



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

June 29, 2023

**NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
\$500 MATRIX PENALTY**

Walgreen Co.
d/b/a Walgreens #02142
1585 Randolph Avenue
Saint Paul, MN 55105

RE: Tobacco Shop license held by Walgreen Co., d/b/a Walgreens #02142 for the premises located at
1585 Randolph Avenue in Saint Paul.
License ID #: 20060003027

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Tobacco Shop license held by Walgreen Co. d/b/a Walgreens #02142 ("Licensee") herein for the premises located at 1585 Randolph Avenue in Saint Paul (Licensed Premises").

Legal Basis for Action:

Saint Paul Legislative Code §310.01, defines Adverse Action as:

"the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee or applicant for a license. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license."

Saint Paul Legislative Code §310.03 (m)(1)(2) provides for a presumptive penalty of \$500 for a first-time violation of a provision of the legislative code related to the licensed activity.

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

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The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.



Saint Paul Legislative Code §310.04 (b) sets forth a variety of reasons on which adverse action may be based. §310.04 (b)(6) allows for adverse action when a licensee has violated or performed any act which is a violation of any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity.

Saint Paul Legislative Code §324.07 (e) states: "No person may sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents (\$2.60) per cigar contained within. In addition, no person may sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents (\$10.40) per package."

Adverse Action Recommendation:

The Department of Safety and Inspections will recommend a \$500.00 matrix penalty for the following violation of Saint Paul Legislative Code §324.07 (e).

Factual basis for imposition of \$500.00 matrix penalty:

On June 1, 2023, at 2:19 p.m., an Inspector from the Department of Safety and Inspections (DSI) conducted an inspection at the licensed premises based a complaint received stating the licensee was selling two (2) cigars for \$3.00 in violation of Saint Paul Legislative Code §324.07 (e).

When the inspector arrived at the licensed premises, he purchased a 2-pack of Optimo Silver Natural Leaf Cigarillos for \$3.00. After the transaction, the inspector requested a receipt but due to the power being out the clerk gave him a hand-written receipt. The inspector introduced himself and asked the clerk to call the manager to the front counter so he could speak with him.

Justin Miller, Emergency Store Manager and Geoff Breid, Store manager both came to the front counter. The inspector introduced himself and explained the reason he was there today was due to a complaint DSI received indicating the store was selling packages of two (2) cigars for \$3.00 which is less than the price they are required to charge. The inspector handed them a copy of Saint Paul's cigar pricing requirements placard. He then educated the clerk and store managers of the pricing requirements for cigar sales in accordance with Section 324.07 (e) of the Saint Paul's Legislative Code.



You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **July 7, 2023**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for approval of the proposed remedy.
2. You can pay the \$500 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **July 7, 2023**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered an admission to the violation and waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but you contest the \$500 matrix penalty, you may have a hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a Council hearing no later than **Jul 7, 2023**. The matter will then be scheduled before the City Council to determine whether to impose the \$500 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **July 7, 2023**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.03 (k).

If you have not contacted me by July 7, 2023, I will assume that you do not contest the imposition of the \$500 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Legal Assistant Julie Kraus (651) 266-8776.



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LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Sincerely,

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Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Walgreen Co., 200 Wilmot Road, Deerfield, IL 60015
Project Saturn Nip Llc, P.O. Box 1159, Deerfield, IL 60015-6002
Alexa Golemo, Executive Director, Macalester Groveland Community Council
Edgecumbe Recreation Center, 320 Griggs Street South, Saint Paul, MN 55105

Attachments: Department of Safety and Inspections Complaint received on March 20, 2023
June 1, 2023, Inspector's Report with photographs
Saint Paul Cigar Pricing Placard
Screenshots from ECLIPS Systems
STAMP Ownership/Zoning Information
Saint Paul Legislative Code §310.01
Saint Paul Legislative Code §310.03
Saint Paul Legislative Code §310.04
Saint Paul Legislative Code §324.07

CITY OF SAINT PAUL
MELVIN CARTER, MAYOR

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*The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.*

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 29th day of June she served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF \$500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Walgreen Co.
d/b/a Walgreens #02142
1585 Randolph Avenue
Saint Paul, MN 55105

