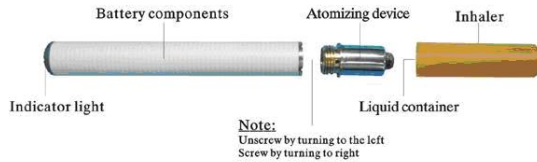


The Tobacco Modernization and Compliance Act of 2010



1. Structure of the Super Cigarette body

The Mini Electronic Cigarette body is composed of atomizing device, microcomputer controlled circuit and lithium battery components. An operating mode indicator light at tip of the battery components.



Mike Freiberg
Staff Attorney
July 29, 2010

Introduction



Public Health
Law Center

AT WILLIAM MITCHELL COLLEGE OF LAW



Mike Freiberg, J.D.
Staff Attorney, Public Health Law Center

New Products

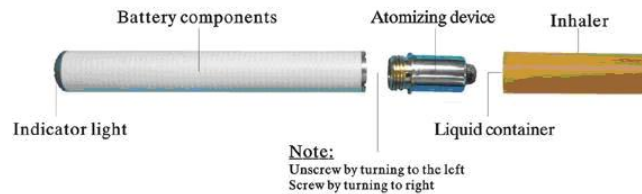
“Dissolvables”



“Electronic Cigarettes”

1. Structure of the Super Cigarette body

The Mini Electronic Cigarette body is composed of atomizing device, microcomputer controlled circuit and lithium battery components. An operating mode indicator light at tip of the battery components.



Hookah / Shisha / Water Pipes



Definition of “Tobacco Products”

OLD DEFINITION:

Subd. 19. Tobacco products. "Tobacco products" means cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include cigarettes as defined in this section.

Minn. Stat. § 297F.01, Subd. 19 (1997)

Definition of “Tobacco Products”

OLD DEFINITION:

Subd. 19. Tobacco products. "Tobacco products" means cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include cigarettes as defined in this section.

Minn. Stat. § 297F.01, Subd. 19 (1997)



Definition of “Tobacco Products”

NEW DEFINITION:

Subd. 19. Tobacco products. "Tobacco products" means any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include cigarettes as defined in this section. Tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Minn. Stat. § 297F.01, Subd. 19 (2010)

Definition of “Tobacco Products”

NEW DEFINITION:

Subd. 19. Tobacco products. "Tobacco products" means any products containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including, but not limited to, cigars; little cigars; cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking; but does not include cigarettes as defined in this section. Tobacco products excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Minn. Stat. § 297F.01, Subd. 19 (2010)



Note Regarding Little Cigars



Promotional Distribution

Sec. 3. Minnesota Statutes 2008,
section 325F.77, subdivision 4, is
amended to read:

Subd. 4. **Prohibition.** No person shall
distribute smokeless tobacco products or
cigarettes, cigars, pipe tobacco, or other
tobacco products ~~suitable for smoking as~~
defined in section 297F.01, subdivision
19, except that single serving samples of
tobacco may be distributed in tobacco
stores.

Youth Access

- Criminal and Civil Penalties
- License needed from city, town, or county to sell:
 - Any tobacco product
 - “Tobacco-Related Devices” (pipes or rolling papers)
- Penalties for licensees, other sellers, minors
- Compliance checks required once per year
- Defense to rely in good faith on ID

Self-Service of Tobacco Products

Sec. 10. Minnesota Statutes 2008, section 461.18, subdivision 1, is amended to read:

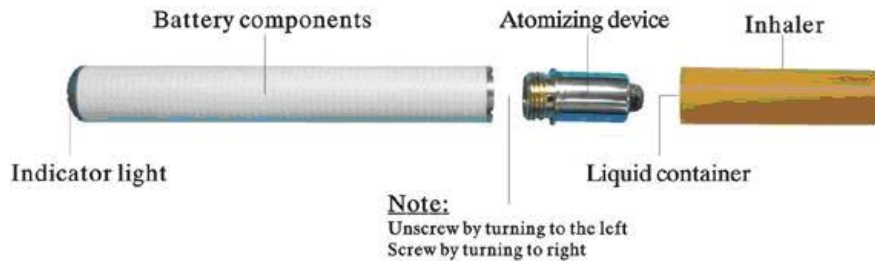
Subdivision 1. **Except in adult-only facilities.** (a) No person shall offer for sale ~~single packages of cigarettes or smokeless tobacco~~ or tobacco-related devices, as defined in section 609.685, subdivision 1, in open displays which are accessible to the public without the intervention of a store employee ...

Nicotine Delivery Products

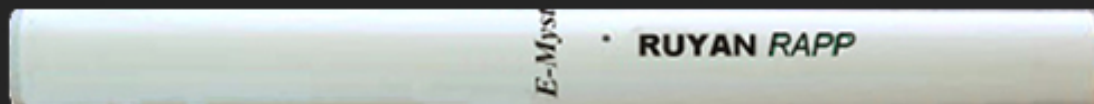
- Illegal to sell nicotine or lobelia delivery device to a minor, unless it has been approved by the FDA for medical purposes

1. Structure of the Super Cigarette body

The Mini Electronic Cigarette body is composed of atomizing device, microcomputer controlled circuit and lithium battery components. An operating mode indicator light at tip of the battery components.



THE RUYAN RAPP® E-Mystick®



Questions?

The Public Health Law Center
875 Summit Avenue
Saint Paul, Minnesota 55105
Tel: (651) 290-7506
Direct: (651) 290-7517
Fax: (651) 290-7515

<http://www.publichealthlawcenter.org/>
michael.freiberg@wmitchell.edu

The Public Health Law Center provides information and technical assistance on issues related to tobacco and public health. The Public Health Law Center does not provide legal representation or advice. This presentation should not be considered legal advice or a substitute for obtaining legal advice from an attorney who can represent you. If you have specific legal questions, we recommend that you consult with an attorney familiar with the laws of your jurisdiction.