

City of St. Anthony
CITY COUNCIL WORK SESSION
Minutes
September 10, 2024

Present:

Mayor & Council:

Mayor Wendy Webster, Councilmembers Lona Doolan, Nadia Elnagdy, Jan Jenson and Thomas Randle.

Absent:

Staff:

City Manager Charlie Yunker and ANSR Representatives Katie Engman and Molly Schmidtke.

Call to Order:

Mayor Wendy Webster called the Work Session to order at 5:30 p.m.

1. Approval of CC WS Meeting Minutes

A. August 27, 2024, Council Work Session Meeting Minutes

Motion by Councilmember Jenson, seconded by Councilmember Doolan, to approve the City Council Work Session Meeting Minutes of August 27, 2024, as presented.

Motion carried 5-0.

2. Work Session Topics

A. Prohibiting the Sale of Flavored Tobacco Discussion

Ms. Katie Engman and Ms. Molly Schmidtke appeared before the City Council. They are representing the Association for Nonsmokers – MN. The ANSR is dedicated to reducing the human and economic costs of commercial tobacco, nicotine and other drug use in Minnesota. Their core commitments are:

To protect young Minnesotans from a lifetime of addiction.

- To ensure that all Minnesotans can breathe clean, smoke-free air everywhere.
- To reduce health inequities and other disparities in relation to commercial tobacco, nicotine, and other drugs.

The tobacco industry spends nearly \$1 million per hour marketing tobacco products. Commercial tobacco is still a problem. In Minnesota, one in seven 11th graders uses e-cigarettes, and 90 percent of those students use flavored e-cigarettes. Commercial tobacco use sets kids up for a lifetime of nicotine addiction and serious health conditions like heart disease and cancer. The tobacco industry targets Black, LGBTQ+, American Indians, and young people and spends more than \$100 million a year marketing their products in Minnesota.

All Minnesotans pay the price for tobacco's harm. Smoking costs the State over \$9 billion a year: more than \$4.7 billion in excess healthcare costs and \$4.7 billion in lost productivity. Commercial tobacco use remains the leading cause of preventable death and disease, taking the lives of more than 6,300 Minnesotans each year. Every time Big Tobacco addicts another generation of kids to smoking, they put all taxpayers on the hook for billions of dollars in healthcare costs to treat tobacco-related diseases.

A chart showing Tobacco Industry Targeting Impacts was displayed. 90% of Minnesota middle and high school students who use tobacco products use flavored products. A chart showing the Nicotine Amount per product was also displayed along with a Minnesota Student Survey taken in 2022 results on the use of any commercial tobacco products in the last 30 days for Minnesota and St. Anthony Village – New Brighton.

E-cigarettes are the most common tobacco product currently used (use on 1 or more days in the past 30 days) by 1.63 million of America's middle school and high school students. Almost 4 in 10 students reported frequent use (use on 20 or more days in the past 30 days) and slightly more than 1 in 4 reported daily use. Charts showing the percent of students who currently use e-cigarettes who reported frequent use by the year 2017 – 2023 and the percentage of students who currently use e-cigarettes and reported having experienced a sign of dependence by the year 2020-2023 were also provided.

The impact of nicotine on the adolescent brain were reviewed:

- No amount of nicotine is safe for young people.
- Nicotine is highly addictive and a stimulant.
- Youth exposed to nicotine are more likely to use other substances.
- 4 in 5 Minnesota teens who vape may be nicotine dependent.

Menthol increases nicotine absorption, leading to greater dependence. Menthol use is harder to quit. Among high school smokers, those who smoke menthols are more likely to smoke within one hour of waking and more likely to report cravings compared to high school smokers of non-menthols. African Americans use menthol more than other racial/ethnic groups. There is sufficient research to confirm that tobacco companies targeted youth, women, and African Americans with menthol marketing. Research also suggests that tobacco companies targeted Latinos, Asians, and Hawaiian/Pacific Islanders.

The tobacco industry (which includes the vape industry) has a history of pretending to be environmentally friendly when they're really not. This is called "greenwashing". Some examples are:

- Tobacco companies occasionally host trash clean-up events but refuse to take responsibility for making some of the most littered products in the world.
- Tobacco companies claim to plant trees even though a few trees won't make up for the millions of trees they cut down every year.
- Tobacco companies use words like "natural" and "earth-friendly" to market some of their products even though there's nothing "natural" about plastic filters, added chemicals or deliberately harming the planet for profit.

