



CHAPTER 2200 - TOBACCO SALES AND YOUTH ACCESS ORDINANCE

ORDINANCE NO. 23-08

(Originally enacted by Resolution # 00-86, and amended by Resolution 03-99 and Ordinance14-01 passed May 6, 2014; Updated November 21, 2017; Updated April 2, 2019, October 3, 2023)

Ordinance 23-

The County Board of the County of Olmsted, Minnesota, Ordains:

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Section 2201. Title.

This ordinance shall be known and referenced as the Olmsted County Tobacco Sales and Youth Access Ordinance.

Section 2202. Purpose, Findings of Fact, and Jurisdiction.

2202.01 Purpose and Findings of Fact.

a. Because the County recognizes that the sale of licensed products, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products to persons under the age of 21 violates both state and federal law; and

b. Because studies, which the County accepts and adopts, have shown that high school use of any commercial tobacco product has increased to 27.6% in Minnesota; and

c. Because nearly 90% of people who smoke begin smoking before they have reached the age of 18 years, and that almost no one starts smoking after age 25; and

d. Because studies show that youth and young adults are especially susceptible to tobacco product availability, advertising, and price promotions at tobacco retail environments; and

e. Because tobacco products use has been shown to be the cause of many serious health problems which subsequently place a financial burden on all levels of government; and

f. Because the County desires to prevent young people from starting to use tobacco products; this ordinance is intended to regulate the sale of licensed products, tobacco-related devices, nicotine or lobelia delivery products, and electronic delivery devices (commonly known as e-cigarettes) for the purpose of enforcing and furthering existing laws, to protect youth and young adults from the serious health effects associated with the use and initiation, and to further the official public policy of the state to prevent young people from starting to smoke, as stated in Minn. Stat. § 144.391, as it may be amended from time to time.

In making these findings, the County Board accepts the conclusions and recommendations of: the U.S. Surgeon General reports, E-cigarette Use Among Youth and Young Adults (2016), The Health Consequences of Smoking — 50 Years of Progress (2014) and Preventing Tobacco Use Among Youth and Young Adults (2012); the Centers for Disease Control and Prevention in their studies, Tobacco Use Among Middle and High School Students — United States, 2011– 2015(2016), and Selected Cigarette Smoking Initiation and Quitting Behaviors Among High School Students, United States, 1997(1998); and of the following scholars in these scientific journals: Chen, J., & Millar, W. J. (1998). Age of smoking initiation: implications for quitting. Health Reports, 9(4), 39-46; D'Avanzo, B., La Vecchia, C., & Negri, E. (1994). Age at starting smoking and

number of cigarettes smoked. *Annals of Epidemiology*, 4(6), 455–459; Everett, S. A., Warren, C. W., Sharp, D., Kann, L., Husten, C. G., & Crossett, L. S. (1999). Initiation of cigarette smoking and subsequent smoking behavior among U.S. high school students. *Preventive Medicine*, 29(5), 327–333; Giovino, G. A. (2002). Epidemiology of tobacco use in the United States. *Oncogene*, 21(48), 7326–7340; Khuder, S. A., Dayal, H. H., & Mutgi, A. B. (1999). Age at smoking onset and its effect on smoking cessation. *Addictive Behaviors*, 24(5), 673–677; Luke, D. A., Hammond, R. A., Combs, T., Sorg, A., Kasman, M., Mack-Crane, A., Henriksen, L. (2017). Tobacco Town: Computational Modeling of Policy Options to Reduce Tobacco Retailer Density. *American Journal of Public Health*, 107(5), 740–746; Minnesota Department of Health. (2020). Data Highlights from the 2019 Minnesota Youth Tobacco Survey. Saint Paul, MN; Tobacco Control Legal Consortium. (2006). *The Verdict Is In: Findings from United States v. Philip Morris, The Hazards of Smoking*. University of California San Francisco. Truth Tobacco Industry Documents, <https://www.industrydocumentslibrary.ucsf.edu/tobacco>; Xu, X., Bishop, E. E., Kennedy, S. M., Simpson, S. A., & Pechacek, T. F. (2015) Annual healthcare spending attributable to cigarette smoking: an update. *American Journal of Preventive Medicine*, 48(3), 326–333, copies of which are adopted by reference.