Walgreen Co.
200 Wilmot Road
Deerfield, IL 60015

Project Saturn Nip Llc
P.O. Box 1159
Deerfield, IL 60015-6002

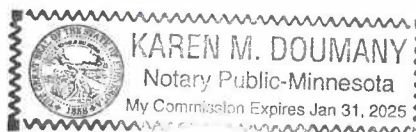
Alexa Golemo, Executive Director
Macalester Groveland Community Council
Edgecumbe Recreation Center
320 Griggs Street South
Saint Paul, MN 55105

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Julie Kraus

Subscribed and sworn to before me
This 29th day of June 2023


Notary Public



Folder #:	2023 022474 LIC	PIN:	092823140187	Status:	Open
In Date:	3/20/23	Ward:	3	Zoning:	T3
		Subtype:	License		
		Dist Council:	14	Owner:	Worktype: Complaint
Complaint Location:		Census Tract:	36400	Project Saturn Nlp Llc	
1585 RANDOLPH AVE		Census Block:	4015	Po Box 1159 Deerfield IL 60015- 6002	
		Homesteader:			
		Tax Owner:			

Legal Desc: ELMWOOD VAC ALLEY ACCRUING & LOTS 1 THRU LOT 9 BLK 8

Complainant:

Details: Tobacco - DBA: Walgreens #02142 - selling two cigars for \$3.00

This complaint has been referred to the following departments:

DSI Licensing Response - Scheduled Date: 3/20/23

Comment:

Inspector Assigned: Luis Sanchez- Panadero, Phone: 651- 266- 9016

Results

Entered By

Comment



Inspector's Report

Inspectors Name: Allan Vang

Date & Time: 6/1/2023 at 2:19pm

Staff Member's Name: Mike Steiner(Clerk)

Business/DBA Name: Walgreens #02142

Property Address: 1585 Randolph Avenue

Reason for Visit: Tobacco Complaint

Observations: Selling two cigars for \$3.00

NOTE: Geoff Breid(Store Manager) Justin Miller (Emergency Store Manager)

Photos Taken: ☒ Yes ☐ No – Area(s) of where the Photo(s) where taken: Purchase of cigars