Ending the sale of menthol cigarettes would cut littering by 3.8 billion cigarette butts annually. 1.7 million pounds of waste each year. This would have a huge environmental impact. Vape waste is toxic e-waste and creates three huge environmental problems:

1. Increase in single-use plastics.
2. Introduces hazardous and toxic chemicals like nicotine into the environment when thrown out.
3. Increases tech waste, including lithium-ion batteries (which are also considered toxic waste).

Ms. Engman reviewed the North Suburban Tobacco Compliance Project. A chart showing the compliance checks to vendors in North Suburban Cities in 2023. Federal Updates include Tobacco 21 (2019), few restrictions on flavored vaping products and FDA declared menthol harmful but has yet to act. MN Tobacco 21:

- Increased age to purchase to 21 from 18 years old
- Removed Purchase, Use and Possession (PUP) penalties for young people

- Hold retailers accountable for responsible sales
- Verification of age for those under 30
- Signage posted at the point-of-sale.

A chart showing the MN Statute Updates: Penalties was displayed.

Other Best Practice: Policy options to address Appeal, Access, & Affordability:

- Ending the sale of flavored commercial tobacco products
- Limiting the number of licensed tobacco retailers
- Price discounting: minimum pack prices and prohibiting the redemption of coupons
- Increased penalties for ordinance violations.

Ending the Sale of Flavored Commercial Tobacco Products will save lives. Estimating saving 650,000 deaths over time including 255,000 in the Black community. Restricting the number of tobacco licenses allowed in a community is a way to decrease commercial tobacco in a community. Research shows that the location and density of commercial tobacco-related product retailers influences tobacco-related product use and worsens health disparities.

Suggestions for capping tobacco licenses in St. Anthony Village.

1. Cap based on population density 5 licensed retailers vs. 9,970 residents equal to 1 licensed retailer for every 1,994 residents.
2. Cap based at current licenses and reduce number over time, as licenses are revoked or expired and are not renewed.
3. Cap at Zero through attrition – no new licenses.

A chart showing what other cities have done was presented. Among Minnesota smokers, about 50% have used coupons or promotions in the past year to save money on cigarettes. Coupons foster nicotine addiction in young smokers and keep heavy smokers addicted. Minnesota adult smokers who redeemed cigarette coupons were much less likely to quit smoking than those who didn't use coupons.

Why address commercial tobacco locally?

- In Minnesota cities lead, the State follows: T21, Clean Indoor Air.
- Why flavors? The vast majority of the tobacco products youth are using are flavored; nearly 80 percent of youth who ever tried tobacco started with a flavored tobacco product. And 95% of tobacco users start before they are 21. Prevention is key.
- Of Minnesota adults who smoke menthol, about half said they would quit smoking if menthol cigarettes were no longer sold in the United States.
- Why Capping? Research shows that the location and density of commercial tobacco-related product retailers influence tobacco-related product use and worsens health disparities.
- Why Price Discounting? This comprehensive tobacco ordinance will make commercial tobacco products less accessible and appealing to young people and will protect youth, Black, Indigenous, LGBTQIA+ and other residents from industry targeting.
- Why increased penalties? State minimum fines were increased in 2020. Selling tobacco is a privilege and we must hold retailers accountable.

Councilmember Randle stated he has the same concerns. We cannot tell people over 21 years of age that they cannot smoke. If adults want to use flavored tobacco they should be able to. Adults have their own minds and we do not have the right to tell them what they can and can't do including Black people.

Mayor Webster appreciated Councilmember Randle's perspective. Councilmember Randle stated parents need to be involved in helping their children not start smoking. We can't rely on everyone else to do our jobs for us. If there is common ground he would be in favor of that. He is open to finding a solution.

Councilmember Doolan stated she took a class at the University of Minnesota in American History. She reviewed some of her learnings. The presenters are making the Council aware of intentional marketing to youth.

Councilmember Elnagdy asked some questions about the data. Are they wanting to ban the sale of vapes and menthol. Ms. Engman stated they cannot target specific products. Councilmember Elnagdy asked if any surrounding cities have banned the sale and Ms. Engman stated Arden Hills, Lauderdale, Lilydale, Mendota Heights, Edina, Bloomington, Richfield, and Golden Valley have banned the sale. Councilmember Jenson asked if those cities still sell vaping products and Ms. Engman stated they do. No one can enter the store unless they are over 21. Councilmember Elnagdy stated Roseville has restricted it and only has it in their 4 tobacco stores.

Councilmember Doolan stated a retailer was selling it and now is not allowed to sell it in those cities. Ms. Engman stated they were given a year notice that as of January 1, 2027 they no longer can sell.

Councilmember Doolan referred to the impact to a child's developing brain. Isn't there also a significant impact to a child's lungs. Ms. Engman stated the lungs are affected along with the entire building.