2202.02 Authority. The Olmsted County Tobacco Sales and Youth Access Ordinance shall apply to all incorporated and unincorporated areas within Olmsted County that do not license and regulate retail sales of tobacco, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products in conformance with the minimum requirements of Chapter 461 of the Minnesota Statutes. Retail establishments licensed by a city or town are not required to obtain a second license for the same location under this ordinance.

Section 2203. Definitions and Interpretations.

All terms shall be given their commonly accepted definitions. The singular shall include the plural and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term “shall” means mandatory and the term “may” means permissive.

2203.01 Administrative Fee. “Administrative fee” shall mean the license and service fees that are assessed to individuals, as authorized by the ordinance. Administrative fees are not penalties assigned in a criminal court.

2203.02 Administrative Penalty. “Administrative penalty” shall mean the fees that are assessed to individuals for violation of the ordinance as authorized by the ordinance.

2203.03 Child Resistant Packaging. For purposes of this ordinance, “child-resistant packaging” is defined as set forth in Code of Federal Regulations, title 16, section 1700.15(b)(1), as in effect on January 1, 2015, when tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in

effect on January 1, 2015.

2203.04 Compliance Checks. "Compliance Checks" shall mean the system the County uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this ordinance. Compliance checks shall also mean the use of persons under 21 who purchase or attempt to purchase licensed products. Compliance checks may also be conducted by the County or other units of government for educational, research and training purposes, or for investigating or enforcing federal, state, or local laws and regulations related to licensed products.

2203.05 County. "County" means the entire area within the perimeter boundaries of Olmsted County, Minnesota and/or the staff or other officials serving under the authority of the County Board.

2203.06 County Board. "County Board" means the Olmsted County Board of Commissioners duly elected by and currently serving the citizens of Olmsted County, Minnesota.

2203.07 County Official. "County Official" shall mean the person or persons authorized by the administrator of the department assigned by the County Board to implement this ordinance.

2203.08 Electronic Delivery Device. "Electronic Delivery Device" shall mean any product containing or delivering nicotine, lobelia, or any other substance whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. Electronic delivery devices include but are not limited to devices manufactured, marketed, or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or any other product name or descriptor. Electronic delivery device shall include any component part of such a product whether or not marketed or sold separately. Electronic delivery device shall not include any product that has been authorized 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 marketed and sold for such an approved purpose.

2203.09 Individually Packaged. "Individually packaged" shall mean the practice of selling any licensed product wrapped individually for sale. Individually wrapped licensed products shall include, but are not limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this definition shall not be considered individually wrapped.

2203.10 Licensed Products. "Licensed products" shall mean the term that collectively refers to any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product.

2203.11 Licensee. "Licensee" shall mean the person and the retail

establishment where tobacco products or electronic delivery devices are made available for sale to the public.

2203.12 Loosies. "Loosies" shall mean the common term used to refer to single cigarettes, cigars, and any other licensed products that have been removed from their original retail packaging and offered for sale. "Loosies" does not include premium cigars that are hand-constructed, have a wrapper made entirely from whole tobacco leaf, and have a filler and binder made entirely of tobacco, except for adhesives or other materials used to maintain size, texture, or flavor. The term "loosies" does not include individual cigars with a retail price, before any sales taxes, of more than \$4.00 per cigar.

2203.13 Moveable Place of Business. "Moveable Place of Business" shall refer to any retail business whose physical location is not permanent, including, but not limited to, any retail business that is operated from a kiosk, other transportable structure, or a motorized or nonmotorized vehicle.

2203.14 Nicotine or Lobelia Delivery Product. "Nicotine or Lobelia Delivery Product" shall mean any product containing or delivering nicotine or lobelia, whether synthetic or natural, intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section. Nicotine or Lobelia Delivery Product does not include any product that has been authorized by the U.S. Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.

2203.15 Person. "Person" shall mean any individual, business, public or private corporation, partnership, joint venture, association, trust, unincorporated association, or government or any agency or political subdivision thereof; and any receiver, trustee, assignee, agent or other legal representative of any of the foregoing.

