

EXHIBIT A **TRACKING**

ARTICLE VII. CIGARETTES, ~~CIGARETTE~~ALTERNATIVE NICOTINE, TOBACCO, SMOKELESS TOBACCO VAPOR AND MARIJUANA PRODUCTS

DIVISION 1. GENERAL PROVISIONS

Sec. 17-191. Purpose.

~~(a) The purpose of this article is to~~ **To establish restrictions on the sale, distribution and use of cigarettes, cigarette alternative nicotine products, tobacco products, and vapor products and smokeless tobacco in order to reduce the number of children and adolescents who use these products.**

(b) To provide appropriate reference to regulations that apply to marijuana products.

Sec. 17-192. Definitions.

For the purpose of this article, the following definitions shall apply unless the context otherwise requires:

(1) Alternative nicotine product means any noncombustible 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 tobacco product, vapor product, or any product regulated as a drug or device by the United States Food and Drug Administration.

~~(2)~~ **Cigar** means a small compact roll of tobacco leaves prepared for smoking.

~~(23)~~ **Cigarette** means any product which contains nicotine, is intended to be burned under ordinary conditions of use, and consists of:

a. Any roll of tobacco wrapped in paper or in any substance not containing tobacco;
or

b. Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette ~~described above in Subsection (1)~~ **as defined herein.**

~~(34)~~ **Cigarette retailer** means any person or business entity who sells cigarettes, ~~cigarette tobacco, cigars, and/or smokeless~~ **alternative nicotine products, tobacco products, or vapor products** for personal consumption, and from the sale of these products derives more than 80% of its gross sales.

~~(45)~~ **Cigarette tobacco** means any product that consists of loose tobacco that contains nicotine and/or delivers nicotine through a nicotine delivery device and is intended for use by consumers in a cigarette, ~~or tobacco,~~ **and/or hookah** pipe. Unless otherwise stated, the requirements pertaining to cigarettes shall also apply to cigarette tobacco, cigars and pipe tobacco **intended for use in pipes including hookah pipes.**

~~(56)~~ **Distributor** means any person, **or his/her agent,** who furthers the distribution of cigarettes ~~or smokeless~~ **alternative nicotine products, tobacco products, or vapor products,**

whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this article.

- (67) *Manufacturer* means any person, including his/her agent and any repacker and/or relabeler, who manufactures, fabricates, assembles, processes, or labels a finished cigarette or smokeless alternative nicotine product, tobacco product, or vapor product.
- (8) *Marijuana or marihuana* means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seeds, clones, and resin extracted from the marijuana plant. Marijuana or Marihuana does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial help.
- (9) *Marijuana facility* means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Missouri Department of Health and Senior Services, or its successor agency, pursuant to this section, but shall not include a medical facility licensed under Section 1 of Article XIV of the Missouri Constitution.
- (10) *Marijuana-infused prerolls or infused prerolls* means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper. (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil, or other type of marijuana extract, either within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.
- (11) *Marijuana-infused products* means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.
- (12) *Marijuana product* means marijuana, marijuana-infused products, or other products made using marijuana, including infused prerolls, unless otherwise provided.
- (7) *Minor* means a person younger than 21 years of age.
- (813) *Nicotine* means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C INF 10H INF 14N INF 2, including any salt or complex of nicotine.
- (914) *Package* means a pack, box, carton, or container of any kind in which ~~cigarettes or~~ smokeless alternative nicotine products, tobacco products, or vapor products are offered for sale, sold, or otherwise distributed to consumers.
- (1015) *Point of sale* means any location at which a consumer can purchase or otherwise obtain ~~cigarettes or~~ smokeless alternative nicotine products, tobacco products, or vapor products for personal consumption.
- (1116) *Retailer* means any person, or his/her agent, who sells ~~cigarettes, cigarette tobacco,~~ alternative nicotine products, tobacco products, or vapor products to individuals for personal consumption, or who owns or operates a facility where

~~cigarettes, cigarette tobacco, cigars and/or smokeless tobacco~~ **alternative nicotine products, tobacco products, or vapor products** are sold.