Ms. Schmidtke stated there are over 25 cancer-causing chemicals that have been found in vape e-liquids.

Councilmember Elnagdy asked about recommendations and in a perfect world all the best practices would be followed. St. Anthony is below the State minimum. What is the median. She stated Falcon Heights for 2nd offense has \$750 fine and the license is lost for two years.

Councilmember Jenson asked if vaping products can be purchased on Amazon. Ms. Engman stated it is a small market because you can't ship it. Ms. Schmidtke stated there are online sales but the data shows young people are getting their products from vape shops.

Councilmember Elnagdy asked what happened in the year and the dive in 2021 that was taken in compliance. Ms. Engman stated St. Anthony has a few number of retailers so if there were two incidents it would show as a larger percentage out of compliance. St. Anthony only has three retailers.

Councilmember Doolan asked if one offense is one sale to a minor one time. Ms. Engman stated if the store sells to a minor that is an offense. The time period is 36 months. Another example of an offense is a store selling flavors, which were illegal products. Are the 5 tobacco retailers in St. Anthony only tobacco retailers or do they sell other merchandise. Ms. Engman stated they have other merchandise. Councilmember Doolan asked if there are any repercussions where adults purchase for minors. The fines go to the business not the clerk that sold the product. Ms. Engman will research State Law to see if there is a fine for "social host".

Mayor Webster stated St. Anthony needs to update their penalties to the State guidelines. Council needs to discuss if there is interest in capping the number of tobacco licenses, restricting coupons, and ban the selling of flavored tobacco.

Councilmember Elnagdy asked, in banning the sale of flavored tobacco, would it be unfair to adults who wish to use the products. She is in favor of restricting coupons and the number of tobacco licenses and increasing the penalties.

Councilmember Randle agreed.

Councilmember Jenson stated he likes the idea of capping. If a gas station changes its name can it no longer have a license. Ms. Schmidtke stated the model policy language does not allow the transfer of license from an owner but a name change is not affected. He would be in favor of capping and looking a way of restricting the sale of candy-flavored vaping products. He does not agree with telling another adult they cannot purchase what they want. He is in favor of restricting coupons.

Councilmember Doolan stated cigarettes would still be sold. Penalties would apply to regular cigarettes. Ms. Schmidtke stated that was pulled out with the T21 law. Councilmember Doolan stated she is in favor of capping and restricting coupons. She asked if there should be a distinction on the type of product. Ms. Engman stated all products need to be treated the same.

Councilmember Jenson asked if anything would be accomplished other than capping future retailers and increasing the penalties. Councilmember Randle stated we can do the best we can. If we ban they will get it from elsewhere. We should only be concerned in St. Anthony. Putting a cap on it is a good solution at this time. The ultimate goal is to keep it out of the hands of youth.

Councilmember Elnagdy asked for other cities that have done this what are the current numbers. Ms. Engman stated there has been an impact.

Councilmember Doolan asked when the St. Paul cap went from 235 to 25. Everything was capped last December. Ongoing surveys will be done.

Councilmember Elnagdy asked if there is a downside if these three things are done. Ms. Engman stated only if there was an open business and the City wanted tobacco to go in there.

Councilmember Doolan asked if any studies have been done on the loss of business after restrictions were done. Ms. Engman stated she will provide and it can be provided to Council.

Councilmember Jenson stated he has known a number of heavy smokers over the years and they have significant health problems.

Councilmember Randle asked if there have been issues in St. Anthony with tobacco products being sold to youth. Mr. Yunker stated he does not recall how many have occurred.

Mayor Webster stated the consensus of the Council is to cap the number of licenses and restricting coupons for the sale of tobacco products. The penalties need to be updated to align with State guidelines. Mr. Yunker stated Katie and Molly have offered to do the work to get this before Council for approval. Council needs to determine the penalty amounts and also what to do with the cap. The consensus for cap is ZERO. The penalty amounts should be at the level of State recommendations. Any higher amounts can be looked at later.

Councilmember Elnagdy suggested surveying the community to get their opinion. We should figure out what the community members want. Councilmember Doolan would be in favor of seeking input. Councilmember Randle stated he would be in favor of getting input. Councilmember Jenson suggested putting it in the quarterly newsletter requesting comments. Councilmember Doolan asked if there would be enough responses.

Mr. Yunker reminded Council that the sale of hemp-based THC beverages is tied to the tobacco licenses.

Future Work Sessions:

The next Work Session will be held on September 24, 2024 in the Council Chambers.

Future Agenda Items:

Adjournment:

The meeting adjourned at 6:51 p.m.

Respectfully submitted,
Debbie Wolfe
TimeSaver Off Site Secretarial, Inc.