

# Memorandum

**TO:** City Council Workshop  
**FROM:** Renee Eisenbeisz , Assistant City Manager  
**DATE:** March 15, 2021  
**SUBJECT:** Discussion regarding tobacco flavor ban  
**ITEM NUMBER:** 1.a  
**SECTION:** GENERAL BUSINESS

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## **REQUESTED MOTION**

### **INTRODUCTION**

In 2016, the city council approved an ordinance that limits the sale of flavored tobacco, excluding menthol, mint, and wintergreen, to tobacco shops. Last year, the city received a request to expand its restrictions to include menthol, mint, and wintergreen. The council briefly discussed this at a workshop meeting and asked staff to bring it back this spring for further discussion.

### **DISCUSSION**

Katie Engman from the Association of Nonsmokers-Minnesota will be at the March 15 workshop meeting to discuss a possible expansion of the city's restrictions to include menthol, mint, and wintergreen. As you can see on the attached map, several cities in the metropolitan area have restricted or banned flavored tobacco products, including menthol.

Please find attached the following documents:

- Fact sheet on menthol tobacco products
- Letter of support from the human rights commission
- Summary of ANSR's 2020 survey on youth vaping
- Summary of Minnesota's 2020 survey on youth tobacco usage
- Policy brief on menthol

Ms. Engman also asked staff to pass along a video regarding menthol tobacco products. You can view the video at: <https://www.youtube.com/watch?v=wDFseDzd63s>

Please note that Edina and Arden Hills were both sued regarding their bans. The lawsuit against Edina claims that federal tobacco regulations preempt city regulations. Their ordinance was upheld by the federal courts, however it is being appealed. The lawsuit against Arden Hills claims that the ordinance is unconstitutional and unfairly targets tobacco businesses. No decision has been made on the lawsuit against Arden Hills.

When the city enacted the flavored tobacco ban in 2016, most of the tobacco retailers did not express strong objections to this change. Some of the retailers did express concern about banning menthol products since they do represent a significant portion of their sales. The

city's current regulations do exclude tobacco shops (Shoreview only has one tobacco shop) from the flavored tobacco ban. Tobacco shops are not allowed to have anyone under the age of 18 on their premises. Some of the other cities that have fully banned all flavored tobacco products including menthol and mint flavored tobacco have continued to exclude tobacco shops from this requirement. The most recent example of this action is the City of Roseville.

## **RECOMMENDATION**

## **ATTACHMENTS**

[MN cities with flavor restrictions](#)

[Fact sheet](#)

[Letter of support re flavored tobacco ban](#)

[Youth vaping survey](#)

[Minnesota tobacco survey](#)

[Policy brief](#)