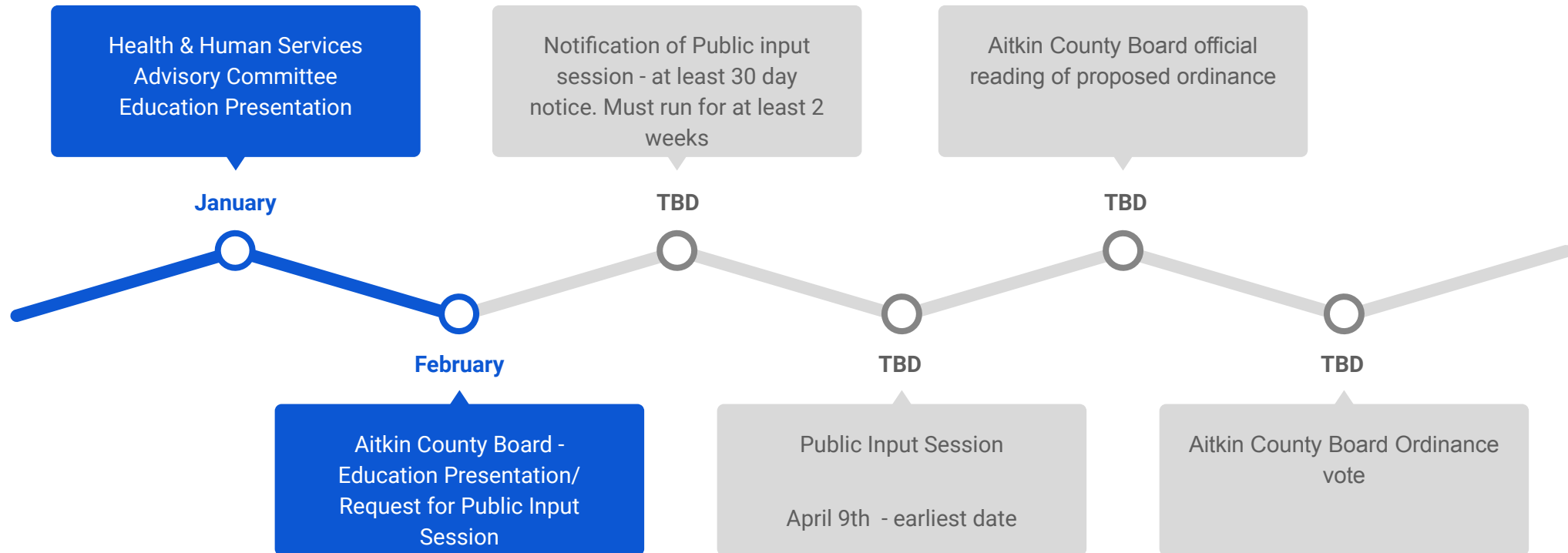
- An estimated 8,100 additional adults in Minnesota would quit smoking.
- Policies that restrict the sale of flavored tobacco have the potential to curb youth tobacco use in as few as 6 months
 - 2017 analysis in Massachusetts - Youth use of both flavored and unflavored tobacco decreased by 5.7% and 6.2% respectively
- New York City - a 20% decline in youth reporting ever using flavored or any tobacco product

ECONOMIC EFFECTS OF SALES AND FLAVOR RESTRICTION ON RETAILERS

2023 Study

- Declines in cigarettes sales do not adversely impact retailers
 - cigarettes have the lowest profit margins for convenience stores
 - tobacco makes up about 18% of an average convenience store's profit
 - 93% of menthol smokers said they would still buy products from convenience stores if menthol products weren't sold there anymore.
- Restrictions on the sale of flavored tobacco do not adversely impact retailers
 - no significant reduction in number of convenience store, store employees, or store wages
 - consumers are likely to spend money previously spent on flavored tobacco products on other purchases
 - several local flavored tobacco ordinances in Minnesota have been in effect for over a year and we have yet to see the economic catastrophe predicted by the tobacco industry in any of those cities.

TIMELINE



Thank you

