



**New Brighton City Council
Work Session Agenda
New Brighton City Hall | City Conference Room
803 Old Hwy 8 NW, New Brighton , MN 55112
5:00 PM June 23, 2026**

Members of the City Council will attend the meeting in person unless eligible to attend remotely per MN Stat. 13D.02

To participate in this meeting, members of the public may:

- **Attend the meeting in person.**
- **Watch the meeting electronically.** Tune into CTV Channel 8023 (CenturyLink) or Channel 16 (Comcast). To observe the meeting as a livestream or a webcast, visit NBMN.info/View-A-Meeting
- **Join the meeting electronically.** Members of the public who need to interact with our public officials about agenda items, City Administration, and matters that are otherwise of public concern to the City Council but are unable to or not comfortable attending the meeting in person, may join the meeting electronically at: <https://newbrightonmn.gov/zoom> (no app needed), by scanning the QR Code on the right, or by using their Zoom app to join and entering: Meeting ID 898 6240 2361, Passcode 867530



I. Work Session Item

1. Tobacco Licensing and Regulation Discussion



Agenda Section:	Work Session Item
Meeting Date:	June 23, 2026

REQUEST FOR COUNCIL CONSIDERATION – EXECUTIVE SUMMARY

ITEM DESCRIPTION: Tobacco Licensing and Regulation Discussion

Action Requested: <u>Discussion</u>
Form of Action: <u>N/A or Other</u>
Votes Needed: <u>N/A</u>

Summary Statement:	<p>The City Council held several discussions related to tobacco licensing and regulations throughout 2023, culminating in the passage of Ordinance 899, which went into effect January 29, 2024. During those discussions, the City Council expressed interest in revisiting this topic to assess the effectiveness of the ordinance and to explore additional regulatory options.</p> <p>In November 2025, a high school student representing the Non-Smokers Alliance Student Action Team addressed the City Council, urging consideration of several measures, including a ban on flavored tobacco products, minimum pricing requirements for cigarettes, pouches, and vapes, reducing the license cap to zero, and other regulatory measures being adopted by peer cities.</p>
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Recommendations:	Provide feedback and direction to staff.
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Applicable Deadlines:	NA
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Community Impact:	Tobacco use is one of the leading causes of preventable illness and death in the United States, with well-documented impacts on community health
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and healthcare costs. Additionally, research shows that the tobacco industry has a long history of deliberately targeting youth and BIPOC communities through concentrated marketing, higher retailer density, and product placement strategies. Regulatory measures such as flavored tobacco bans, minimum pricing, and reduced retailer density directly counter these targeting strategies and represent meaningful steps toward health equity for all residents.

Legislative History:	<ul style="list-style-type: none"> • January 24, 2023: Council approved a one-year moratorium prohibiting new licenses and transfers • October 10, 2023: City Council Work Session ordinance discussion • January 23, 2024: Public hearing & approval of Ordinance 899 which contained a cap through attrition of Tobacco Products Shop licenses, a sampling ban, and zoning restrictions for any new licenses regarding proximity to youth-oriented facilities • January 29, 2024: Ord. 899 went into effect • November 25, 2025: Irondale Student representing the Non-Smokers Alliance Student Action Team addressed the City Council
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Strategic Priority:	<u>N/A</u>
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Fiscal Impact:	Financial Consideration?	<u>No</u>
	Revenue/Expenditure Amount:	\$
	Financing Source:	<u>N/A</u>
	Notes:	

Attachments:	<table border="1"> <tr> <td style="width: 50px;">1.</td> <td>Presentation</td> </tr> </table>	1.	Presentation
1.	Presentation		



Commercial Tobacco Licensing

Devin Massopust, City Manager
Terri Spangrud, City Clerk
June 23, 2026 City Council Work Session



Tonight's Agenda

- Looking back
- Where we are now
 - Impacts of Ordinance 899: Commercial Tobacco Licensing
 - Current stats
 - Licensing process and tools
- Looking forward
- Feedback and direction

