

COMPARED VERSION  
NEW ORDINANCE TO CODE BOOKS

ORDINANCE NO. 240897

Amending Chapter 20, Code of Ordinances, entitled “Cigarettes,” by renaming it “Tobacco and Nicotine;” repealing Sections 20-1 and 20-18 and replacing them with sections of like number and subject matter; enacting a new Section 20-4, “Sale or distribution of flavored products prohibited,” and new Section 20-5, “Medical and recreational marijuana exempt;” and amending Chapter 50, Code of Ordinances, by repealing Section 50-235 and replacing it with a section of like number and subject matter for the purpose of prohibiting the sale of flavored tobacco, nicotine, and vapor products within the City.

WHEREAS, scientific review by the Tobacco Products Scientific Advisory Committee (TPSAC) and the U.S. Food and Drug Administration (FDA) found marketing of menthol cigarettes likely increases the prevalence of smoking among the entire population, and especially among youth, African Americans, and possibly Hispanic and Latino individuals; and

WHEREAS, 16.8% of adults in Missouri smoke; and

WHEREAS, 19.3% of Missouri high school students report currently using e-cigarettes; and

WHEREAS, although smokers are most likely to use electronic smoking devices such as e-cigarettes, almost a third of current users are nonsmokers, suggesting that e-cigarettes contribute to primary nicotine addiction and to the renormalization of tobacco use; and

WHEREAS, youth reported product flavoring as a top reason for using tobacco within the past 30 days; and

WHEREAS, by adding menthol and other flavorings to tobacco and nicotine products, companies mask the natural harshness and taste of such products, and therefore make it easier to use, harder to quit, and more appealing to youth and new users; and

WHEREAS, the addition of menthol and other flavorings to tobacco and nicotine products increases the risk of addiction for youth;

WHEREAS, the long-term health effects of cigarettes, alternative nicotine products, vapor products, and non-nicotine vapor products have been linked to serious health issues, including, but not limited to, cancer, stroke, asthma, pulmonary disease, and cardiovascular disease; and

WHEREAS, Kansas City seeks to protect the public health and welfare by reducing accessing to flavored tobacco and alternative nicotine products, making it easier to quit and more difficult to start; NOW, THEREFORE

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 20, Code of Ordinances of the City of Kansas City, is hereby amended by changing the title of said chapter to “Tobacco and Nicotine.”

Section 2. That Chapter 20, Code of Ordinances of the City of Kansas City, is hereby amended by repealing Section 20-1, Definitions, and Section 20-18, Penalty for violation of chapter, and enacting in lieu thereof new sections of like name, number, and subject matter, enacting a new Section 20-4, entitled “Sale or distribution of flavored products prohibited,” and Section 20-5, entitled “Medical and recreational marijuana exempt,” to read as follows:

### Sec. 20-1. Definitions

\_\_\_\_\_ The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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\_\_\_\_\_ *Alternative nicotine product* means ~~any~~ non-combustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, or ingested by any other means. ~~Alternative nicotine product does not include any vapor product, tobacco product, or any other~~ product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

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\_\_\_\_\_ ~~Cigarettes~~ *Cigarette* means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

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\_\_\_\_\_ *Flavored alternative nicotine product* means any alternative nicotine product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption or use of an alternative nicotine product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, fruit, dessert, alcoholic beverage, herb, or spice. An alternative nicotine product shall be presumed to be a flavored alternative nicotine product if a retailer, manufacturer, or the agent or employee of a retailer or manufacturer has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device imparts a distinguishable taste or smell other than the taste or smell of tobacco or uses text, images, or coloring on the alternative nicotine product’s labeling or packaging to explicitly or implicitly indicate that the alternative nicotine product imparts a taste or smell other than the taste or smell of tobacco.

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\_\_\_\_\_ *Flavored non-nicotine vapor product* means any non-nicotine vapor product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption or use of a non-nicotine vapor product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate,

cocoa, vanilla, honey, or any candy, fruit, dessert, alcoholic beverage, herb, or spice. An alternative nicotine product shall be presumed to be a flavored non-nicotine vapor product if a retailer, manufacturer, or the agent or employee of a retailer or manufacturer has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device imparts a distinguishable taste or smell other than the taste or smell of tobacco or uses text, images, or coloring on the non-nicotine vapor product's labeling or packaging to explicitly or implicitly indicate that the non-nicotine vapor product imparts a taste or smell other than the taste or smell of tobacco.

