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1 found that the availability of menthol cigarettes has an adverse impact on public health in
2 the United States and recommended removal of menthol cigarettes from the marketplace;
3 and

4 **WHEREAS**, notwithstanding the TPSAC report, the FDA has not banned
5 menthol products nor flavored non-cigarette tobacco products, such as cigars, cigarillos,
6 smokeless tobacco, hookah tobacco and electronic smoking devices (“E-Cigarettes”) and
7 the nicotine solutions used in these devices. Currently California law also does not restrict
8 the sales of these products; and

9 **WHEREAS**, states and local governments have developed educational
10 programs and media campaigns on the risks of tobacco use, offered resources to help
11 tobacco users quit, increased excise taxes on cigarettes and other tobacco products, and
12 adopted restrictions on the sale and use of tobacco products. Although these policies have
13 reduced the use of tobacco products, recent estimates suggest that 441,000 Californians
14 under 18 today will die from tobacco-related diseases²; and

15 **WHEREAS**, flavored tobacco products are considered “starter” products that
16 help establish long-term tobacco use, and they are particularly appealing to youth and
17 young adults³; and

18 **WHEREAS**, the California Department of Public Health (CDPH) has
19 published informational bulletins *The Truth About Flavored Tobacco*⁴ and *Flavored*
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22 ² Centers for Disease Control and Prevention. *Best Practices for Comprehensive Tobacco Control*
23 *Programs—2014*. U.S. Department of Health and Human Services, Centers for Disease Control and
24 Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and
Health. 2014. Available at:

25 https://www.cdc.gov/tobacco/stateandcommunity/best_practices/pdfs/2014/comprehensive.pdf.

26 ³U.S. Department of Health and Human Services. *Preventing Tobacco Use Among Youth and Young Adults:*
27 *A Report of the Surgeon General*. Atlanta, GA: U.S. Department of Health and Human Services, Centers for
28 Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion,
Office on Smoking and Health. 2012. Available at: [https://www.surgeongeneral.gov/library/reports/preventing-](https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/)
[youth-tobacco-use/](https://www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/)

⁴ California Department of Public Health. *The Truth About Flavored Tobacco* – 2018. Available at:
<https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/Policy/FlavoredTobaccoAndMenthol/FinalFlavoredTobaccoInfographic.pdf>

1 *Tobacco Products Fact Sheet*⁵, which discuss many of the issues relating to the use of
2 flavors in E-Cigarettes, including: sweet flavors (e.g. watermelon, cherry, chocolate, mint
3 and gummy bear) appeal to kids and teens; flavorings mask the harsh taste of tobacco,
4 making it easier for youth to initiate tobacco use; current marketing of flavored tobacco
5 products is targeted at youth (i.e. marketing products similar to popular candy brands, such
6 as Jolly Rancher, Kool-Aid and Life Savers; and colorful packaging and smaller, low costs
7 packages available for purchase); serious health risks from nicotine and flavored e-liquids;
8 and flavoring chemicals in E-Cigarettes have been linked to severe respiratory disease;
9 and

10 **WHEREAS**, as with other flavors, menthol appeals to young and beginning
11 smokers and makes it harder to quit smoking, according to the CDPH's information bulletin
12 *The Truth About Menthol Cigarettes*.⁶ CDPH has also found menthol is easier to inhale
13 and allows smokers to inhale more deeply, which causes harmful particles to settle deeper
14 inside the lungs. According to CDPH and the scientific community, in addition to the
15 impacts of menthol products on the youth population, there appears to be a
16 disproportionate marketing of menthol flavors to, and use by, minority groups, including
17 African Americans and LGB communities, as evidenced by the following:⁷ among adult
18 smokers in California, 18% of white cigarette smokers smoke menthol cigarettes, whereas
19 70% of African American cigarette smokers use menthol; almost 50% of LGB smokers use
20 menthol cigarettes compared to 28% of straight smokers; among Hispanic/Latino current
21 adult smokers in the US, 46% smoke menthol cigarettes; among Hispanic/Latino young
22 adult current smokers (aged 18-25) in the US from 2008 to 2010, 47.3% smoked menthol
23 cigarettes; between 2008-2010 and 2012-2014, the largest increase in menthol cigarette
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25 ⁵ California Department of Public Health. *Flavored Tobacco Products Fact Sheet* - 2016. Available at:
26 [https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEv
26 aluation/FactsandFigures/FinalFlavoredTobaccoFactSheet.pdf](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/ResearchandEvaluation/FactsandFigures/FinalFlavoredTobaccoFactSheet.pdf)