Action Taken: ☐ Education / warning

☒ Request for Adverse Action

Other: _____

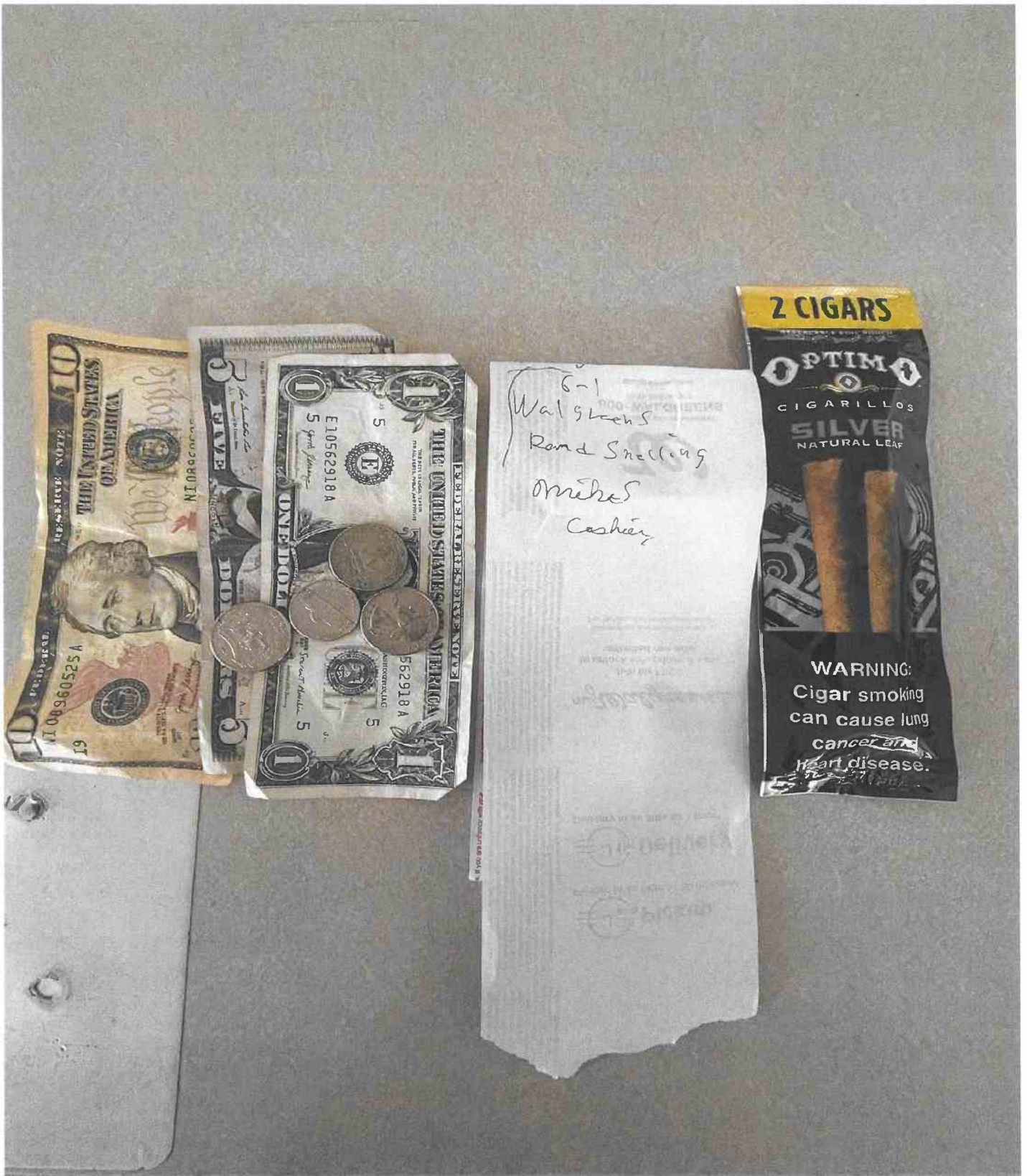
Details of Conversations (Statements to and by Person Responsible for Property):

Upon arrival I purchased a pack of cigar which contain two(2) in the package for the price of \$3.00, from the clerk (Mike Steiner). After the transaction, I requested a receipt, due to the power was off Mike hand wrote a receipt. I then introduced myself as a Licensing Inspector from City of Saint Paul Department of Safety and Inspections (DSI). I asked Mike if he can call the manager to the front so I may speak to them.

Justin Miller who is the emergency store manager and Geoff Breid who is the store manager came to the counter and I introduced myself as a Licensing Inspector from City of Saint Paul Department of Safety and Inspections. I explained to both of them the reason I was here today was due to a complaint DSI received for selling package of two (2) cigars for \$3.00. I handed a copy of Saint Paul's cigar pricing requirements placard. I educated the clerk and store managers of the pricing requirements for cigar sales in accordance with section 324.07 (e) of the City of Saint Paul's Legislative Code.



Hand written receipt from Clerk, Power was out of service at the time of Inspections



Optimo

\$ 3.20 -

tendered

\$ 20.00

~~Change~~

6-1

Walgreens

Ronald Snelling

Mike

Cashier

SAINT PAUL'S CIGAR PRICING REQUIREMENT

As a reminder, if you sell cigars in Saint Paul, they must be sold at the following prices:



1 cigar for at least

\$2.60

+sales tax



A pack of
3 cigars for at least

\$7.80

+sales tax



A pack of
2 cigars for at least

\$5.20

+sales tax



A pack of 4 or more
cigars for at least

\$10.40

+sales tax

General reminders about the sale of tobacco:

- Stores must be licensed as a tobacco vendor before they sell tobacco products.
- Flavored tobacco products, such as kiwi strawberry hemp wraps and grape cigarillos, can only be sold in adult-only tobacco products shops (a store where at least 90 percent of revenue comes from tobacco sales).
- Beginning November 1, 2018, menthol flavored tobacco products, including cigarettes, can only be sold in adult-only tobacco shops and liquor stores licensed to sell tobacco.
- License holders must keep all tobacco products behind the counter or in a locked cabinet, unless people under 18 years old are prohibited from entering the store at all times.
- The sale of loosies, or single cigarettes, is prohibited.
- Penalties and adverse action will be imposed for violations of the tobacco ordinance.

