

Amended

ORDINANCE NO. 88-053

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

JUL 26 1988

**AN ORDINANCE ADDING SECTIONS 24.9 THROUGH
24.15 TO CHAPTER 24 OF THE SACRAMENTO
CITY CODE AND REPEALING SECTION 24.5,
RELATING TO THE FURNISHING OF
TOBACCO PRODUCTS TO MINORS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Sections 24.9 through 24.15 are hereby added to the Sacramento City Code to read as follows:

Sec. 24.9 Purposes.

The protection of the public welfare requires that potential access by minors to all forms of tobacco products be strictly regulated.

Harvard University and the National Institute on Drug Abuse have reported that the nicotine in tobacco is a powerful, habit-forming drug that leads to compulsive use, and produces strong withdrawal symptoms. The U.S. Public Health Service has described nicotine addiction as the most widespread example of drug dependence in our country.

Studies have found that nicotine addiction typically begins in childhood. It has been estimated that thousands of American children smoke for the first time every day. Many youth, particularly male teenagers, use smokeless tobacco. Reported tests have shown that minors as young as 11 years of age have experienced little or no difficulty in purchasing tobacco products.

The purpose of this ordinance is to reduce the likelihood of minors obtaining tobacco products in the City of Sacramento by regulation of the potential sources thereof, without unduly interfering with permitted transactions or entirely prohibiting tobacco vending machines. This ordinance enables affected persons to determine for themselves the methods they will employ to achieve compliance herewith.

ORDINANCE No. 88-053

JUL 26 1988

Sec. 24.10 Definitions.

For the purposes of Sections 24.11 and 24.12, the following terms shall be defined as set forth herein:

- (a) **Distribute:** To sell, give away, or in any way furnish as part of a commercial transaction, including by means of direct retail sale, vending machine sale or promotional free distribution.
- (b) **Person:** An individual, partnership, corporation, unincorporated association, joint venture, or other entity.
- (c) **Tobacco product:** Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco which may be utilized for smoking, chewing, inhalation or other manner of ingestion.
- (d) **Tobacco vending machine:** Any electronic or mechanical device the operation of which depends upon the insertion of money, whether in coin or paper bill, or other thing representative of value, which dispenses or vends a tobacco product.
- (e) **Tobacco vending machine owner:** Any person who has an ownership or leasehold interest in a tobacco vending machine and who installs or places, or causes to be installed or placed, such tobacco vending machine on any premises for the purpose of distributing a tobacco product therefrom.

Sec. 24.11 Distribution of tobacco products to minors prohibited.

- (a) Any person who distributes a tobacco product to a minor who is in fact under the age of 18 years, whether or not the fact of such minority was known to such person at the time of distribution, is guilty of an infraction.
- (b) Any person who authorizes the installation or placement of a tobacco vending machine on premises which the person manages or controls and who permits or suffers, knowingly or unknowingly, any tobacco product to be distributed from such tobacco vending machine to a minor under the age of 18 years is guilty of an infraction.

Sec. 24.12 Purchase of tobacco products by minors prohibited.

It shall be unlawful and an infraction for any person under the age of 18 years to purchase a tobacco product within the City of Sacramento.

Sec. 24.13 Proof of age.

For the purpose of preventing the violation of Section 24.11(a) or 24.11(b), any person may refuse to distribute a tobacco product to a person who is unable to produce adequate written evidence that he or she is over the age of 18 years.

Sec. 24.14 Evidence of age and identity: Proof of demand therefor as defense.

Proof that the defendant, or his employee or agent, demanded, was shown or acted in reliance upon bona fide evidence of majority and identity in any transaction prohibited by Section 24.11(a) or 24.11(b) shall be a defense to any criminal prosecution therefor or to any civil proceedings based thereon. Bona fide evidence of majority and identity of the person shall be a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, which contains the name, date of birth, description, and picture of the person, including, without limitation, a motor vehicle operator's license or an identification card issued to a member of the Armed Forces.

Sec. 24.15 Posting of signs required; Copies of Ordinance to be Provided.

- (a) Every person who distributes tobacco products within the City of Sacramento shall post conspicuously and keep so posted in each place of business from which tobacco products are distributed a sign in letters at least one inch (1") high which states as follows:

It is unlawful to distribute tobacco products to any person under the age of 18 years.

It is unlawful for any person under the age of 18 years to purchase tobacco products.

**Sacramento City Code
Sections 24.11 and 24.12**

- (b) Every tobacco vending machine owner shall affix and keep affixed to the front of each tobacco vending machine within the City of Sacramento a sign as described in subsection (a).

ORDINANCE No. 88-053

- (c) Every tobacco vending machine owner shall provide a copy of this ordinance to the manager of every premises upon which such owner has a tobacco vending machine in place on the effective date of this ordinance and to the manager of every premises upon which such owner installs or places, or causes to be installed or placed, a tobacco vending machine after the effective date of this ordinance.

SECTION 2.

Section 24.5 of the Sacramento City Code is hereby repealed.

DATE PASSED FOR PUBLICATION: 07/19/88

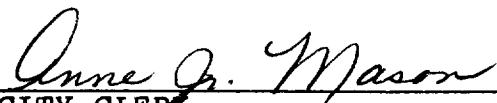
DATE ENACTED: 07/26/88

DATE EFFECTIVE: 08/25/88



MAYOR

ATTEST:



Assistant CITY CLERK

ORDINANCE No. 88-053