~~(1217)~~ *Smokeless tobacco* means any product that consists of cut, ground, powdered or leaf tobacco that contains nicotine and that is intended to be placed in the oral cavity.

(18) Tobacco product means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigarette tobacco, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco but does not include alternative nicotine products, marijuana products, or vapor products.

(19) Vapor product means any noncombustible product that may containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container that may contain 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.

~~(1320)~~ *Vending machine* means any mechanical, electric, or electronic, self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses **alternative nicotine products, tobacco products, or vapor products.**

DIVISION 2. ~~AGE~~ **RESPONSIBILITIES AND RESTRICTIONS**

Sec. 17-193. ~~General responsibilities of minors younger than 18 years of a~~ **Age restrictions.**

(a) No person younger than 1821 years of age shall be allowed to purchase, possess, use, transport or consume cigarettes, cigarette alternative nicotine products, tobacco products, cigars or smokeless tobacco vapor products.

(b) No person younger than 21 years of age shall be allowed to purchase, possess, use, transport or consume marijuana products unless otherwise specifically provided in Article XIV Sections 1 and 2 of the Missouri Constitution.

Sec. 17-194. ~~General r~~ **Responsibilities of manufacturers, distributors, and retailers.**

(a) Each manufacturer, distributor, and retailer is responsible for ensuring that the alternative nicotine products, cigarettes, cigarette tobacco products, cigars or smokeless tobacco vapor products it manufacturers, packages, distributes, sells, or otherwise holds for sale comply with all applicable requirements under this article, in addition to state and federal law. This article shall not apply to adult family members who distribute alternative nicotine products, cigarettes, cigarette tobacco products, cigars or smokeless tobacco vapor products to minors persons younger than 21 years of age on property that is not open to the public.

(b) Each marijuana facility shall be required to comply with Article XIV Sections 1 and 2 of the Missouri Constitution, as amended, and the corresponding regulations developed by the Department of Health and Senior Services or its successor agency, pertaining to age restrictions and verification related to the sale of marijuana products.

Sec. 17-195. Additional responsibilities -- of specified ~~retailers or cigarette retailers or his/her agent.~~

(a) In addition to the other responsibilities under this article, each retailer, ~~cigarette retailer or his/her agent,~~ **who sells alternative nicotine products, tobacco products, or vapor products,** shall ensure that all sales of cigarettes, cigarette tobacco, cigars or smokeless tobacco to any person comply with the following requirements:

- (1) No retailer, ~~cigarette retailer or his/her agent~~ may sell cigarettes, cigarette tobacco, cigars or smokeless tobacco **sale shall be made** to any person younger than 21 years of age;
- (2) Except as otherwise provided in Subsection (4) of this section or in Section 17-1978 below, ~~each retailer, cigarette retailer or his/her agent~~ shall **verification, that a person is at least 21 years of age must be made** by means of photographic identification containing the bearer's date of birth, ~~that no person purchasing cigarettes, cigarette tobacco, cigars or smokeless tobacco is younger than 21 years of age;~~ (3) — No such verification is required for any persons who appears to be over the age of 26;
- (43) Except as otherwise provided in Section 17-196(b) ~~below~~ (2)b., a retailer, ~~cigarette retailer or his/her agent~~ may sell cigarettes, cigarette tobacco, cigars or smokeless tobacco only in **asales must be made through a** direct, face-to-face exchange without the assistance of a vending machine;
- (5) ~~No retailer, cigarette retailer or his/her agent may break or otherwise open any cigarette, cigarette tobacco, cigar or smokeless tobacco package to sell or distribute individual cigarettes or a number of unpackaged cigarettes that is smaller than the minimum quantity of cigarette tobacco or smokeless tobacco that is smaller than the smallest package distributed by the manufacturer for individual consumer use;~~
- (64) ~~Each retailer or his/her agent shall ensure that n~~No self-service displays are **shall be** installed, placed, or maintained in the retailer's establishment, except for a cigarette retailer; provided that he/she **such cigarette retailer** complies with the remainder of this section at the time of business license renewal and, at the written request of the city, shall provides proof that at least 80% of his/her **its** gross sales are from various tobacco products; ~~and~~
- (7) Each retailer **who sells alternative nicotine products, tobacco products, or vapor products,** ~~cigarette retailer or his/her agent~~ shall ensure that his/her employees are made aware of the provisions of this article and shall ensure that his/her employees comply with the provisions of this article.