Dear Saint Paul Tobacco Vendor,

As a reminder, cigars must be sold for a minimum of \$2.60 each plus sales tax. The minimum price of cigars is as follows:

- Single cigar: \$2.60 + sales tax
- 2 Pack: \$5.20 + sales tax
- 3 Pack: \$7.80 + sales tax
- 4 Pack or larger: \$10.40 + sales tax

This requirement applies regardless of promotional offerings, such as buy one get one free. Please use this postcard as a guide for how to price cigars.

If you have questions or concerns, please contact the City of Saint Paul Licensing Department: 651-266-8989 or DSIComplaints@ci.stpaul.mn.us

Association for Nonsmokers-Minnesota
2395 University Avenue West, Suite 310
Saint Paul, MN 55114

Adverse Action Comments Text

06/06/2023

Licensee: WALGREEN CO

DBA: WALGREENS #02142

License #: 20060003027

License provided by MDH/MDA

6/19/2019- Sent Notice of Violation with a 7/2/2019 deadline to respond. SM

License Group Comments Text

06/06/2023

Licensee: WALGREEN CO

DBA: WALGREENS #02142

License #: 20060003027

11/22/2022 Underage tobacco compliance check pass AYV
8/17/2021 Youth Tobacco compliance pass KY
08/02/2021 Changed store numbers from 2142 to 9795. LAB
07/12/2019 Paid \$500.00 fine. LAB
6/12/2019 Youth Compliance Check Pass JNV
04/12/2019 Tobacco Compliance Check. Failed DC
4/26/18 Flavor / price inspection-Pass JNV
03/13/2017 passed tobacco compliance check BLB
8/02/2016 Passed Tobacco Compliance Check BLB
07/08/2015 Passed Tobacco Comp check BLB/TF
07/01/2014 Passed tobacco comp check. JWF/akn
07/18/2013 Passed tobacco compliance check. JWF
10/19/12 Passed cig.comp.ck.KS
07/20/2011 Passed tobacco comp. check. JWF
08/25/2010 Passed tobacco compliance check. PF
08/03/2010 Passed tobacco comp. check. JWF
07/22/2009 Passed tobacco compliance check. RJ
07/23/2007 Passed tobacco compliance check. PF

Properties For License 1585 RANDOLPH AVE



Licensee: WALGREEN CO
DBA: WALGREENS #02142

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name: WALGREEN CO					
DBA: WALGREENS #02142					
Sales Tax Id: *****		Non-Profit: ☐		Worker's Comp: 00/00/0000	
AA Contract Rec'd: 00/00/0000		AA Training Rec'd: 00/00/0000			
AA Fee Collected: 00/00/0000		Discount Rec'd: ☐			

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee

Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone
Business	10/16/1988	00/00/000	WALGREEN CO			(651) 227-5046
Mail To	08/22/2022	00/00/000	LICENSE ADMINIST			(847) 527-4208
Other	00/00/0000	00/00/000	EVANS	GEORGE		() -
Other	00/00/0000	00/00/000	HARTUNG	JOHN		() -

Background Check Required ☐

Contact Properties...

License # 060003027 Save Changes to History ☒ OK Cancel Help

Properties For License 1585 RANDOLPH AVE



Licensee: WALGREEN CO
DBA: WALGREENS #02142

License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name: WALGREEN CO					
DBA: WALGREENS #02142					
Sales Tax Id: *****		Non-Profit: ☐		Worker's Comp: 00/00/0000	
AA Contract Rec'd: 00/00/0000		AA Training Rec'd: 00/00/0000			
AA Fee Collected: 00/00/0000		Discount Rec'd: ☐			

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	

Contacts for this Licensee

Home Phone	Contact Address	City	Zip	DOB
	734 GRAND AVE	ST PAUL	55105-3421	00/00/0000
	PO BOX 901	DEERFIELD	60015	00/00/0000
	9916 74TH ST W	EDEN PRAIRIE	55344-3523	00/00/0000
	13669 HARMONY WAY	APPLE VALLEY	55124-9571	00/00/0000

Background Check Required ☐

Contact Properties...