27 ⁶ California Department of Public Health. *The Truth About Menthol Cigarettes* - 2018. Available at:
28 [https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/Policy/FlavoredT
28 obaccoAndMenthol/FinalMentholInfographic.pdf](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/Policy/FlavoredTobaccoAndMenthol/FinalMentholInfographic.pdf)

⁷ Keck School of Medicine of USC, *Flavor and Menthol Tobacco Products and E-cigarettes*, May 22, 2019.

1 use among race/ethnic groups was in found in Hispanic smokers (rising 9.8%); and studies
2 have shown negative associations among menthol cigarette use and successful cessation
3 in Hispanic communities; and

4 **WHEREAS**, according to data from the Centers for Disease Control and
5 Prevention (CDC): in 2011 less than 2% of high school students (220,000) reported using
6 E-Cigarettes; in 2018, three million (3,000,000) high school students reported being current
7 users, a rise of 78% from the previous year; also in 2018, about 5% of middle school
8 students (570,000) reported using E-Cigarettes, a rise of 48% from the prior year⁸; and
9 80% of young people who have ever used tobacco started with a flavored product⁹; and

10 **WHEREAS**, data from the California Healthy Kids survey found that 14% of
11 11th graders at Culver City High School reported current E-Cigarette use. Reports from
12 teachers at the middle school cite a growing number of middle schoolers using E-
13 Cigarettes. Data from the survey of Culver City students found that almost 70% of 9th and
14 11th graders thought that E-Cigarettes were easy to obtain, and approximately 1 out of 4
15 thought that E-Cigarettes posed little health risk;¹⁰ and

16 **WHEREAS**, as recently as October 3, 2019, the CDC reported that as of
17 October 1, 2019, 1,080 lung injury cases associated with using E-Cigarette, or vaping,
18 products have been reported to CDC from 48 states and 1 U.S. territory; 18 deaths have
19 been confirmed in 15 states; and all patients have reported a history of using E-Cigarette,
20 or vaping, products¹¹; and

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22
23 ⁸ Notes from the Field: *Use of Electronic Cigarettes and Any Tobacco Product Among Middle and High School Students* — United States, 2011–2018 MMWR Weekly/November 16, 2018 / 67(45);1276–1277
https://www.cdc.gov/mmwr/volumes/67/wr/mm6745a5.htm?s_cid=mm6745a5_e

24 ⁹ Truth Initiative, 3/16/17. *Widespread use of flavored products in young tobacco users*. Available:
<https://truthinitiative.org/research/widespread-use-flavored-products-young-tobacco-users>

25 ¹⁰ City Unified School District. California Healthy Kids Survey, 2018-19: Main Report. San Francisco: WestEd
Health and Justice Program for the California Department of Education.

26 ¹¹ Centers for Disease Control and Prevention, *Outbreak of Lung Injury Associated with E-Cigarette Use, or Vaping*, posted October 3, 2019, https://www.cdc.gov/tobacco/basic_information/e-cigarettes/severe-lung-disease.html
27

1 **WHEREAS**, the City Council of the City of Culver City recognizes that
2 young people are particularly susceptible to the addictive properties of tobacco products,
3 and are particularly likely to become lifelong users; and

4 **WHEREAS**, it is the intent of the City Council of the City of Culver City to
5 provide for the public's health, safety, and welfare in part by protecting youth from
6 commencing the inherently dangerous activity of smoking, and protecting the public health
7 and safety of the general public; and