(b) **Each retailer shall post signs at the entrance of its establishment, which shall be in plain view and state: "According to Section 17-196 of the Code of Ordinances of the City of St. Joseph, no person under the age of 21 shall be allowed to enter this establishment. Violators will be subject to prosecution."**

Sec. 17-196. Conditions of ~~manufacture, sale and distribution~~ **and sale – alternative nicotine, tobacco and vapor products.**

(a) *Minimum cigarette package size.* Except as otherwise provided under this article, no manufacturer, distributor, or retailer may sell **or distribute, or** cause to be sold or distribute or cause to be distributed, any cigarette package **of alternative nicotine products, tobacco products or vapor products** that contains **less than the minimum quantity, or items** fewer cigarettes **in number than that required by** federal or state law requires.

(b) ~~Vending machines, self-service displays, mail-order sales and other "impersonal" modes of sale~~ **Face-to-face sales required -- exceptions.** (1) ~~Except as otherwise provided under this article, a~~ **Retailers of alternative nicotine products, tobacco products, or vapor products,** ~~retailer or his/her~~ **their** ~~agents,~~ may sell cigarettes, cigarette tobacco, cigars and smokeless tobacco only in a direct, face-to-face exchange between the retailer, ~~cigarette retailer or his/her agent~~ and the consumer. Examples of methods of sale that are not permitted include vending machines and self-service displays; ~~(2) -- Exceptions. T~~ **provided, however, that the following methods of sale are permitted exceptions apply:**

- a. Mail order sales, excluding mail order redemption of coupons and distribution of free samples through the mail;
- b. Vending machine **sales** (including vending machines that sell packaged, single cigarettes)
- ~~c. and s~~ **Self-service displays that are located in facilities where the retailer, cigarette retailer or his/her agent, ensures that no person younger than 21 years of age is present, or permitted to enter, at any time.**
- ~~e. Any cigarette retailer shall posts signs at its entrances in plain view stating "According to Section 17-196 of the Code of Ordinances of the City of St. Joseph, no person under the age of 21 shall be allowed to enter this establishment. Violators will be subject to prosecution."~~

(c) *Free samples* **prohibited.** No manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of **alternative nicotine products, tobacco products, or vapor products** cigarettes, cigarette tobacco, cigars or smokeless tobacco.

(d) *Restrictions on labels, labeling and advertising.* No manufacturer, distributor, or retailer may sell or distribute, or cause to be sold or distributed, **alternative nicotine products, tobacco products, or vapor products** cigarettes, cigarette tobacco, cigars or smokeless tobacco with labels, labeling or advertising **that does not in compliance with federal and state law.**

(e) *Sale and distribution by a third party.* No person shall sell or distribute **alternative nicotine products, tobacco products, or vapor products** cigarettes, cigarette tobacco, cigars or smokeless tobacco to a person who is younger than 21 years of age, except as specifically allowed by this division; provided it is understood that a retailer retains ownership of said cigarettes, cigarette tobacco, cigars and smokeless tobacco **such products** through the duration of the sales transaction.

Sec. 17-197. ~~Sale and distribution by a third party.~~ **Conditions of manufacture, distribution, and sale -- marijuana products.**

~~No person shall sell or distribute cigarettes, cigarette tobacco, cigars or smokeless tobacco to a person who is younger than 21 years of age, except as specifically allowed by this division; provided it is understood that a retailer retains ownership of said cigarettes, cigarette tobacco, cigars and smokeless tobacco through the duration of the sales transaction.~~ **Each marijuana facility shall be required to comply with Article XIV Sections 1 and 2 of the Missouri Constitution, as amended, and the corresponding regulations developed by the Department of Health and Senior Services or its successor agency, pertaining to conditions of manufacture, distribution, and sale of marijuana products.**

Sec. 17-198. ~~Persons 18 years of age or older may s~~ **Selling** or **handling** cigarettes, cigarette tobacco, cigars or smokeless **alternative nicotine products, tobacco products, vapor products** = when.