2203.16 Retail Establishment. "Retail Establishment" shall mean any place of business where licensed products are available for sale to the general public. Retail establishments shall include, but not be limited to tobacco shops, grocery stores, service stations, convenience stores, drug stores, restaurants, liquor stores, and taverns.

2203.17 Revocation. "Revocation" shall mean the termination of the tobacco product sales license and its privileges.

2203.18 Sale. A "sale" shall mean any transfer of goods for money, trade, barter, or other consideration.

2203.19 Self-Service Merchandising. "Self-Service Merchandising" shall mean open displays of licensed products in any manner where any person shall have access to the licensed products without the assistance or intervention of the licensee or the licensee's employee. The assistance or intervention shall entail the actual physical exchange of the licensed product between the customer and the licensee or licensee's

employee.

2203.20 Suspension. "Suspension" shall mean the temporary loss of the privilege to sell tobacco products with reinstatement of the privileges allowed according to action of the County Official.

2203.21 Tobacco Hearing Officer. The "Tobacco Hearing Officer" shall be the individual appointed by the County Board to conduct hearings pursuant to Minnesota Statute Chapter 461.12. If the Board has not designated a "Tobacco Hearing Officer", a County Hearing Officer as defined in Section 4002.52 of the Olmsted County Code of Ordinances shall serve as the "Tobacco Hearing Officer".

2203.22 Tobacco Products. "Tobacco products" shall mean any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to, any substance or item containing tobacco leaf, cigarettes; cigars; pipe tobacco; snuff; fine cut or other chewing tobacco; cheroots; stogies; perique; granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco; snuff flowers; Cavendish; shorts; plug and twist tobaccos; dipping tobaccos; refuse scraps, clippings, cuttings, and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco products excludes any tobacco cessation product that has been authorized by the United States Food and Drug Administration to be marketed and for sale as "drugs," "devices," or "combination products," as defined in the Federal Food, Drug, and Cosmetic Act.

2203.23 Licensed Product Vending Machine. "Licensed Product Vending Machine" shall mean any mechanical, electric, electronic, or other type of device that dispenses licensed products upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed products. It shall also mean any device that is equipped with a remote-control switch that is activated by the licensee to dispense the licensed product.

2203.24 Tobacco-Related Devices. "Tobacco-Related Devices" shall mean any pipe, rolling papers, wraps or other device intentionally designed or intended to be used with tobacco products. Tobacco-related devices includes components of tobacco-related devices or tobacco products, which may be marketed or sold separately. Tobacco-related devices may or may not contain tobacco.

2203.25 Youth. For the purposes of this ordinance only, "Youth" shall mean any person who has not yet reached the age of twenty-one (21) years.

Section 2204. License.

No retail establishment shall sell or offer to sell any licensed product without first having obtained a license to do so.

2204.01 Application. An application for a license to sell licensed products shall be made on a form provided by the County. The application shall contain the full name of the applicant, the applicant's residential and business addresses, telephone numbers, the name of the business for which the license is sought, and any additional information the County deems necessary.

2204.02 Action. The County Official may approve or deny the application for a license or delay license action, for a reasonable period of time, to complete any investigation of the application or the applicant deemed necessary. Investigation may include, but is not limited to, a background check. If the County Official determines that an application is incomplete, the Official shall return the application to the applicant with notice of the information necessary to complete the application. When the Official determines that the license application can be approved, the official shall issue the license to the applicant. If the Official denies the license, notice of the denial shall be given to the applicant along with notice of the applicant's rights and the appeal process.

2204.03 Term. All licenses shall be valid for twelve months from the date of issuance. The license shall terminate upon the anniversary date. The length of license time may be modified from time-to-time by resolution of the County Board.

2204.04 Renewals. The renewal of a license shall be handled in the same manner as the original application. The applicant's request for a renewal shall be made at least thirty days but no more than sixty days before the expiration of the current license.

2204.05 Issuance as Privilege and Not a Right. The issuance of a license shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

2204.06 Transfers. All licenses shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of the license to another location or person shall be allowed.