Looking Back

- **January 24, 2023:** Council approved one year moratorium prohibiting new licenses and transfers
- **October 10, 2023:** City Council Work Session ordinance discussion
- **January 23, 2024:** Public hearing & approval of Ordinance 899
- **January 29, 2024:** Ord. 899 went into effect
- **November 25, 2025:** Irondale Student representing the Non-Smokers Alliance Student Action Team addressed the City Council

Observed Impacts of Ordinance 899

		+	-
Capping	Limit number of licenses	+ 33.3% Reduction in number of standalone Tobacco products shops + Appears to increased resale value of businesses	- Limits expansion opportunities for existing businesses - 5 potential new businesses have been turned away
De-cluster	Restrict retailers from operating near each other	+ Some licensees have expressed favorable views of this regulation.	- Not included in Ord. 899
Proximity	Restricts sales location, such as away from youth-oriented facilities	+ Policy does not affect existing license holders.	- No new licenses have been available, so untested
Store-specific or product specific	Prohibit specific types of retailers or products	+ Eliminates retailers or products that target/advertise to specific demographic	- Not included in Ord. 899

Source: CDC Best Practices Tobacco where you live: Retail Strategies to Promote Health Equity
<https://www.cdc.gov/tobacco/stateandcommunity/guides/pdfs/best-practices-retail-user-guide-508.pdf>

Total Tobacco License Density

City Name	License Limits	Tobacco Lic. (All uses)	Residents per License (All uses)
White Bear Lake	10 Tobacco Shop Licenses max	24	1,037
Roseville	4 Tobacco Shop Licenses max	28	1,295
New Brighton	4 Tobacco Shop Licenses max	15	1,565
Vadnais Heights	Reducing all tobacco licenses through attrition to six	8	1,616
Fridley	5 Tobacco Shop Licenses max	18	1,643
St. Anthony Village	Zero Tobacco Shop Licenses allowed	5	1,855
Mounds View	No limits	7	1,896
Arden Hills	Zero Tobacco Shop Licenses allowed; max 6 retailer licenses allowed	5	1,977
North St Paul	7 Tobacco Shop Licenses max	6	2,061
Columbia Heights	Reducing Tobacco Shop Licenses through attrition to zero	10	2,198
Shoreview	No limits	11	2,450

*Peer City Average: 1,612 residents per license
(Average does not include New Brighton)*