8 **WHEREAS**, the City Council of the City of Culver City finds the failure of
9 tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the
10 sale of tobacco products to persons under 21 years of age, presents a threat to the
11 community's public health, safety and welfare; and

12 **WHEREAS**, the City Council desires to encourage responsible tobacco
13 retailing and to discourage violations of tobacco-related laws, especially those which
14 prohibit or discourage the sale or distribution of tobacco products to persons under 21
15 years of age; and

16 **WHEREAS**, the City Council desires to amend certain provisions of its
17 existing tobacco retailer licensing regulations to prohibit the sale of flavored tobacco
18 products, including menthol, to further protect the community's public health, safety and
19 welfare; and

20 **WHEREAS**, the City Council hereby declares that the intent and purpose of
21 the proposed amendment to Chapter 11.15 of the Culver City Municipal Code, to prohibit
22 the sale of flavored tobacco products, including menthol, is to further protect the public
23 health, safety, and welfare and, in particular to protect children from being lured into illegal
24 activity through the misconduct of adults.

25
26 **NOW THEREFORE**, the City Council of the City of Culver City, California,
27 **DOES HEREBY ORDAIN** as follows:
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1
2 **SECTION 1.** Section 11.15.005 of Chapter 11.15 of the Culver City Municipal
3 Code is hereby amended to read as follows (underlined text denotes additions;
4 ~~strikethrough text~~ denotes deletions):

5 **§ 11.15.005 PURPOSE.**

6 In promoting the health, safety, and general welfare of its residents, the City
7 of Culver City has a substantial interest in encouraging compliance with federal,
8 State, and local laws regulating tobacco sales and use; discouraging the purchase
9 and use of tobacco products by youth; increasing compliance with laws prohibiting
10 the sale of tobacco products to youth; and in protecting children from being lured
11 into illegal activity through the misconduct of adults. In enacting this Chapter, it is
12 the intent of the City Council of the City of Culver City to encourage responsible
13 tobacco retailing and to discourage violations of tobacco-related laws, especially
14 those that prohibit or discourage the sale or distribution of tobacco and nicotine
15 product to ~~minors~~ youth, but not to expand or reduce the degree to which the acts
16 regulated by federal or State law are criminally proscribed or otherwise regulated.

17
18 **SECTION 2.** Section 11.15.010 of Chapter 11.15 of the Culver City Municipal
19 Code is hereby amended to read as follows (underlined text denotes additions;
20 ~~strikethrough text~~ denotes deletions):

21 **§ 11.15.010 DEFINITIONS.**

22 For the purposes of this Chapter, the following definitions shall
23 apply unless the context clearly indicates or requires a different meaning.

24 **CHARACTERIZING FLAVOR.** A taste or aroma, other than the taste
25 or aroma of tobacco, imparted either prior to or during consumption of a
26 Tobacco Product or any byproduct produced by the Tobacco Product,
27 including, but not limited to, tastes or aromas relating to menthol, mint,
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1 wintergreen, fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic
2 beverage, herb, or spice; provided, however, that a Tobacco Product shall
3 not be determined to have a Characterizing Flavor solely because of the use
4 of additives or flavorings or the provision of ingredient information.

5 **CONSUMER.** A Person who purchases a Tobacco Product for
6 consumption and not for Sale to another.

7 **DEPARTMENT.** The Finance Department of the City of Culver City.

8 **ELECTRONIC SMOKING DEVICE.** An electronic device that can be
9 used to deliver an inhaled dose of nicotine, or other substances, including
10 any component, part, or accessory of such a device, whether or not sold
11 separately. Electronic Smoking Device includes any such device, whether
12 manufactured, distributed, marketed, or sold as an electronic cigarette, an
13 electronic cigar, an electronic cigarillo, an electronic pipe, an electronic
14 hookah, or any other product name or descriptor.