License # 060003027 Save Changes to History ☒ OK Cancel Help

STAMP - Ownership / Zoning Information

[New Search](#)[Help using this report](#)**Run Date:** 06/06/23 10:54 AM**House#:****Last updated from Ramsey County data on:****Street Name:**

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

1585 Randolph Ave - Walgreens - 55105-2149 - [Other Applications](#)**PIN: 092823140187****Census Track:** 36400 **Census Block:** 4015**Council Ward:** 3 **District Council:** 14**Year Built:****Foundation Sq****Loan Company:****Land****Building****Feet:** 14820**Value:** 1665300**Value:** 1605600**Unverified Usage:** 23- BANK/S&L/CREDIT UNION- B- Commercial**ISP:****Units:** 0**Zoning:** B2 / T3**Legal Desc:** ELMWOOD VAC ALLEY ACCRUING & LOTS 1 THRU LOT 9 BLK 8**Owner:**Project Saturn Nlp Llc
Po Box 1159
Deerfield IL 60015-6002**Tax Owner:**Project Saturn Nlp Llc
Po Box 1159
Deerfield IL 60015-6002**Certificate of Occupancy Responsible Party:**Walgreens Fire Group
C/O Jennifer Johnstone
1411 Lake Cook Road
Deerfield IL 60015
847-964-8817

RESOLVED, that the Council of the City of Saint Paul does ordain:

SECTION 2

Chapter 310.01 of the Saint Paul Legislative Code is hereby amended as follows:

Chapter 310. Uniform License Procedures

The procedures in this chapter are meant to govern the issuance of all licenses and certain permits in the City of Saint Paul unless a different process is required by statute. The requirements laid out in this chapter are meant to supersede all requirements laid out in ordinance related to Applications for the Grant or Issuance of a License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures.

Sec. 310.01. Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section will have the following meanings:

Adverse action means the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee, or applicant for a license. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Bond means a bond meeting the requirements of section 310.05 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

Building official means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

Chapters and these chapters mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T, and class N licenses under authority of the city.

Class R licenses means those licenses and certain permits which can be issued by the Director without council approval if no conditions are imposed upon the license and which do not require a hearing if there is an objection. Class R Licenses follow the Procedures for Application for the Grant or Issuance of a License, New Application Investigation and Review, Application Denial, Notice, Levels of Approval, Objections, and Renewal Procedures laid out in Section 310.02(1). The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Sec. 310.03 (m) - *Presumptive penalties for certain violations*. The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, the General Presumptive Penalty Matrix applies to all license types, except that in the case of a violation involving a liquor license the Penalty Matrix for Intoxicating Liquor; Nonintoxicating Malt Liquor applies and for a violation involving tobacco, the Penalty Matrix for Tobacco applies. These penalties are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council must provide written reasons that specify why the penalty selected was more appropriate.

1. General presumptive penalties matrix - The general penalty matrix is to be used if there is not a specific penalty matrix for the license type or a category within the specific penalty matrix does not address the violation.

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	\$500.00 fine	\$1,000.00 fine	\$2,000.00 fine and 10-day suspension	Revocation
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation
(5) Commission of a crime other than a felony on the premises by a licensee or employee	\$700.00 fine	\$1,500.00 fine	5-day suspension	Revocation

Sec. 310.04. Revocation; suspension; adverse actions; imposition of conditions.

(a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions must be initiated and carried out in accordance with the procedures outlined in section 310.03; provided, however, that the formal notice of hearing must be used to initiate the adverse action.

(b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:

(1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.

(3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed, or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.

(4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

(5) The licensee or applicant has failed to comply with any condition set forth in the license or set forth in the resolution granting or renewing the license.

(6) a. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;

b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or

c. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.

(7) The activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.

Sec. 324.07. Sales prohibited.