Accessory Use Tobacco License Density

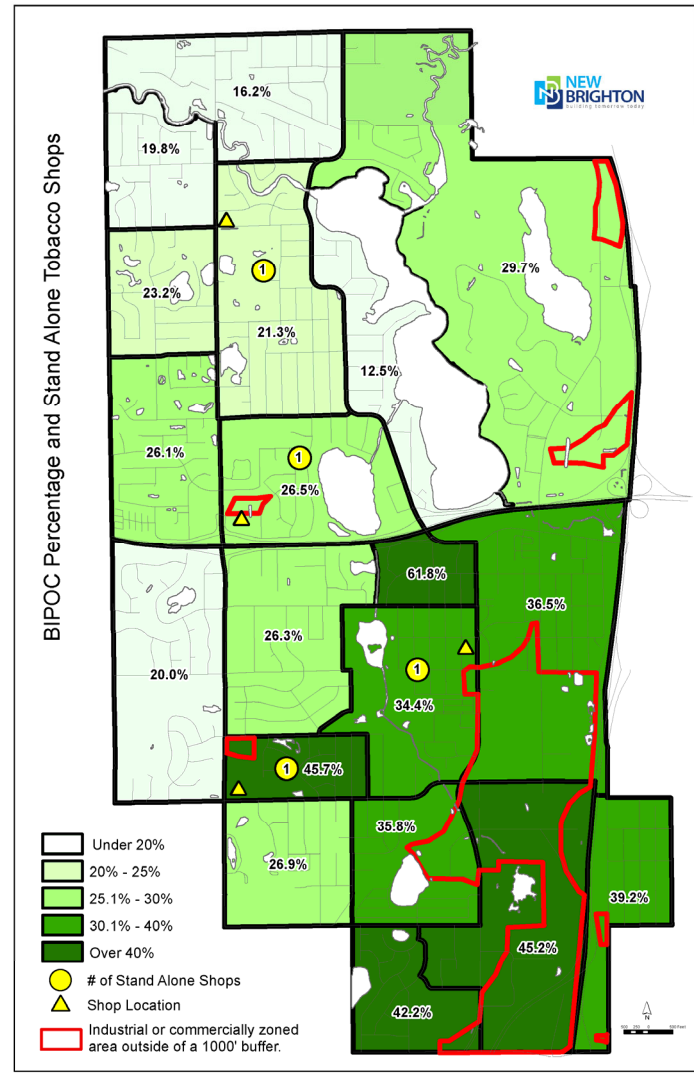
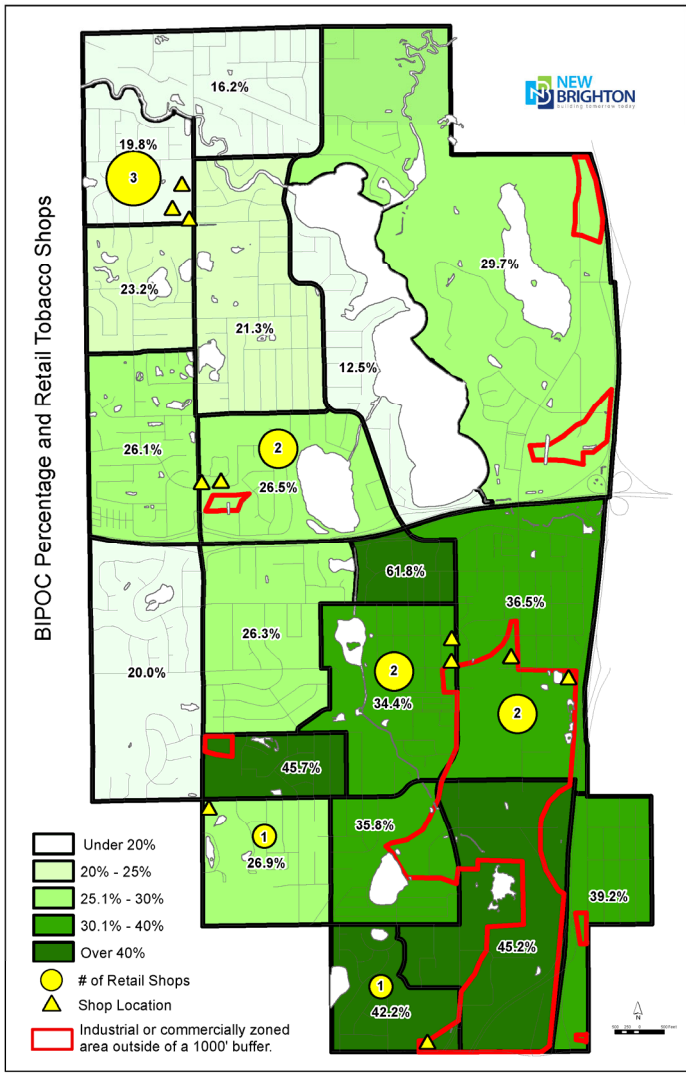
City Name	Population (2020 Census)	Accessory Use Tobacco Licenses	Pop. per Accessory Use License	Tobacco Products Shop Licenses	Pop. per Products Shop License
White Bear Lake	24,883	19	1310	5	4977
Roseville	36,251	24	1510	4	9063
Vadnais Heights	12,929	7	1847	1	12929
St. Anthony Village	9,274	5	1855	0	NA
Arden Hills	9,884	5	1977	0	NA
New Brighton	23,475	11	2134	4	5869
Mounds View	13,270	6	2212	1	13270
Fridley	29,568	13	2274	5	5914
Shoreview	26,952	10	2695	1	26952
North St Paul	12,364	4	3091	2	6182
Columbia Heights	21,978	7	3140	3	7326

*Peer city average: 1,974 residents per Accessory Use License
(New Brighton not included in averages)*