15 **ELECTRONIC SMOKING DEVICE PARAPHERNALIA.** Cartridges,
16 cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device
17 batteries, Electronic Smoking Device chargers, and any other item specifically
18 designed for the preparation, charging, or use of Electronic Smoking Devices.

19 **FLAVORED TOBACCO PRODUCT:** Any Tobacco Product that
20 imparts a Characterizing Flavor.

21 **HOKAH:** A device used to smoke Hookah Tobacco or other
22 substances such as Flavored Tobacco Products, which typically has a head,
23 a metal body, a water bowl, and a flexible hose with a mouthpiece that people
24 put into their mouths to inhale tobacco smoke.

25 **HOKAH LOUNGE:** An establishment holding a valid Tobacco
26 Retailer License that: (i) exclusively occupies an enclosed indoor space and
27 is primarily engaged in the retail sale of Hookah Tobacco for consumption by
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1 customers on the premises; (ii) generates more than 70% of its gross
2 revenues annually from the sale of Hookah Tobacco and the rental of on-site
3 Hookahs, not including any sales from vending machines; (iii) does not sell
4 food or beverages for consumption on the premises; and (iv) prohibits entry
5 to a person that does not meet the minimum age requirement under state law
6 to purchase and possess tobacco, Tobacco Product or Tobacco
7 Paraphernalia.

8 **HOOKAH TOBACCO:** A type of combustible tobacco that is smoked
9 with a Hookah, including waterpipe tobacco, maassel, shisha, narghile, and
10 argileh.

11 **LABELING.** Written, printed, or graphic matter upon any Tobacco
12 Product or any of its Packaging, or accompanying such Tobacco Product.

13 **LITTLE CIGAR.** Any roll of tobacco other than a Cigarette wrapped
14 entirely or in part in tobacco or any substance containing tobacco and
15 weighing no more than three pounds per thousand. "Little Cigar" includes, but
16 is not limited to, Tobacco Products known or labeled as small cigar, little
17 cigar, or cigarillo.

18 **MANUFACTURER.** Any Person, including any repacker or relabeler,
19 who manufactures, fabricates, assembles, processes, or labels a Tobacco
20 Product; or imports a finished Tobacco Product for sale or distribution into the
21 United States.

22 **PACKAGE or PACKAGING.** A pack, box, carton, or container of any
23 kind or, if no other container, any wrapping (including cellophane) in which a
24 Tobacco Product is Sold or offered for Sale to a Consumer.

25 **PERSON.** Any natural person, partnership, cooperative association,
26 corporation, personal representative, receiver, trustee, assignee, or any other
27 legal entity.

1 **PROPRIETOR.** A person with an ownership or managerial interest in
2 a business. An ownership interest shall be deemed to exist when a person
3 has a ten percent (10%) or greater interest in the stock, assets, or income of
4 a business other than the sole interest of security for debt. A managerial
5 interest shall be deemed to exist when a person can or does have or share
6 ultimate control over the day-to-day operations of a business.

7 **SALE or SELL.** Any transfer, exchange, barter, gift, offer for sale, or
8 distribution for a commercial purpose, in any manner or by any means
9 whatsoever.

10 **SELF-SERVICE DISPLAY.** The open display of Tobacco Products or
11 Tobacco Paraphernalia in a manner that is physically accessible in any way
12 to the general public without the assistance of the Tobacco Retailer or
13 employee of the Tobacco Retailer and a direct person-to-person transfer
14 between the purchaser and the Tobacco Retailer or employee of the Tobacco
15 Retailer. A Vending Machine is a form of Self-Service Display.

16 **TOBACCO PARAPHERNALIA.** Any item designed or marketed for
17 the consumption, use, or preparation of Tobacco Products. "Tobacco
18 Paraphernalia" includes Electronic Smoking Device Paraphernalia. Cigarette
19 papers or wrappers, pipes, holders of smoking materials of all types, cigarette
20 rolling machines, and any other instrument or paraphernalia designed for the
21 smoking, preparation, storing, ingestion or consumption of Tobacco Products.
22 For purposes of this Chapter, Tobacco Paraphernalia includes an Electronic
23 Smoking Device and Electronic Smoking Device Paraphernalia.