- (a) No person may sell a cigarette outside its original packaging containing health warnings satisfying the requirements of federal law. No cigarettes may be sold individually or in packages of fewer than twenty (20) cigarettes.
- (b) No person may sell or dispense licensed products from a motor vehicle or other movable place of business.
- (c) No person may sell licensed products from vending machines unless the vending machines are in a facility that cannot be entered at any time by persons younger than twenty-one (21) years of age.
- (d) No person may offer for sale licensed products in any open displays which are accessible to the public without the intervention of a store employee. This restriction does not apply to establishments holding a tobacco products shop license.
- (e) No person may sell, offer for sale, or otherwise distribute cigars in original packages containing three (3) or fewer cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than two dollars and sixty cents (\$2.60) per cigar contained within. In addition, no person may sell, offer for sale, or otherwise distribute cigars in original packages of four (4) or more cigars for a sale price, after any coupons, multipack or buy-one/get-one promotions, or any other discounts are applied and prior to applicable sales taxes being imposed, of less than ten dollars and forty cents (\$10.40) per package.
- (f) No person may sell or offer for retail sale cigarette packages or cartons for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars (\$10.00) per pack.
- (g) No person may sell or offer for retail sale moist snuff retail packages or multipacks for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars (\$10.00) per 1.2 ounce package. No person may sell or offer for retail sale any smokeless tobacco/moist snuff unless it is sold in a package of at least 1.2 ounces minimum package size. The price floor for packages larger than 1.2 ounces shall be computed by adding two dollars and fifty cents (\$2.50) for each 0.3 ounces or any fraction thereof in excess of 1.2 ounces, excluding all applicable taxes.
- (h) No person may sell or offer for sale or otherwise distribute snus for a sales price, prior to applicable sales taxes being imposed, of less than ten dollars (\$10.00) per 0.32 ounce package. No person may sell or offer for retail sale any snus unless it is sold in a package of at least 0.32 ounces minimum pack size. The price floor for packages larger than 0.32 ounces shall be computed by adding two dollars and fifty cents (\$2.50) for each 0.08 ounces or any fraction thereof in excess of 0.32 ounces, excluding all applicable taxes.
- (i) No holder of a license issued under this chapter, nor any employee or agent of same may sell tobacco products to a person under the age of twenty-one (21) years. Sale to persons under the age of twenty-one (21) years prohibited.
 - (1) It is an affirmative defense to a charge under this subdivision if the defendant proves by a preponderance of the evidence that the defendant reasonably and in good faith relied on proof of age as described in Minn. Stats. § 340A.503, subd. 6.
- (j) No person may sell, offer for sale, or otherwise distribute any flavored products, unless excepted under section 324.07(l) of this chapter.
- (k) *Coupons and price promotions.* No holder of a license issued under this chapter, nor any employee or agent of same, may:
 - (1) Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any price reduction instrument or other offer that provides any licensed product without charge or for less than the listed or non-discounted price; or

-
- (2) Sell or offer to sell licensed products, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any licensed products, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other licensed products.

Nothing in this chapter is intended to prohibit communication of pricing information or other truthful, non-misleading information to consumers.

(l) *Exceptions.*

- (1) Notwithstanding section (i), individuals exempted under Minn. Stats. § 609.685 are also exempt from this section.
- (2) The penalties in this section do not apply to a person under the age of twenty-one (21) years who purchases or attempts to purchase licensed products while under the direct supervision of a responsible adult for training, education, research, or enforcement purposes.
- (3) Retail stores holding a tobacco products shop license are permitted to sell and offer for sale flavored tobacco products.

- (m) Any violation of this chapter will subject the licensee to provisions of chapter 310 and section 324.10 of the Saint Paul Legislative Code.

(Code 1956, § 336.07; Ord. No. 17714, § 1, 2-20-90; C.F. No. 94-341, § 7, 4-13-94; C.F. No. 97-314, § 1, 4-20-97; C.F. No. 06-872, § 1, 10-11-06; C.F. No. 10-1014, § 2, 10-13-10; Ord 13-8, § 2, 4-24-13; Ord 14-34, § 2, 8-27-14; Ord 15-57, § 1, 1-6-16; Ord 17-28, § 2, 11-1-17; Ord 19-57, § 2, 10-16-19; Ord 21-29, § 7, 11-3-21)