Persons at least 18 years of age may stock, arrange displays, accept payment for, and sack for carryout ~~cigarettes, cigarette tobacco, cigars or smokeless~~ **alternative nicotine products**, tobacco **products, or vapor products** provided they do not deliver ~~cigarettes, cigarette tobacco, cigars or smokeless tobacco~~ **such products** away from the licensed business premises.

DIVISION 3. ENFORCEMENT
AND PENALTIES

Sec. 17-199. Enforcement.

It shall be the responsibility of the chief of police and the director of health to enforce the requirements of this article.

Sec. 17-200. Penalty.

(a) Any ~~person~~ **retailer, distributor, or manufacturer** convicted of violating any section of this article **related to alternative nicotine products, tobacco products or vapor products** shall be fined as follows:

- (1) First offense..... \$50.00;
- (2) Second offense \$100.00;
- (3) Third and subsequent offenses
and community service, not to
exceed 24 hours; and.....\$250.00
- (4) For any offense -- Imprisonment not to exceed six months; whether or not to impose such imprisonment shall be at the discretion of the municipal judge.

(b) **The fines and civil penalties contained in Article XIV of the Missouri Constitution, as amended, and the corresponding regulations developed by the Department of Health and Senior Services or its successor agency, shall apply with respect to marijuana products.**

Secs. 17-201--17-205. Reserved.

DIVISION 4. COMMUNITY SMOKING DEVICES

~~Sec. 17-206. Definitions.~~

~~—The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

- ~~—(1) A “hookah” or “hookah pipe”, also known as a narghile, shisha or hubble-bubble, is a single or multi-stemmed instrument for smoking sweet, often flavored, tobacco. The smoke is filtered through liquid, typically water in the base of the hookah's pipe before inhalation by the user. The tobacco smoke is referred to as mu’assel, or “shisha”. The liquid used which is typically water acts to cool the smoke prior to inhalation.~~

~~Sec. 17-207. Regulations.~~

~~—Any person who operates a hookah pipe or any other shared tobacco smoking device in a business establishment shall comply with all business licenses, zoning ordinances, public health~~

~~guidelines and/or ordinances, building regulations, and/or any other applicable ordinances or regulations of the city.~~

~~— Patrons under 18 years of age shall not be allowed to use a hookah pipe or possess any tobacco products for use in a hookah pipe or other device.~~

~~— Patrons may not bring a hookah pipe, hose, shaft, tobacco or other component into an establishment for use. All hookah pipes used must be furnished by the establishment utilizing the pipe.~~

~~— A mouthpiece must be used by each patron utilizing the hookah pipe. Mouthpieces must be made of wood, metal, or plastic. Wooden and metal mouthpieces shall be sealed and impermeable. A new, clean mouthpiece must be used for each patron. Mouthpieces must be sold or provided by the establishment utilizing the pipe. Mouthpieces or mouth tips must be new, individually wrapped, sealed, and stored in a clean, dry location where they are not exposed to splash, dust, or other contamination and remain at least 15cm (6 inches) above the floor before use.~~

~~— The hookah pipe hose(s) or shaft must be sanitized between each patron use. The hose(s) or shaft must be wiped with 70% isopropyl alcohol using an alcohol wipe, clean cloth or an acceptable concentration chlorine bleach solution.~~

~~— The hookah pipe and all components shall be cleaned and sanitized at the end of each period of operation prior to the start of the next period of operation, and at more frequent intervals as needed.~~

~~— The hookah pipe and all components shall be disassembled during the cleaning and sanitization process to allow access of a detergent solution to all parts. Equipment components and utensils shall be scraped to remove all burnt tobacco, charcoal or any other sediment or debris. A test-tube style brush may be necessary to remove clogs from the inside of the pipe. All components shall be effectively washed to remove or completely loosen soils by using manual or mechanical means necessary such as the application of detergents containing wetting agents and emulsifiers; abrasive cleaners; hot water; brushes; scouring pads; or high pressure sprays. Washed components and equipment shall be rinsed so that abrasives are removed and cleaning chemicals are removed or diluted through the use of water or a detergent sanitizer solution by using one of the following procedures:~~