24 **TOBACCO PRODUCT.**

- 25 1. Any product containing, made, or derived from tobacco or nicotine
26 that is intended for human consumption, whether smoked, heated,
27 chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested

1 by any other means, including, but not limited to a cigarette, cigar,
2 little cigar, chewing tobacco, pipe tobacco, snuff, snus and Hookah
3 Tobacco; and

4 2. Any Electronic Smoking Device, as defined in this Section
5 11.15.010, and any substances that may be aerosolized or
6 vaporized by such device, whether or not the substance contains
7 nicotine.

8 3. Notwithstanding the definitions set forth in subsections 1 and 2 to
9 the contrary, "Tobacco Product" includes any component, part, or
10 accessory of subsections 1 and 2, whether or not any of these
11 contains tobacco or nicotine, including but not limited to filters,
12 rolling papers, blunt or hemp wraps, hookahs, and pipes.

13 4. "Tobacco Product" does not include drugs, devices, or combination
14 products authorized for sale by the United States Food and Drug
15 Administration, as those terms are defined in the Federal Food,
16 Drug and Cosmetic Act.

17 ~~Any substance containing tobacco leaf, including but not limited to cigarettes,~~
18 ~~cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping~~
19 ~~tobacco, bidis, or any other preparation of tobacco; and any product or~~
20 ~~formulation of matter containing biologically active amounts of nicotine that is~~
21 ~~manufactured, sold, offered for sale, or otherwise distributed with the~~
22 ~~expectation that the product or matter will be introduced into the human body.~~
23 ~~Except as otherwise provided herein, Tobacco Product does not include any~~
24 ~~product specifically approved by the United States Food and Drug~~
25 ~~Administration for use in treating nicotine or tobacco dependence. For~~
26 ~~purposes of this Chapter, Tobacco Product includes an Electronic Smoking~~
27 ~~Device and Electronic Smoking Device Paraphernalia.~~
28

1 **TOBACCO RETAILER.** Any Person person who Sells sells, offers for
2 Sale sale, or ~~exchanges~~ or does or offers to exchange for any form of
3 consideration, ~~in public view~~, tobacco, Tobacco Products or Tobacco
4 Paraphernalia.

5 **TOBACCO RETAIL ESTABLISHMENT.** A fixed location at which
6 tobacco, Tobacco Products and/or Tobacco Paraphernalia is sold, offered for
7 sale, exchanged or offered for exchange for any form of consideration.

8 **TOBACCO RETAILING** The Selling selling, offering for Sale sale, or
9 exchanging or offering to exchange for any form of consideration, ~~in public~~
10 ~~view~~, tobacco, Tobacco Products or Tobacco Paraphernalia. Any person
11 who distributes free or low cost samples of tobacco, Tobacco Products or
12 Tobacco Paraphernalia shall be deemed to be a Tobacco Retailer under this
13 Chapter. This definition is without regard to the quantity of Tobacco Products
14 or Tobacco Paraphernalia sold, offered for Sale, exchanged, or offered for
15 exchange.

16 **TOBACCO RETAILER LICENSE.** A license issued by the
17 Department authorizing a Proprietor to engage in Tobacco Retailing.

18 **TOBACCO STORE.** A retail establishment that holds a valid Tobacco
19 Retailer License and meets all of the following requirements: (i) primarily
20 sells tobacco products; (ii) generates more than 70% of its gross revenues
21 annually from the sale of Tobacco Products and Tobacco Paraphernalia; (iii)
22 prohibits any person that does not meet the minimum age requirement under
23 state law to purchase and possess tobacco, Tobacco Product or Tobacco
24 Paraphernalia on the premises at any time; and (iv) does not sell food or
25 beverages for consumption on the premises.

26 **VENDING MACHINE.** A machine, appliance, or other mechanical
27 device operated by currency, token, debit card, credit card, or any other form
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1 of payment that is designed or used for vending purposes, including, but not
2 limited to, machines or devices that use remote control locking mechanisms.

