From:	Marty Rehbein
To:	Grp. City Council and City Web Site
Subject:	FW: Clarification re provisions for Youth Tobacco Ordinance
Date:	Monday, October 26, 2020 12:59:18 PM

From: John Engen
Sent: Monday, October 26, 2020 12:59:16 PM (UTC-07:00) Mountain Time (US & Canada)
To: Jim Nugent
Cc: Marty Rehbein; Dept. Mayors Office; Dept. City Clerk; Dept. Attorney; Gwen Jones
Subject: Re: Clarification re provisions for Youth Tobacco Ordinance

Thanks, Counselor.

--
John Engen
Mayor
City of Missoula
435 Ryman Street
Missoula, Montana 59801
jengen@ci.missoula.mt.us
Office: 406-552-6001

On Oct 26, 2020, at 9:44 AM, Jim Nugent <NugentJ@ci.missoula.mt.us> wrote:

CONFIDENTIAL PRIVILEGED ATTORNEY CLIENT COMMUNICATION!!!!
MAYOR and MARTY:

See last sentence of Gwen Jones's email below. It appears that some city council members intend to propose amendments to the proposed flavored tobacco ordinance; but expect that it will be being considered next week, rather than tonight. It is listed under final consideration tonight. In light of all the public comment that has been occurring on this proposal, you might want to clarify when the city council desires to consider the ordinance pursuant to final consideration .

JIM NUGENT
CONFIDENTIAL PRIVILEGED ATTORNEY CLIENT COMMUNICATION!!!!!!

From: Jim Nugent
Sent: Monday, October 26, 2020 8:05 AM
To: Gwen Jones <GJones@ci.missoula.mt.us>
Cc: Mirtha Becerra <MBecerra@ci.missoula.mt.us>; Stacie Anderson <SAnderson@ci.missoula.mt.us>
Subject: RE: Clarification re provisions for Youth Tobacco Ordinance

CONFIDENTIAL PRIVILEGED ATTORNEY CLIENT COMMUNICATION!!!

GWEN:

In response to you inquiries:

(1) The city could write ordinance language prohibiting any adult from buying, giving or otherwise providing specific products to minors, or those under age 21, depending on the product. Could be drafted similar to section 45-5-623 MCA UNLAWFUL TRANSACTIONS WITH CHILDREN.
(2) City ordinance language pertaining to flavored tobacco products, e cigarettes, etc.; could be patterned after the statutory language set forth in section 45-5-637 MCA.

As city council members consider what revisions they may propose, you should feel free to make inquiries for review assistance.

JIM NUGENT

From: Gwen Jones <GJones@ci.missoula.mt.us>
Sent: Saturday, October 24, 2020 3:41 PM
To: Jim Nugent <NugentJ@ci.missoula.mt.us>
Cc: Mirtha Becerra <MBecerra@ci.missoula.mt.us>; Stacie Anderson <SAnderson@ci.missoula.mt.us>
Subject: Clarification re provisions for Youth Tobacco Ordinance

Hi Jim - I had a few questions.

First, I like the idea of not citing to MCA 45-5-637, which outlines how it is unlawful for a person under the age of 18 (should be 21 per federal law) to possess, consume or purchase tobacco products, alternative nicotine products or vapor products, etc. I think we can just cite to it and also repeat it verbatim...perhaps need to reference our own vape products definitions.

Second, my big question is regarding the idea of punishing the "middleman" - someone over 21 who buys the vape product, then either gives or sells it someone under 21. You cited 45-5-623 - but I am having hard time understanding how that section would apply to these vape products.

So do we either write our own section, which parallels this section, but inserts the vape product definition? If so, that is fine, I will draft it up.
Or does this section somehow cover this issue? It seems to address alcohol and drugs, both prescribed and illegal...when I look at the definitions section, I see no reference to tobacco products.
Or, is there yet another section that we have not yet looked at that does address the issue of the tobacco product middleman?

Thank you for any help you can give. We are aiming to attach a completely revised draft of this ordinance to the agenda when it is published on Oct. 30, so are trying to get as much done as possible quickly, as many others will need to review it and provide input...i.e. Health Dept, Marty, you, etc.! Thanks so much, -Gwen

Gwen Jones
Ward 3 City Councilwoman
606 Woodford St., Missoula, MT 59801
406 549-3295

Note: All emails to and from this address are in the public domain.