2204.07 Moveable Place of Business. No license shall be issued to a movable place of business. Mall kiosks are considered to be moveable places of businesses. Only fixed-location businesses shall be eligible to be licensed.

2204.08 Display. All licenses shall be posted and displayed on the licensed premise in plain view of the general public and shall be exhibited to any person upon request. The license shall include a statement to the effect of, "By law, all persons under the age of 30 years must present identification to purchase tobacco products, tobacco related devices or electronic delivery devices, or nicotine or lobelia delivery products."

2204.09 Licensing Does Not Apply to Wholesalers. The licensing requirements of this section shall not apply to wholesaler's activity of selling licensed

products to retail establishments.

Section 2205. Administrative Fees for Licenses and Services.

2205.01 License Fees. No license shall be issued under this ordinance until the appropriate license fees are paid in full. The following types of license fees shall be established by resolution of the County Board:

- a. Base fee for each retail establishment where licensed product sales will occur.
- b. Fee for each register within the retail establishment used to process and record each licensed product sales transaction.
- c. Fee for each licensed product vending machine. This includes, but is not limited to, those vending machines equipped with a remote-control switch, which must be activated by a retail clerk for each licensed product sale transaction.

2205.02 Administrative Fees. Administrative fees intended to recover service costs incurred by the County, will be set by Resolution of the County Board.

2205.03 Unpaid Fees Added to License Fees. Administrative fees, applied during the license term that have not been paid in full, shall be added to and become part of the license renewal fee.

2205.04 License Fee Refunds. A license fee refund for business termination may be authorized. Any refund amount will be according to the schedule set by Resolution of the County Board.

2205.05 Fee Modifications. Any of the fees for the categories in this section may be modified, from time to time, by Resolution of the County Board.

2205.06 Fee Appeals. Administration of, or appeals to Sections 2202, 2203, 2204, 2205, and 2206 of this ordinance shall be according to the provisions of the Olmsted County Administrative Enforcement and Appeals Ordinance found at Chapter 4000 of the Olmsted County Code of Ordinances.

Section 2206. Basis for Eligibility, and for Denial of License.

2206.01 Grounds for Denial of License. No retail license, or license renewal, shall be issued to a person:

- a. Under the age of twenty-one (21).
- b. Convicted of a criminal violation of Federal or State law (misdemeanor,

gross misdemeanor or felony), or any local government ordinance or regulation relating to licensed products.

c. Currently under terms of a suspension or revocation of a license to sell licensed products or has had a license to sell licensed products suspended or revoked within the preceding 12 months of the date of application.

d. Who has failed to pay the appropriate licensing, service and/or administration fees.

e. Fails to provide any information required by the application or County Official, or provides false or misleading information.

f. Prohibited by Federal, State, or other local law, ordinance, or other regulation, from holding such a license.

g. Who fails to display or present licensed products in a manner that is consistent with Federal regulation, State law or this ordinance.

h. The business for which the license is requested is a moveable place of business. Only fixed-location retail establishments are eligible to be licensed.

2206.02 License Issued in Error. If it is discovered that a license was mistakenly issued or renewed to an ineligible person, the license shall be revoked by the County Official. The County will provide the license holder with notice of the revocation, along with information on the right to appeal.

2206.03 Appeal of Licensing Decisions. Decisions made by the County Official, under the authority of Sections 2202, 2203, 2204, 2205, and 2206, may be appealed as provided in the Olmsted County Administrative Enforcement and Appeals Procedure Ordinance found at Chapter 4000 of the Olmsted County Code of Ordinances.

Section 2207. Prohibited Acts

2207.01 In General. No person shall sell or offer to sell any licensed product:

- a. By means of any self-service tobacco product.
- b. By means of loosies as defined.
- c. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intention of this provision to ban the sale of lawfully manufactured cigarettes or other products subject to this ordinance.
- d. By any other means, to any other person, on in any other manner or form prohibited by Federal, State or other local law, ordinance provision, or

other regulation.

e. By means of any type of vending machine.

2207.02 Free or Nominal Cost Distribution Prohibited. No person shall distribute licensed products free of charge or at a nominal cost.

