

One-rdg. _____
P. Hrngs. _____
Pgs. 3
Filed 06-11-19

Sponsored by Ollis, Hosmer,
Lear, and McGull

First Reading _____

Second Reading _____

COUNCIL BILL 2019- 143

GENERAL ORDINANCE _____

AN ORDINANCE

1 AMENDING the Springfield City Code, Chapter 78, 'Offenses and Miscellaneous
2 Provisions', by repealing Section 78-8, 'Purchase or possession of
3 tobacco products by persons under 18 years of age.' (Recommended by
4 Plans and Policies Committee.)
5
6

7 WHEREAS, Missouri state law, section 407.933, RSMo, prohibits those 18 years
8 of age or under from purchasing or possessing cigarettes, other tobacco products,
9 alternative nicotine products, or vapor products; and
10

11 WHEREAS, Springfield City Code section 78-8 prohibits those 18 years of age
12 from purchasing or possessing certain tobacco products but imposes more severe
13 penalties than does Missouri state law; and
14

15 WHEREAS, repealing Springfield City Code section 78-8 will resolve the
16 inconsistency between Missouri state law and the Springfield City Code and will further
17 the purposes of Tobacco 21.
18

19 NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
20 SPRINGFIELD, MISSOURI, as follows, that:
21

22 Section 1 – The Springfield City Code, Chapter 78, 'Offenses and Miscellaneous
23 Provisions,' is hereby amended by repealing Section 78-8, 'Purchase or possession of
24 tobacco products by persons under 18 years of age,' in its entirety.
25

26 (Note: Language to be deleted is ~~stricken~~.)
27

28 ~~Sec. 78-8. Purchase or possession of tobacco products by persons under 18 years of~~
29 ~~age.~~
30

31 ~~It shall be unlawful for any person under the age of 18 years to purchase or~~
32 ~~attempt to purchase or possess or attempt to possess cigarettes, cigarette tobacco,~~

33 ~~cigarette wrappers, cigars, pipe tobacco, smokeless tobacco or other tobacco~~
34 ~~products.~~

35
36 Section 2 – This Ordinance shall be in full force and effect from and after
37 passage.

38
39 Passed at meeting: _____

40
41 _____
42 Mayor

43
44 Attest: _____, City Clerk

45
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47 Filed as Ordinance: _____

48
49 Approved as to form: , Assistant City Attorney

50
51
52 Approved for Council action: , City Manager
53

EXPLANATION TO COUNCIL BILL 2019-143

FILED: 06-11-19

ORIGINATING DEPARTMENT: Health

PURPOSE: Amending the Springfield City Code, Chapter 78, 'Offenses and Miscellaneous Provisions', by repealing Section 78-8, 'Purchase or possession of tobacco products by persons under 18 years of age.' (Recommended by Plans and Policies Committee.)

BACKGROUND: Section 78-8 makes it unlawful for persons under 18 years of age to purchase or possess tobacco products. Individuals found in violation may be punished by a fine of up to \$1,000. There are several considerations for the removal of this section of code.

First, tobacco use is more common in low-income populations. A 2016 survey conducted throughout the United States revealed tobacco use rates were twice as high among individuals below the poverty level (32%), compared with individuals at more than twice the poverty level (16%). Individuals who use tobacco products are addicted to the nicotine therein. Penalties available to persons under the 18 years of age who violate section 78-8 further punish an individual struggling with addiction and is more likely to be financially vulnerable. Section 78-8 also does not include provisions for e-cigarettes or vaping products.

Second, Missouri state law, section 407.933, RSMo, already prohibits those under the age of 18 from purchasing or possessing tobacco products, alternative nicotine products, and vapor products. Penalties include confiscation of the products and, for subsequent offenses, participation may be required in tobacco education and smoking cessation programs.

Removal of Section 78-8 eliminates the financial penalties for purchase and possession under the age of 18, removing the risk of placing undue burden on youth, while still allowing law enforcement individuals to confiscate tobacco products from individuals under the age of 18.

The Plans and Policies Committee voted to send this to Council for consideration at a meeting held on May 23, 2019. Staff recommends approval.

Submitted by:

Approved by:



Clay Goddard, Director of Health



Jason Gage, City Manager