



**City of Missoula, Montana**  
**Item to be Referred to City Council Committee**

**Committee:** Public Safety and Health

**Item:** Proposal to regulate tobacco sales and prohibit the sale of flavored tobacco products

**Date:** September 24, 2020

**Sponsor(s):** Mirtha Becerra;#484;#Gwen Jones;#489;#Stacie Anderson;#482;#Heidi West;#491;#Julie Merritt

**Prepared by:** Marty Rehbein, Legislative Services Director

**Ward(s) Affected:**

<input type="checkbox"/> Ward 1	<input type="checkbox"/> Ward 4
<input type="checkbox"/> Ward 2	<input type="checkbox"/> Ward 5
<input type="checkbox"/> Ward 3	<input type="checkbox"/> Ward 6
<input checked="" type="checkbox"/> All Wards	<input type="checkbox"/> N/A

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**Action Required:**  
Consider ordinance

**Recommended Motion(s):**

October 5, 2020:

I move the City Council: [First reading and preliminary adoption] Set a public hearing on October 5, 2020 and preliminarily adopt an ordinance of the Missoula City Council creating Title 8, Chapter 8.38 Missoula Municipal Code entitled "Restrictions on the Display of Tobacco Products and the Sale of Flavored Tobacco Products."

October 26, 2020:

(Adopt/Deny) an ordinance of the Missoula City Council creating Title 8, Chapter 8.38 Missoula Municipal Code entitled "Restrictions on the Display of Tobacco Products and the Sale of Flavored Tobacco Products."

**Timeline:**

Referral to committee:	June 22, 2020
Committee discussion:	June 24 or July 1, 2020, September 30, 2020
Council action (or sets hearing):	October 5, 2020
Public Hearing:	October 19, 2020
Final Consideration:	October 26, 2020
Deadline:	n/a

**Background and Alternatives Explored:**

On February 20, 2020, the City County Health Board adopted a resolution urging the City Council and County Commissioners to reduce youth access to and use of nicotine containing products to protect health. The board's resolution is attached to this agenda item.

The production and consumption of flavored tobacco products has increased exponentially in the past few years. E-cigarette use among U.S. high school students increased 135% from 2017 to 2019.2 Altogether, a staggering 5.3 million middle and high school students now use e-

cigarettes. In Montana, 58 percent of high school students have tried e-cigarettes and 30.2 percent use them regularly.

In Montana, 300 kids under age 18 become new daily smokers each year. And 19,000 Montana kids now under age 18 will die prematurely due to smoking. The State of Montana, under an emergency order last October, took action to prohibit the sale of all flavored e-cigarettes in the state.

The Missoula City Council has received a community letter signed by about 80 different community members, a resolution from the Missoula Health Board asking us to take action, and most recently, the board of Providence Medical Center and Community Medical Center Board of Trustees did the same.

In response to this request, a draft ordinance has been developed for City Council adoption. This ordinance aims to:

- Protect Missoula's public health and welfare by reducing access to flavored e-cigarette tobacco products and self-service access to tobacco products to minors
- Help reduce the number of minors addicted to nicotine in Missoula.

This draft ordinance was presented to the Missoula Health Board at its August 2020 meeting and the Board voted unanimously to support its adoption by the Missoula City Council.

**Financial Implications:**

n/a

**Links to external websites:**

[Proposed Montana Department of Health and Human Services Administrative Rule](#)