2207.03 Non-Child Resistant Packaging Prohibited. No person shall sell or offer to sell any liquid (whether or not it contains nicotine) that is intended for human consumption and use in an electronic delivery device unless it is in packaging that was designed and tested to be child-resistant as required by *Minn. Stat. § 461.20; 16 C.F.R. 1700.15(b)(1)*. Upon request by the county, a licensee must provide a copy of the certificate of compliance or full laboratory testing report for the packaging used.

2207.04 Legal age. No person shall sell any licensed product to any person under the age of 21.

a. Age verification. Licensees must verify by means of government-issued photographic identification that the purchaser is at least 21 years of age. Verification is not required for a person over the age of 30. That the person appeared to be 30 years of age or older does not constitute a defense to a violation of this subsection.

b. Signage. Notice of the legal sales age and age verification requirement must be posted prominently and in plain view at all times at each location where licensed products are offered for sale. The required signage, which will be provided to the licensee by the county, must be posted in a manner that is clearly visible to anyone who is or is considering making a purchase.

Section 2208. Self-Service Merchandising and Sales.

2208.01 Controlled Access to Products and Devices. All licensed products offered for sale, shall be stored behind the sales counter, in another area not freely accessible to customers, or in a case or storage unit not left open and accessible to the general public.

2208.02 Manner of Sales. A licensee shall only allow merchandising and/or sales of licensed products by a physical exchange of the licensed product between the licensee or the licensee's employees and the customer, or a licensed product vending machine.

2208.03 Exceptions for Licensed Product Vending Machine Sales in Retail Establishments. No person shall sell licensed products, tobacco-related devices, electronic delivery devices, and nicotine or lobelia delivery products from licensed product vending machines. This does not apply to licensed product vending machines in facilities that cannot be entered at any time by youth under the age of 21 years.

Section 2209. Responsibility.

All licensees shall be responsible for the sale of licensed products by an employee or from a licensed product vending machine. Such a sale or offer to sell shall be considered a sale by the license holder. Nothing in this section shall prohibit the County Official from subjecting the licensee and/or employee to appropriate civil penalties under this ordinance, State or Federal law, or other applicable law or regulation.

Section 2210. Sales-compliance Checks.

All licensed premises must be open to inspection by law enforcement or other authorized County officials during regular business hours. From time to time, but at least once per year, the County will conduct compliance checks. In accordance with state law, the County will conduct at least one compliance check that involves the participation of a person between the ages of 17-20 to enter licensed premises to attempt to purchase licensed products. Prior written consent from a parent or guardian is required for any person under the age of 18 to participate in a compliance check. Persons used for the purpose of compliance checks will be supervised by law enforcement or other designated personnel.

Section 2211. Violations.

2211.01. Enforcement of Violations and Appeals. Except as otherwise provided by Minnesota law, the procedures which must be followed in the event a) an exception to any provision of this ordinance or the appeal of a denial of a request for an exception is sought where no process for an exception has been spelled out in this ordinance, b) a civil notice of violation of any provision of this ordinance occurs, or c) an appeal of a civil notice of violation or of the suspension or revocation of a tobacco sales license is sought shall be governed by the Olmsted County Administrative Enforcement and Appeals Procedure Ordinance set forth in Chapter 4000 of the Olmsted County Code of Ordinances.

2211.02 Appeals. Appeals of any decision made by the Hearing Officer pursuant to the procedures in the County's Administrative Enforcement and Appeals Procedure Ordinance shall be made pursuant to Minnesota Statute Chapter 461.12, subd. 7, as amended from time-to-time.

2211.03 Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

Section 2212. Penalties for Violations.

2212.01 Administrative Penalties.

- a. **Purpose.** The purpose of this section is to establish a standard by which the county board determines the amount of fines, length of license

suspensions and the propriety of revocations for licensees. These penalties are presumed to be appropriate for every case; however, the county board may deviate therefrom in an individual case where the county board finds and determines that there exist substantial and compelling reasons which make it appropriate to do so, except, the county board may not deviate below statewide minimum penalties for licensees. When deviating from these standards, the county board shall provide written reasons that specify why the penalty selected was more appropriate.

b. **Licensee Presumptive Penalties.** A licensee that violates the requirements of this ordinance is subject to an administrative penalty as listed in the table below.

