

LEGISLATIVE DIGEST

ORDINANCE NO. 16-0015

AN ORDINANCE OF THE CITY OF MANHATTAN BEACH AMENDING MUNICIPAL CODE CHAPTER 4.118 (PERMITS FOR RETAILERS OF TOBACCO PRODUCTS AND/OR ELECTRONIC SMOKING DEVICES) TO INCREASE THE MINIMUM AGE TO 21 CONSISTENT WITH STATE LAW

SECTION 1. Section 4.118.030 D is amended to change the required notice that it is illegal to sell tobacco products and electronic smoking devices to anyone under 21 years of age:

“D. **Notice of Minimum Age for Purchase of Tobacco Products and Electronic Smoking Devices.** Retailers shall post conspicuously, at each point of purchase, a notice stating that selling tobacco products and electronic smoking devices to anyone under ~~18~~ **21** years of age is illegal and subject to penalties. Such notice shall be subject to the approval of the City.”

SECTION 2. Section 4.118.030 H is amended to change “18” to “21” (and to add the state exception for active duty military personnel):

“H. **Flavored Tobacco Products.** No retailer shall sell a tobacco product, or any product used in an electronic smoking device, containing, as a constituent or additive, an artificial or natural flavor or an herb or spice (with the exception of mint, menthol, spearmint or wintergreen), including but not limited to strawberry, grape, orange, clove, cinnamon, pineapple, vanilla, coconut, licorice, cocoa, chocolate, cherry, or coffee, that is a characterizing flavor of the tobacco product or smoke produced by the tobacco product. The prohibition in the preceding sentence shall not apply to a retailer that permits only patrons ~~18~~ **21** years of age or older, **or active duty military personnel who are 18 years of age or older**, to enter the location where the tobacco product is sold.”

SECTION 3. Subsections 2.c. and 2.e of Section 4.118.030 (Self-Service Display Prohibited) are amended to be consistent with H above:

“c. Does not permit any person under ~~18~~ **21** years of age, **except for active duty military personnel who are 18 years of age or older**, to be present or enter the premises at any time;”

“e. Posts a sign outside the retail location that clearly, sufficiently and conspicuously informs the public that persons under ~~18~~ **21** years of age, **except for active duty military personnel who are 18 years of age or older**, are prohibited from entering the premises.”