

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2012-14

No. 133

AN ORDINANCE AMENDING SECTION 14-300 AND SECTION 14-303 OF ARTICLE XV OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "LICENSES - TOBACCO DEALERS."

Approved February 20, 2012

Be it ordained by the City of Providence:

SECTION 1. Section 14-300 of Article XV of Chapter 14 of the Code of Ordinances of the City of Providence is hereby amended as follows:

Sec. 14-300. Definitions.

"*Board of Licenses*" shall mean the Providence Board of Licenses as established by Sec. 1102 of the Providence Home Rule Charter of 1980.

"*Compliance check violation*" shall mean any sale of tobacco products to a person who is less than eighteen (18) years of age.

"*Coupon*" shall mean any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

"*Listed or non-discounted price*" shall mean the higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco product is sold or offered for sale plus all applicable taxes if such taxes are not included in the stated price, and before the application of any discounts or coupons.

"*Cigarette*" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use, and consists of or contains: (1) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (2) tobacco, in any form, that is functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (3) any roll of tobacco wrapped in any substance containing

tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to or purchased by, consumers as a cigarette described in clause (1) of this definition.

"Tobacco products" shall mean any substance containing tobacco leaf, including, but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, orbs, sticks, and dissolvable tobacco products, and electronic cigarette cartridges; provided, however, that "tobacco products" shall not include any product that has been approved by the United States Food and Drug Administration for use as a medical treatment to reduce and eliminate nicotine or tobacco dependence.

"Vending machines" shall mean any mechanical, electric or electronic self service device which, upon insertion of money, tokens, or any other form of payment, dispenses tobacco products.

SECTION 2. Section 14-303 of Article XV of Chapter 14 of the Code of Ordinances of the City of Providence is hereby amended as follows:

Sec. 14-303. Prohibitions applicable to license holders, their employees and agents.

A person who holds a license issued under this article, or any employee or agent of same, is prohibited from selling, distributing, delivering, offering for sale, or giving away, or possessing with the intention of selling, distributing, delivering, offering for sale, or giving away tobacco products within the city to any individual that is under eighteen (18) years of age, whether said tobacco is sold, distributed or delivered in person or via vending machine.

A person who holds a license issued under this article, or any employee or agent of same, is prohibited from selling as a single cigarette sale, or as a sale of cigarettes by the individual piece, known as "loosies."

No person who holds a license issued under this article, nor any employee or agent of same, shall:

- (1) accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any tobacco products without charge or for less than the listed or non-discounted price; or

(2) accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer to accept or redeem any coupon that provides any cigarettes without charge or for less than the listed or non-discounted price; or

(3) sell tobacco products to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any tobacco products without charge or for less than the listed or non-discounted price in exchange for the purchase of any other tobacco product; or

(4) sell cigarettes to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any cigarette without charge or for less than the listed or non-discounted price in exchange for the purchase of any other cigarette.

SECTION 3. This Ordinance shall take effect March 1, 2012.

IN CITY COUNCIL
JAN 03 2012
FIRST READING
READ AND PASSED
[Signature] CLERK

IN CITY COUNCIL
FEB 17 2012
FINAL READING
READ AND PASSED
[Signature] PRESIDENT
[Signature] ACTING CLERK

I HEREBY APPROVE.
[Signature]
Mayor
Date: 2/20/12