- ~~— (1) A three-compartment sink~~
- ~~— (2) Alternative manual warewashing equipment equivalent to a 3-compartment sink~~
- ~~— (3) A three-step washing, rinsing, and sanitizing procedure in a warewashing system~~

~~— After being cleaned equipment shall be sanitized in hot water manual operations by:~~

- ~~— (1) Immersion for at least 30 seconds~~
- ~~— (2) Hot water mechanical operations by being cycled through equipment that achieves a surface temperature of 71 degrees Celsius (160 degrees Fahrenheit) as measured by an irreversible registering temperature indicator, or~~
- ~~— (3) Chemical manual operations, including the application of sanitizing chemicals by immersion, manual swabbing, brushing, or pressure spraying methods, using a solution, providing:~~

- ~~a. An exposure time of at least ten seconds for chlorine solution,~~
- ~~b. An exposure time of at least seven seconds for a chlorine solution of 50 mg/L that has a pH of ten or less and a temperature of at least 38 C (100 F) or a pH of eight or less and a temperature of at least 24 C (75 F),~~
- ~~c. An exposure time of at least 30 seconds for other chemical sanitizing solutions, or~~
- ~~d. An exposure time used in relationship with a combination of temperature, concentration, and pH that, when evaluated for efficacy, yields sanitization as defined.~~

~~—After sanitization, all equipment and components shall be allowed to air dry completely before the unit is reassembled. The pipe shall be stored in a clean, dry location whereas not to be exposed to splash, dust, or other contamination.~~

~~Sec. 17-208. Penalty.~~

~~—(a) Any business entity, or individual who shall violate or fail to comply with this division shall be deemed guilty of a misdemeanor upon conviction and punishment shall be assessed as follows:~~

- ~~—(1) For the first conviction by a fine of not less than \$25.00 nor more than \$500.00 and/or up to 30 days incarceration.~~
- ~~—(2) For the second conviction within a consecutive 12 month period by a fine of not less than \$75.00 nor more than \$500.00 and/or up to 90 days incarceration.~~
- ~~—(3) For the third and subsequent convictions in a consecutive 12 month period by a fine of not less than \$200.00 nor more than \$500.00 and/or up to six months incarceration.~~

~~—(b) Fines received for violation of failure to comply shall be deposited in the public health fund.~~

CLEAN

**ARTICLE VII. ALTERNATIVE NICOTINE, TOBACCO,
VAPOR, AND MARIJUANA PRODUCTS**

DIVISION 1. GENERAL PROVISIONS

Sec. 17-191. Purpose.

(a) To establish restrictions on the sale, distribution and use of alternative nicotine products, tobacco products, and vapor products in order to reduce the number of children and adolescents who use these products.

(b) To provide appropriate reference to regulations that apply to marijuana products.

Sec. 17-192. Definitions.

For the purpose of this article, the following definitions shall apply unless the context otherwise requires:

- (1) *Alternative nicotine product* means any noncombustible 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 tobacco product, vapor product, or any product regulated as a drug or device by the United States Food and Drug Administration.
- (2) *Cigar* means a small compact roll of tobacco leaves prepared for smoking.
- (3) *Cigarette* means any product which contains nicotine, is intended to be burned under ordinary conditions of use, and consists of:
 - a. Any roll of tobacco wrapped in paper or in any substance not containing tobacco; or
 - b. Any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette as defined herein.
- (4) *Cigarette retailer* means any person or business entity who sells alternative nicotine products, tobacco products, or vapor products for personal consumption, and from the sale of these products derives more than 80% of its gross sales.
- (5) *Cigarette tobacco* means any product that consists of loose tobacco that contains nicotine and/or delivers nicotine through a nicotine delivery device and is intended for use by consumers in a cigarette, tobacco, and/or hookah pipe. Unless otherwise stated, the requirements pertaining to cigarettes shall also apply to cigarette tobacco, cigars and tobacco intended for use in pipes including hookah pipes.
- (6) *Distributor* means any person, or his/her agent, who furthers the distribution of alternative nicotine products, tobacco products, or vapor products, whether domestic or imported, at any point from the original place of manufacture to the person who sells or distributes the product to individuals for personal consumption. Common carriers are not considered distributors for purposes of this article.
- (7) *Manufacturer* means any person, including his/her agent and any repacker and/or relabeler, who manufactures, fabricates, assembles, processes, or labels a finished alternative nicotine product, tobacco product, or vapor product.
- (8) *Marijuana or marihuana* means *Cannabis indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as seeds, clones, and resin extracted from the marijuana plant. *Marijuana or Marihuana* does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.
- (9) *Marijuana facility* means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Missouri Department of Health and Senior Services, or its successor agency, pursuant to this section, but shall not include a medical facility licensed under Section 1 of Article XIV of the Missouri Constitution.
- (10) *Marijuana-infused prerolls or infused prerolls* means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper, (2) dried flower, buds, and/or plant material, and (3) a concentrate, oil, or other type of marijuana extract, either

