

**AN ORDINANCE AMENDING CHAPTER 215, SECTION 215.205 OF THE MUNICIPAL CODE OF THE CITY OF PARKVILLE, MISSOURI RELATING TO THE REGULATION OF THE SALE AND DISTRIBUTION OF TOBACCO, ALTERNATIVE NICOTINE AND VAPOR PRODUCTS TO MINORS UNDER THE AGE OF 21**

WHEREAS, pursuant to Chapter 215.205 of the Municipal Code ("Code") of the City of Parkville, Missouri (the "City"), the City has previously adopted regulations relating to the sale and distribution of cigarettes as authorized by Sections 407.924 to 407.934 of the Revised Statutes of Missouri (the "Tobacco Products Statutes"); and

WHEREAS, the Tobacco Products Statutes prohibit the sale and distribution of tobacco, alternative nicotine and vapor products to any person under 18 years of age; and

WHEREAS, Chapter 215.205 of the Code currently prohibits the sale and distribution of cigarettes and tobacco products to any person under 18 years of age; and

WHEREAS, the Board of Aldermen has been presented with information regarding the benefits to the public of raising the minimum age for the sale and distribution of tobacco, alternative nicotine and vapor products from 18 years of age to 21 and older; and

WHEREAS, Section 407.932 RSMo. authorizes the City to adopt more stringent ordinances and rules regarding the sale and distribution of tobacco, alternative nicotine and vapor products; and

WHEREAS, based upon the information provided and its authority pursuant to Section 407.932 RSMo. the Board of Aldermen desires to amend the Code relating to the regulation of the sale and distribution of tobacco, alternative nicotine and vapor products to minors under the age of 21.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PARKVILLE, MISSOURI AS FOLLOWS:

Section 1. That the title of Chapter 215, Section 215.205 of the Parkville Municipal Code shall be amended to read "Tobacco, Alternative Nicotine and Vapor Products."

Section 2. That Section 215.205 of the Parkville Municipal Code shall be amended to read as follows:

- A. For the purposes of this Section, the following words and terms shall have the meanings as shown:

Alternative Nicotine Product means 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.

Minor means a person under twenty-one (21) years of age.

Tobacco Product means any substance containing tobacco leaf including, but not limited to, blunt wraps, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco but does not include alternative nicotine products or vapor products.

Vapor Product means any non-combustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, which can be used to produce vapor from a solution or other form that may or may not contain nicotine. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or similar product or device and any vapor cartridge or 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 means any machine or device designated for or used for the vending of cigarettes, cigars, tobacco, tobacco products, alternative nicotine products or vapor products upon the insertion of coins, trade checks, slugs or credit cards.

- B. Illegal distribution of cigarettes, cigarette wrappers, tobacco, tobacco products, alternative nicotine products, and vapor products; duty of retailer to post notice.

It is unlawful for any manufacturer, producer, distributor, wholesaler or retailer of cigarettes, cigarette wrappers, alternative nicotine products, vapor products or any other tobacco products or any agent, employee or representative of a manufacturer, producer, distributor, wholesaler or retailer of cigarettes, cigarette wrappers, alternative nicotine products, vapor products or any other tobacco products to do any of the following:

- (1) Give, sell or otherwise distribute cigarettes, cigarette wrappers, tobacco, alternative nicotine products, vapor products or any other tobacco products to any minor;
- (2) Give, sell or distribute cigarettes, cigarette wrappers, tobacco, alternative nicotine products, vapor products or any other tobacco products in any place that does not have posted in a conspicuous place a sign stating that giving, selling or otherwise distributing cigarettes, cigarette wrappers, tobacco, alternative nicotine products, vapor products, or any other tobacco products to a person under 21 years of age is prohibited by law;
- (3) Give, sell or distribute cigarettes, cigarette wrappers, tobacco, alternative nicotine products, vapor products or any other tobacco products to any person without first verifying, via a photo identification such as driver's license, that the person is 21 years of age or older.

- C. Vending machines prohibited.

Notwithstanding anything in this Chapter to the contrary, it is unlawful to install, place or permit the use of any vending machine in any establishment which is open to minors, except in a place where the machine is not accessible to or cannot be used by minors; provided, however, that this Section shall not apply to the installation and use by the proprietor, the proprietor's agent or employees, of vending machines behind a counter or in some place in any establishment in which access by minors is prohibited by law; provided, further, this section shall not apply to the installation and use of a vending

machine in commercial buildings where the public is not usually admitted and where such machines are intended for the sole use of the employees who are not minors.

D. It shall be unlawful for any minor to purchase, or attempt to purchase any tobacco, alternative nicotine, and vapor product.

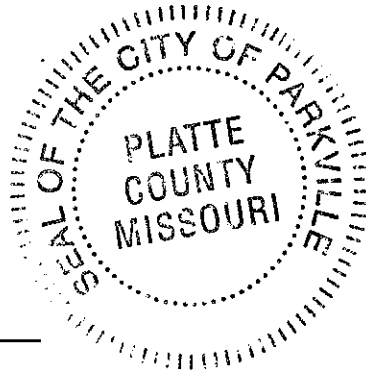
E. It shall be unlawful for any minor, under the age of 18, to possess any tobacco product.

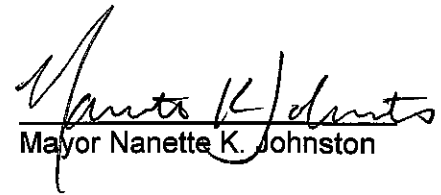
Section 3. That upon passage and approval, this ordinance shall be in full force and its provisions shall take effect from and after November 1, 2017.

Section 4. That all ordinances or parts of ordinances in conflict are hereby repealed.

Section 5. This ordinance is effective upon its passage and approval.

PASSED and APPROVED this 3<sup>rd</sup> day of October 2017.



  
Mayor Nanette K. Johnston

ATTESTED:

  
City Clerk Melissa McClesney