3
4 **SECTION 3.** Section 11.15.015 of Chapter 11.15 of the Culver City Municipal
5 Code is hereby amended to read as follows (underlined text denotes additions;
6 ~~strikethrough text~~ denotes deletions):

7 **§ 11.15.015 LICENSE REQUIREMENTS AND PROHIBITIONS.**

8 A. License Required. No person shall operate as a Tobacco
9 Retailer or engage in Tobacco Retailing without first obtaining and
10 maintaining a valid Tobacco Retailer License pursuant to this Chapter for
11 each Tobacco Retail Establishment.

12 B. Display of License. Each Tobacco Retailer license shall be
13 conspicuously displayed at all times in a publicly visible location within the
14 licensed Tobacco Retail Establishment.

15 C. Self-Service Displays Prohibited. Tobacco Retailing by means
16 of a Self-Service Display is prohibited.

17 D. Sale of Flavored Tobacco Products Prohibited.

18 1. It shall be a violation of this Chapter for any Tobacco
19 Retailer or any of the Tobacco Retailer's agents or employees to Sell
20 or offer for Sale, or to possess with intent to Sell or offer for Sale, any
21 Flavored Tobacco Product.

22 2. There shall be a rebuttable presumption that a Tobacco
23 Retailer in possession of four or more Flavored Tobacco Products,
24 including, but not limited to, individual Flavored Tobacco Products,
25 Packages of Flavored Tobacco Products, or any combination thereof,
26 possesses such Flavored Tobacco Products with intent to Sell or offer
27 for Sale.
28

1 3. There shall be a rebuttable presumption that a Tobacco
2 Product is a Flavored Tobacco Product if a Tobacco Retailer,
3 Manufacturer, or any employee or agent of a Tobacco Retailer or
4 Manufacturer has:

5 a. made a public statement or claim that the
6 Tobacco Product imparts a Characterizing Flavor;

7 b. used text and/or images on the Tobacco Product's
8 Labeling or Packaging to explicitly or implicitly indicate that the
9 Tobacco Product imparts a Characterizing Flavor; or

10 c. taken action directed to Consumers that would be
11 reasonably expected to cause Consumers to believe the
12 Tobacco Product imparts a Characterizing Flavor.

13 4. This Section 11.15.015.D shall not apply to a Hookah
14 Lounge, as defined in Section 11.15.010, that has a valid Tobacco
15 Retailer License as of October 14, 2019 and continues under the
16 same ownership and control existing as of October 14, 2019.

17 a. A Hookah Lounge meeting these requirements
18 shall be considered a legal nonconforming use and subject to
19 the nonconforming use provisions set forth Title 17 of this Code.

20 b. In the event a Hookah Lounge changes ownership
21 or control, in any manner, including any change to any interest
22 in any type of business entity, the exemption granted by this
23 Section 11.15.015.D shall no longer apply.
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1 5. Any Tobacco Store that has a valid Tobacco Retailer
2 License as of October 14, 2019 shall comply with the provisions of this
3 Section 11.15.015.D on or before November 27, 2020.

4 6. Except as provided in Sections 11.15.015.D.4 and
5 11.15.015.D.5, all other Tobacco Retailers shall comply with the
6 provisions of this Section 11.15.015.D on or before May 25, 2020.

7 ~~DE.~~ Positive Identification Required. No Tobacco Retailer shall ~~sell~~
8 Sell or transfer tobacco, a Tobacco Product or Tobacco Paraphernalia, to
9 another person Person who appears to be under the age of 27 years, without
10 first examining the identification of the recipient to confirm that the recipient is
11 at least the minimum age under state law to purchase and possess the
12 tobacco, Tobacco Product or Tobacco Paraphernalia.