within or on the surface of the product. Infused prerolls may or may not include a filter or crutch at the base of the product.

- (11) *Marijuana-infused products* means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.
- (12) *Marijuana product* means marijuana, marijuana-infused products, or other products made using marijuana, including infused prerolls, unless otherwise provided.
- (13) *Nicotine* means the chemical substance named 3-(1-Methyl-2-pyrrolidinyl) pyridine or C INF 10H INF 14N INF 2, including any salt or complex of nicotine.
- (14) *Package* means a pack, box, carton, or container of any kind in which alternative nicotine products, tobacco products, or vapor products are offered for sale, sold, or otherwise distributed to consumers.
- (15) *Point of sale* means any location at which a consumer can purchase or otherwise obtain alternative nicotine products, tobacco products, or vapor products for personal consumption.
- (16) *Retailer* means any person, or his/her agent, who sells alternative nicotine products, tobacco products, or vapor products to individuals for personal consumption, or who owns or operates a facility where alternative nicotine products, tobacco products, or vapor products are sold.
- (17) *Smokeless tobacco* means any product that consists of cut, ground, powdered or leaf tobacco that contains nicotine and that is intended to be placed in the oral cavity.
- (18) *Tobacco product* means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigarette tobacco, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco but does not include alternative nicotine products, marijuana products, or vapor products.
- (19) *Vapor product* means any noncombustible product that may contain nicotine that that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor or aerosol from a solution or other substance. Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container that may contain 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.
- (20) *Vending machine* means any mechanical, electric, or electronic, self-service device which, upon insertion of money, tokens, or any other form of payment, dispenses alternative nicotine products, tobacco products, or vapor products.

DIVISION 2. RESPONSIBILITIES AND RESTRICTIONS

Sec. 17-193. Age restrictions.

(a) No person younger than 21 years of age shall be allowed to purchase, possess, use, transport or consume alternative nicotine products, tobacco products, vapor products.

(b) No person younger than 21 years of age shall be allowed to purchase, possess, use, transport or consume marijuana products unless otherwise specifically provided in Article XIV Sections 1 and 2 of the Missouri Constitution.

Sec. 17-194. Responsibilities of manufacturers, distributors, and retailers.

(a) Each manufacturer, distributor, and retailer is responsible for ensuring that the alternative nicotine products, tobacco products, or vapor products it manufacturers, packages, distributes, sells, or otherwise holds for sale comply with all applicable requirements under this article, in addition to state and federal law. This article shall not apply to adult family members who distribute alternative nicotine products, tobacco products, or vapor products to persons younger than 21 years of age on property that is not open to the public.

(b) Each marijuana facility shall be required to comply with Article XIV Sections 1 and 2 of the Missouri Constitution, as amended, and the corresponding regulations developed by the Department of Health and Senior Services or its successor agency, pertaining to age restrictions and verification related to the sale of marijuana products.

Sec. 17-195. Additional responsibilities -- specified retailers.

(a) In addition to the other responsibilities under this article, each retailer, or his/her agent, who sells alternative nicotine products, tobacco products, or vapor products, shall comply with the following:

- (1) No sale shall be made to any person younger than 21 years of age;
- (2) Except as otherwise provided in Section 17-198 below, verification; that a person is at least 21 years of age must be made by means of photographic identification containing the bearer's date of birth. No such verification is required for any persons who appears to be over the age of 26;
- (3) Except as otherwise provided in Section 17-196(b) below, sales must be made through a direct, face-to-face exchange without the assistance of a vending machine;
- (4) No self-service displays shall be installed, placed, or maintained in the retailer's establishment, except for a cigarette retailer; provided that such cigarette retailer complies with the remainder of this section at the time of business license renewal and, at the written request of the city, provides proof that at least 80% of its gross sales are from various tobacco products.