Type of Violation	Appearance			
	1st	2nd within 36 months	3rd within 36 months	4th and subsequent
Sale to a person under twenty-one (21) years of age	\$300.00 fine	\$600.00 fine	\$1,000.00 fine and 7-day suspension	\$1,000 fine and 30-day suspension

If the administrative penalty authorized to be imposed by Minn. Stat. § 461.12, as it may be amended from time to time, differs from that established in this section, then the higher penalty will prevail. However, a hearing officer acting pursuant to the County's Administrative Enforcement and Appeals Procedure Ordinance who determines that a licensee has committed one or more violations of this ordinance may impose higher or lower administrative penalties which are deemed appropriate for the facts present in a particular case.

c. **Notice of Penalties.** Administrative penalties, suspensions or revocations shall take effect after the alleged violator, licensee, or other responsible manager(s) have received notice of a) the alleged violation, and b) the process for requesting and obtaining a hearing to appeal their case before the County's Hearing Officer. Such notice may be served personally or by mail.

d. **Consequences of Administrative Penalties.** Payment of the recommended administrative penalty will be considered to be a waiver of the hearing which the licensee may pursue to appeal the notice of violation, and will be considered a violation for the purpose of determining

presumptive administrative penalties for subsequent violations.

e. **Other Administrative Penalties.** Administrative penalties for violations other than sales-compliance checks shall be set by Resolution of the County Board.

f. **Administrative Penalties Not Exclusive Remedy.** Administrative actions and associated penalties are no bar to the initiation of court action or court ordered penalties authorized by this or other applicable regulation, ordinance, State or Federal law.

2212.02 Retail Establishment Employees. Any retail establishment employee found to have violated this ordinance shall be required to participate in "Tobacco Sales and Youth Access Training" that is accepted by the County Official. This training may be a substitute for an administrative penalty fee authorized by Minnesota Law.

2212.03 Removal of Products. The licensee shall remove all licensed products from the point of sale area, keeping them out of public view and access (on or off the premises), during the entire suspension or revocation period.

Section 2213. Defenses and Exceptions.

2213.01 Reasonable Reliance. It shall be an affirmative defense for a person alleged to have sold a licensed product when they can demonstrate they reasonably relied on proof of age as provided in Minnesota Statue §340A.503, as amended from time-to-time.

2213.02 Religious, Spiritual, or Cultural Ceremonies or Practices. Nothing in this ordinance prevents the provision of tobacco or tobacco-related devices to any person under the age of 21 as part of an indigenous practice or a lawfully recognized religious, spiritual, or cultural ceremony or practice. For purposes of this paragraph, an indigenous person is a member of an Indian tribe as defined in Minn. Stat. § 260.755, subd. 12.

2213.03 Affirmative Defenses for Approved Smoking Cessation Devices. It shall be an affirmative defense for a person alleged to have sold to a minor 1) any part of such a licensed product that is not tobacco as defined by section 609.685, or 2) if the product has been authorized by the United States Food and Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Section 2214. Severability and Savings Clause.

If any section or portion of this ordinance shall be found unconstitutional or otherwise

invalid or unenforceable by a court of competent jurisdiction, that finding shall not serve as an invalidation or affect the validity and enforceability of any other section or provision of this ordinance.

Section 2215. Effective Date.

The changes to this ordinance shall take effect January 3, 2024.

Passed and approved this 3rd day of October by the County of Olmsted.

DocuSigned by:
Gregory Wright 10/6/2023 | 8:00 AM CDT
8ED5B5492B2D450...

DocuSigned by:
Lisa Morris-Helmstetler 10/6/2023 | 8:34 AM CDT
F2D519A66DB1430

Attest: Lisa Morris-Helmstetler
Deputy Clerk of the County Board

Gregory Wright, Chairperson
Board of Commissioners

**CONTACT COUNTY PUBLIC HEALTH DEPARTMENT FOR CURRENT LICENSE,
PERMIT, & SERVICE FEES SCHEDULE**