Tobacco Products Shop License Density

City Name	Population (2020 Census)	Accessory Use Tobacco Licenses	Pop. per Accessory Use License	Tobacco Products Shop Licenses	Pop. per Products Shop License
White Bear Lake	24,883	19	1310	5	4977
New Brighton	23,475	11	2134	4	5869
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Mounds View	13,270	6	2212	1	13270
Shoreview	26,952	10	2695	1	26952
Arden Hills	9,884	5	1977	0	NA
St. Anthony Village	9,274	5	1855	0	NA

*Peer city average: 8,971 residents per Tobacco Products Shop License
(New Brighton not included in averages)*



Administrative Changes Since 2023

- Updated application forms
- Waitlist process developed and implemented
- Relationship-building with license holders
 - Regular communication
 - Pro-active sharing of resources
- Joined Business Licensing Resource Group
 - 67 members from 39 local government agencies

Tobacco License Violation Process

- Staff sends a formal letter to the license holder
 - Notification of violation and penalty
 - Administrative hearing information (10-day notice required)
 - Applicant can pay fine & waive right to a hearing for 1st and 2nd offenses
 - Hearing required for all suspension and revocation actions
- Administrative hearing
 - Public meeting but not a public hearing
 - Licensee entitled to representation & presentation of evidence
 - City Council makes decision based on credible evidence
- Staff sends notice of decision

What Federal Law Regulates - Tobacco

- Exclusive authority to regulate all tobacco product standards via the FDA
- Who can manufacture & market tobacco products
- Nationwide minimum age of sale
- Requires warning labels
- Retail sale restrictions
- Advertising & Promotion Restrictions
- Enforcement of regulations for manufacturers and distributors
- Preserves the authority of state and local governments to
 - Tax products
 - Enact smoke-free laws
 - Implement reporting requirements
 - Adopt retail restrictions (including licensing retailers and limiting or prohibiting the sales of tobacco products)

What MN State Law Regulates - Tobacco

- Delegates retail licensing authority to cities & counties
- Sets minimum age of sale
- Age verification & signage requirements
- Further defines & regulates tobacco products
- Establishes minimum penalty structure for retailers
- Sets notice requirements before licensing regulation changes
- Establishes tax & distributor licensing regulations
- Collects excise taxes on tobacco products
- Sets criminal penalties for sales to minors
- Prohibits indoor smoking
- Explicitly permits cities to adopt stricter regulations than the state minimum

What Ramsey County Regulates - Tobacco

- Prohibits tobacco use on all county properties
- Further defines and regulates tobacco products
 - Includes an exemption for traditional or ceremonial tobacco used as part of an American Indian cultural practice
- Creates a 25-foot buffer around all public places & workplaces in Ramsey County
- Permits cities to adopt stricter rules
- Adopts enforcement and penalty authority for licenses issued by the County
- Issues tobacco licenses in unincorporated areas only

New Brighton's Tobacco Regulations

- Tobacco Products Shop license cap
- Sampling bans
- Violation penalties exactly as outlined in State Law
- Zoning Restrictions
 - Proximity cannot be within 1000' of a youth-oriented facility
 - Areas zoned for Industrial or Commercial uses only
- Exception for religious and cultural ceremonies
 - Similar to Ramsey County

What Peer Cities Are Doing

- **Tobacco Products Shop license caps**
- Accessory Use Tobacco license caps
- Flavored tobacco restrictions
- Discount / Coupon restrictions
- **Sampling bans**
- Minimum product prices / sizes
- **Zoning Restrictions**
 - Proximity to Youth-oriented locations
 - Proximity to other tobacco businesses
- Increased penalties for violations

Bold text = including New Brighton

What Peer Cities Are Doing

- Requirement to produce certificates of product compliance
- Two annual compliance checks
- Sale of business restrictions
- Proof of employee training program

Bold text = including New Brighton

Key Takeaways

- Ordinance 899 has reduced Tobacco Products Shops by 33%
 - Tobacco Product Shop License caps
 - Sampling ban
 - Zoning restrictions re: proximity to youth-oriented locations
- NB still has more Tobacco Products Shop Licenses per resident than 9 of 10 peer cities
- We are at the median for Accessory Use Tobacco Licenses
- Our Tobacco License Density Goal moves
 - Increase or decrease as peer cities lose or gain licenses
 - Increase or decrease as peer cities change their regulations and processes