13 ~~EE.~~ Restrictions on Persons Selling. No Tobacco Retailer shall
14 permit any person who is younger than the minimum age established by state
15 law for the purchase or possession of tobacco, Tobacco Products or Tobacco
16 Paraphernalia, to participate in the sale of tobacco, Tobacco Products or
17 Tobacco Paraphernalia.

18 ~~FG.~~ False and Misleading Advertising Prohibited. A Tobacco
19 Retailer without a valid Tobacco Retail License or a Proprietor without a valid
20 Tobacco Retailer License, including, for example, a Person whose license
21 has been suspended or revoked:

22 1. Shall keep all tobacco, Tobacco Products and Tobacco
23 Paraphernalia out of public view. The public display of tobacco,
24 Tobacco Products and Tobacco Paraphernalia in violation of this
25 section Section 11.15.015.F.1 shall constitute Tobacco Retailing
26 without a Tobacco Retail License and a violation of Section
27 11.15.015.A of this Chapter.
28

1 2. Shall not display any advertisement relating to tobacco,
2 Tobacco Products or Tobacco Paraphernalia that promotes the sale or
3 distribution of such products from the Tobacco Retail Establishment or
4 that could lead a reasonable consumer Consumer to believe such
5 products can be obtained at the Tobacco Retail Establishment without
6 the Tobacco Retailer first obtaining and maintaining a valid Tobacco
7 Retailer License pursuant to this Chapter for each Tobacco Retail
8 Establishment at which the advertisement is displayed.

9 GH. On-Site Sales. The sale Sale of tobacco, Tobacco Products or
10 Tobacco Paraphernalia from other than a ~~fixed location~~ Tobacco Retail
11 Establishment, including but not limited to Tobacco Retailing by persons on
12 foot or from vehicles is prohibited and no Tobacco Retailer License shall be
13 issued under this Chapter to any such activity. All Sales of Tobacco Products
14 and Tobacco Paraphernalia to Consumers shall be conducted in-person at a
15 Tobacco Retail Establishment. It shall be a violation of this Section
16 11.15.015.H for any Tobacco Retailer or any of the Tobacco Retailer's agents
17 or employees to Deliver Tobacco Products or Tobacco Paraphernalia or to
18 knowingly or recklessly Sell Tobacco Products or Tobacco Paraphernalia to
19 any Person that intends to Deliver the Tobacco Product or Tobacco
20 Paraphernalia to a Consumer in the City. For purposes of this subsection,
21 "Deliver" means the commercial transfer of Tobacco Products or Tobacco
22 Paraphernalia to a Consumer at a location not licensed pursuant to this
23 Chapter.

24 I. Lawful Business Operation. In the course of Tobacco Retailing
25 or in the operation and maintenance of the Tobacco Retail Establishment, it
26 shall be a violation of this Chapter for a Tobacco Retailer Licensee, or any of
27 the licensee's agents or employees, to violate any local, state, or federal law
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1 applicable to Tobacco Products, Tobacco Paraphernalia, or Tobacco
2 Retailing.

3 HJ. *Application of State and Federal Law.* Nothing in this Chapter
4 shall be construed to grant any person obtaining and maintaining a Tobacco
5 Retailer License any status or right other than the right to act as a Tobacco
6 Retailer at the licensed Tobacco Retail Establishment in the City of Culver
7 City. Nothing in this Chapter is intended to be construed to render
8 inapplicable, supersede, or affect any other provision of applicable state or
9 federal law.

10
11 **SECTION 4.** Pursuant to Section 619 of the City Charter, this Ordinance
12 shall take effect thirty (30) days after the date of its adoption. Pursuant to Sections 616
13 and 621 of the City Charter, prior to the expiration of fifteen (15) days after the adoption,
14 the City Clerk shall cause this Ordinance, or a summary thereof, to be published in the
15 Culver City News and shall post this Ordinance or a summary thereof in at least three
16 places within the City.

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SECTION 5. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this _____ day of _____, 2019.

MEGHAN SAHLI-WELLS, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

JEREMY GREEN, City Clerk

A19-00628


CAROL A. SCHWAB, City Attorney