

COMPLYING WITH MINNEAPOLIS' TOBACCO FLAVOR AND PRICING REQUIREMENTS

About the Ordinance

The Minneapolis City Council voted in July 2015 to change the Minneapolis Code of Ordinances, Title 13, Chapter 281 relating Licenses and Business Regulations: Tobacco Dealers. As of January 1, 2016:

1. The minimum price of cigars (after coupons and 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
2. The sale of flavored tobacco products is restricted to tobacco-products shops. This restriction does not apply to menthol, mint, wintergreen, or "tobacco" flavored products.
3. Tobacco products shops must prohibit entry to people under 18 years of age.

Product Examples

The following photos provide guidelines for compliance with flavor restrictions.

CIGARS



SALES RESTRICTED TO TOBACCO PRODUCT SHOPS

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

Explanation: "Strawberry," "Sweet Razz," "Raspberry Cream," "Peach," "Mango," "Grape," and "White Grape" are fruit flavors; "Wine" is an alcoholic beverage flavor.



NO RESTRICTIONS ON SALES

Examples: Swisher Sweets cigarillos, Swisher Sweets mini cigarillos and Black & Mild cigars

Explanation: Unflavored tobacco products can be sold by all licensed tobacco vendors in Minneapolis.

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E-CIGARETTES AND E-JUICE



SALES RESTRICTED TO TOBACCO PRODUCT SHOPS

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

Explanation: “Licorice” is a candy flavor and “Cherry Crush,” “Blueberry” and “Berry” are fruit flavors.



NO RESTRICTIONS ON SALES

Examples: Vuse “Menthol,” NJOY and blu e-cigarettes; Hells Vapors “menthol” e-liquid

Explanation: Menthol-flavored and tobacco-flavored products can be sold by all licensed tobacco vendors.

SMOKELESS TOBACCO AND POUCHES



SALES RESTRICTED TO TOBACCO PRODUCT SHOPS

Examples: Skoal Pouches “Berry Blend” and Skoal “Berry”

Explanation: “Berry Blend” and “Berry” are fruit flavors.



NO RESTRICTIONS ON SALES

Examples: Copenhagen “Wintergreen” and Camel Snus “Mint”

Explanation: Menthol, wintergreen and mint products can be sold by all licensed tobacco vendors.



**SALES RESTRICTED TO TOBACCO
PRODUCT SHOPS**

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

Explanation: ‘Pineapple’ is a fruit flavor, “Apple Martini” is an alcoholic beverage flavor and “Bubble Gum” is a candy flavor.

SHISHA



NO RESTRICTIONS ON SALES

Examples: Al Fakher “Mint” shisha

Explanation: Mint-flavored tobacco products can be sold by all licensed tobacco vendors.



**SALES RESTRICTED TO
TOBACCO
PRODUCT SHOPS**

**Examples: Hood Wraps “Da
Bomb Blueberry” cigar wraps**

Explanation: “Da Bomb Blueberry” is a fruit flavor.

CIGAR AND BLUNT WRAPS

**NO RESTRICTIONS ON
SALES**

**Examples: Zig Zag “Straight
Up” cigar wraps**

Explanation: This product does not include a characterizing flavor restricted by the ordinance.



FREQUENTLY ASKED QUESTIONS

Which tobacco products are included in the flavor restriction?

Any product containing, made, or derived from tobacco (such as cigars, shisha, blunt wraps, shisha, and smokeless tobacco) and any “electronic delivery devices” (such as e-cigarettes and e-cigarette liquid).

Tobacco products outlined in the ordinance include cigars; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco and any electronic delivery device as defined in Minn. Statute Section 609.685. Tobacco excludes any tobacco 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.

How are “flavors” restricted under this policy?

Any tobacco product that has a “characterizing flavor” (other than menthol, mint or wintergreen) can only be sold in tobacco product shops.

What is a “characterizing flavor”?

A “characterizing flavor” is a distinguishable taste or smell. Examples of characterizing flavors include:

- Fruit flavors such as grape, cherry, and watermelon
- Candy flavors such as chocolate, cotton candy, and licorice
- Alcohol flavors such as wine, apple martini, and piña colada
- Spice flavors such as clove and cinnamon

There are many other flavors such as honey, cream, coffee, and cocoa.

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 has a “characterizing flavor” other than menthol, mint or wintergreen, its sales are restricted to tobacco-products shops.

What if I’m not sure if the product is flavored?

Most tobacco products are described on the Internet. For example, a brand of “tropical fusion” cigarillos is described as “enhanced with delicious tropical flavors.” The City will compile a list of flavored products that will be available on the City’s website. But, with new products and new flavors continually being introduced, this list may not include every flavored product available in the marketplace.

What about menthol or mint-flavored products?

Menthol, mint and wintergreen flavors are exempted from these restrictions. All licensed tobacco vendors 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 shops.

When does this go into effect?

January 1, 2016. Inspectors will begin checking and enforcing the ordinance during their 2016 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—Two hundred dollar (\$200.00) store fine and fifty dollar (\$50.00) clerk fine.
- Second violation—Four hundred dollar (\$400.00) store fine and fifty dollar (\$50.00) clerk fine .
- Third violation—Eight hundred dollar (\$800.00) store fine, thirty day license suspension and fifty dollar (\$50.00) clerk fine .
- Fourth violation—One thousand six hundred dollar (\$1,600.00) store fine, one year license suspension, and fifty dollar (\$50.00) clerk fine.

Who can I contact for more information?

For more information, contact Julie Casey:
Julie.Casey@minneapolismn.gov or 612-673-3905.

For reasonable accommodations or alternative formats please contact Lane Brown, Minneapolis Health Department at 612-673-2393 or health@minneapolismn.gov.

People who are deaf or hard of hearing can use a relay service to call 311 at 612-673-3000.

TTY users call 612-673-2157 or 612-673-2626.

Para asistencia 612-673-2700 - Rau kev pab 612-673-2800 - Hadii aad Caawimaad u baahantahay 612-673-3500.

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