Regulatory Authority

	Federal	State	County	New Brighton
Authority	<ul style="list-style-type: none"> - Tobacco product standards - Manufacturing standards - Authorizes States and local governments to set stricter limits with some exceptions 	<ul style="list-style-type: none"> - Licenses & regulates distributors - Collects excise taxes - Authorizes Cities to set stricter limits than minimum 	<ul style="list-style-type: none"> - Additional product types - Regulation of County licenses - Allows Cities to set stricter limits 	<ul style="list-style-type: none"> - Defined in City Code - Must meet Federal, State, & County minimums
Age	<ul style="list-style-type: none"> - Minimum age of sale 	<ul style="list-style-type: none"> - Mirrors federal minimums 	<ul style="list-style-type: none"> - Mirrors federal minimum 	<ul style="list-style-type: none"> - Mirrors federal minimum
Labeling	<ul style="list-style-type: none"> - Warning label required 	<ul style="list-style-type: none"> - Mirrors federal minimum 	<ul style="list-style-type: none"> - Mirrors federal minimum 	<ul style="list-style-type: none"> - Mirrors federal minimum
Restrictions	<ul style="list-style-type: none"> - Retail sales - Advertising & promotion 	<ul style="list-style-type: none"> - Prohibits indoor smoking - Age verification required - Signage required 	<ul style="list-style-type: none"> - Prohibits tobacco use on County properties - 25' buffer around public places & workplaces 	<ul style="list-style-type: none"> - Product shop cap - Sampling ban - Zoning restrictions
Enforcement	<ul style="list-style-type: none"> - Enforcement of regulations for manufacturers & distributors 	<ul style="list-style-type: none"> - Excise tax enforcement - Sets minimum penalties for violations - Sets administrative & criminal penalties for sale to minors 	<ul style="list-style-type: none"> - Enforcement & penalty only for County-issued licenses 	<ul style="list-style-type: none"> - Enforcement & penalty only for City-issued licenses
Licensing	<ul style="list-style-type: none"> - Delegates to State & Local governments 	<ul style="list-style-type: none"> - Delegates to Cities & Counties - Notice requirement for changes 	<ul style="list-style-type: none"> - Licenses Unincorporated areas 	<ul style="list-style-type: none"> - City issued

Next Steps

City Council feedback and direction

Guide to Making Equitable Decisions



					
<p>Consider Impacts</p> <p>What is the intended impact?</p> <p>Who will this benefit and who will it burden?</p> <p>Will this impact a specific geographic area, neighborhood, or demographic?</p> <p>How will this impact our community in the short term vs the long term?</p>	<p>Identify Decision-Makers</p> <p>What dimensions of diversity are represented by the decision-makers?</p> <p>What biases could be at play?</p> <p>Do we have enough knowledge and experience? What do we need to learn?</p> <p>How do we invite missing perspectives, experiences, and identities?</p>	<p>Engage Stakeholders</p> <p>Who is most affected? How do we engage them?</p> <p>Are there barriers that prevent meaningful engagement?</p> <p>How do we get feedback from non decision-making stakeholders?</p> <p>How will decisions be communicated?</p>	<p>Develop Strategies</p> <p>How are we advancing equity? Are we interrupting systems of oppression?</p> <p>Are we being rushed? Have we considered alternate approaches and solutions?</p> <p>What data do we need? How will it be collected, analyzed, or applied?</p> <p>Are there solutions to potential challenges (budget, support, leadership, etc.)?</p>	<p>Evaluate Outcomes</p> <p>How do we measure success?</p> <p>Does the decision continue to have the intended impact?</p> <p>Were the unintended consequences (positive/negative)?</p> <p>Do we need to revisit this to ensure a more equitable outcome?</p>	<p>Build Future Capacity</p> <p>What have we learned from the process?</p> <p>What structures, protocols, resources, etc. do we need to create?</p> <p>With whom do we need to build relationships?</p> <p>How do we ensure more perspectives are included in future decision-making?</p>