Each retailer who sells alternative nicotine products, tobacco products, or vapor products shall ensure that his/her employees are made aware of the provisions of this article and shall ensure that his/her employees comply with the provisions of this article.

(b) Each retailer shall post signs at the entrance of its establishment, which shall be in plain view and state: "According to Section 17-196 of the Code of Ordinances of the City of St. Joseph, no person under the age of 21 shall be allowed to enter this establishment. Violators will be subject to prosecution."

Sec. 17-196. Conditions of distribution and sale – alternative nicotine, tobacco, and vapor products.

(a) *Minimum package size.* Except as otherwise provided under this article, no manufacturer, distributor, or retailer may sell or distribute, or cause to be sold or distributed, any package of alternative nicotine products, tobacco products or vapor products that contains less than the minimum quantity, or items fewer in number than that required by federal or state law.

(b) *Face-to-face sales required -- exceptions.* Retailers of alternative nicotine products, tobacco products, or vapor products, or their agents, may sell only in a direct, face-to-face exchange between the retailer and the consumer. Examples of methods of sale that are not permitted include vending machines and self-service displays; provided, however, that the following exceptions apply:

- a. Mail order sales, excluding mail order redemption of coupons and distribution of free samples through the mail;
- b. Vending machine sales (including vending machines that sell packaged, single cigarettes)
- c. Self-service displays located in facilities where the retailer, or his/her agent, ensures that no person younger than 21 years of age is present, or permitted to enter, at any time.

(c) *Free samples prohibited.* No manufacturer, distributor, or retailer may distribute or cause to be distributed any free samples of alternative nicotine products, tobacco products, or vapor products.

(d) *Restrictions on labels, labeling and advertising.* No manufacturer, distributor, or retailer may sell or distribute, or cause to be sold or distributed, alternative nicotine products, tobacco products, or vapor products with labels, labeling or advertising that does not comply with federal and state law.

(e) *Sale and distribution by a third party.* No person shall sell or distribute alternative nicotine products, tobacco products, or vapor products to a person who is younger than 21 years of age, except as specifically allowed by this division; provided it is understood that a retailer retains ownership of such products through the duration of the sales transaction.

Sec. 17-197. Conditions of manufacture, distribution, and sale – marijuana products.

Each marijuana facility shall be required to comply with Article XIV Sections 1 and 2 of the Missouri Constitution, as amended, and the corresponding regulations developed by the Department of Health and Senior Services or its successor agency, pertaining to conditions of manufacture, distribution, and sale of marijuana products.

Sec. 17-198. Selling or handling alternative nicotine products, tobacco products, vapor products – when.

Persons at least 21 years of age may stock, arrange displays, accept payment for, and sack for carryout alternative nicotine products, tobacco products, or vapor products provided they do not deliver such products away from the licensed business premises.

**DIVISION 3. ENFORCEMENT
AND PENALTIES**

Sec. 17-199. Enforcement.

It shall be the responsibility of the chief of police and the director of health to enforce the requirements of this article.

Sec. 17-200. Penalty.

(a) Any retailer, distributor, or manufacturer convicted of violating any section of this article related to alternative nicotine products, tobacco products or vapor products shall be fined as follows:

- (1) First offense.....\$50.00
- (2) Second offense\$100.00
- (3) Third and subsequent offenses
and community service, not to
exceed 24 hours; and.....\$250.00
- (4) For any offense -- Imprisonment not to exceed six months; whether or not to impose such imprisonment shall be at the discretion of the municipal judge.

(b) The fines and civil penalties contained in Article XIV of the Missouri Constitution, as amended, and the corresponding regulations developed by the Department of Health and Senior Services or its successor agency, shall apply with respect to marijuana products.

Secs. 17-201--17-205. Reserved.