



**MEMORANDUM**

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**DATE:** October 28, 2019

**TO:** Honorable Mayor and City Councilmembers

**FROM:** Dave Perrault, City Administrator

**SUBJECT:** Resolution 2019-036 Partially Suspending the Effective Date of Ordinance Regulating Sale of Tobacco Products

<b>Budgeted Amount:</b> N/A	<b>Estimated Amount:</b> N/A	<b>Funding Source:</b> N/A
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**Council Should Consider**

The Council should consider approving resolution 2019-036, this would partially suspend the effective date of the ordinance regulating sale of tobacco products.

**Background**

Arden Hills Tobacco has sued the City challenging the recent ordinance amendment prohibiting the sale of flavored tobacco products. The lawsuit does not challenge the other major provision of the ordinance, raising the legal age to purchase tobacco products to 21. The LMCIT has assigned the law firm of Greene Espel to defend the City.

As part of the lawsuit, Arden Hills Tobacco has filed a motion for a preliminary injunction to prevent the flavored tobacco prohibition from going into effect. In order to avoid unnecessary expense and delay in obtaining a ruling on the ordinance itself, defense counsel and the city attorney are recommending the City Council delay the effective date of the flavored tobacco prohibition until Ramsey County District Court issues its order or until December 31, 2020. This should allow the Court ample time to review and rule on the claim, and limits the delay in implementing the ordinance to a single license year. A resolution delaying the effective date of the flavored tobacco prohibition is provided (see Attachment A).

**Budget Impact**

N/A

**Attachment**

Attachment A: Resolution 2019-036