*Flavored tobacco product* means any tobacco product that imparts a taste or smell, other than the taste or smell of tobacco, that is distinguishable by an ordinary consumer either prior to, or during the consumption of, a tobacco product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, fruit, dessert, alcoholic beverage, herb, or spice. A tobacco product shall be presumed to be a flavored tobacco product if a retailer, manufacturer, or the agent or employee of a retailer or manufacturer has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device imparts a distinguishable taste or smell other than the taste or smell of tobacco or uses text, images, or coloring on the tobacco product's labeling or packaging to explicitly or implicitly indicate that the tobacco product imparts a taste or smell other than the taste or smell of tobacco.

*Flavored vapor product* means any vapor product that imparts a taste or smell, other than the taste or smell of tobacco that is distinguishable by an ordinary consumer either prior to, or during the use of a vapor product, including, but not limited to, any taste or smell relating to menthol, mint, wintergreen, chocolate, cocoa, vanilla, honey, or any candy, fruit, dessert, alcoholic beverage, herb, or spice. A vapor product shall be presumed to be a flavored vapor product if a retailer, manufacturer, or the agent or employee of a retailer or manufacturer has made a statement or claim directed to consumers or the public, whether expressed or implied, that the product or device imparts a distinguishable taste or smell other than the taste or smell of tobacco or uses text, images, or coloring on the vapor product's labeling or packaging to explicitly or implicitly indicate that the vapor product imparts a taste or smell other than the taste or smell of tobacco.

*Flavor enhancer* means any product designed, manufactured, produced, marketed, or sold to produce a flavored tobacco product, flavored vapor product, flavored alternative nicotine product, or flavored non-nicotine vapor product when added to any tobacco product, vapor product, non-nicotine vapor product or alternative nicotine product.

*Marijuana* means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

*Marijuana accessories* means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting,

propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

*Marijuana facility* means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Missouri Department of Health and Senior Services pursuant to Article 14, Section 2 of the Missouri Constitution, but shall not include a medical facility licensed under Article 14, Section 1 of the Missouri Constitution.

*Marijuana-infused products* means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

*Medical facility* means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined Article 14, Section 1 of the Missouri Constitution, and duly licensed to operate as a medical facility by the Missouri Department of Health and Senior Services.

*Non-nicotine vapor product* means any vapor cartridge in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device that does not contain nicotine. A non-nicotine vapor product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act. For purposes of this chapter, non-nicotine vapor products shall not include vapor cartridges containing extract from the cannabis plant that is composed of no more than three-tenths percent tetrahydrocannabinol by weight, provided that the product does not contain nicotine or tobacco.

*Occupation license tax* means the tax imposed by the city under this chapter upon the business and for the privilege of selling cigarettes at retail in the city.

*Package* means a quantity of cigarettes wrapped and sealed in paper, tinfoil, or otherwise by the manufacturer of cigarettes prior to being placed in cartons for shipment from the manufacturer.

*Retail dealer* means any person other than a wholesale dealer, jobber, or manufacturer engaged in the business of selling or disposing of cigarettes, by personal handling or through a vending machine, to the ultimate consumer or agent.

*Sale* means any transfer of title or possession, or both, exchange or barter, conditional or otherwise, in any manner or by any means whatsoever, for a consideration or any agreement therefor.

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Stamp. A stamp shall not only include a small piece of paper with such printing thereon as may be prescribed by the manager of regulated industries, which, when affixed to a package of cigarettes and cancelled, shall evidence payment of the occupation tax thereon, but shall also include the impression or printing of a meter machine when used in lieu of a stamp.

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Tobacco ~~Product~~product means any substance containing tobacco leaf including but not limited to blunt wraps, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

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Vapor ~~Product~~product means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form ~~that may or may not contain nicotine.~~ Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. ~~Vapor product does not include any alternative nicotine product or tobacco product.~~

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Vending machine means a mechanical, ~~electric, or electronic, self-service~~ device ~~used for the sale and dispensing which, upon insertion of cigarettes and automatically operated by the purchaser through the deposit of coins, slugs or money, tokens, or any other form of payment, dispenses tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products.~~

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Wholesale dealer means any person authorized to sell, distribute, deliver, convey, or give away cigarettes to retail dealers or other persons in the city, for the purpose of resale only.

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#### **Sec. 20-4. Sale or distribution of flavored products prohibited.**

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No person shall sell, offer, deliver, or display any flavored tobacco products, flavored alternative nicotine products, flavored vapor products, flavored non-nicotine vapor products, or vapor enhancers within the city.

#### **Sec. 20-5. Medical and recreational marijuana exempt.**

Nothing in this section shall be construed to regulate the sale or distribution of marijuana, marijuana-infused products, or marijuana accessories at a medical facility or marijuana facility duly licensed by the State of Missouri and authorized by the Missouri Department of Health and Senior Services to sell or distribute marijuana, marijuana-infused products, and marijuana accessories at such medical facility or marijuana facility.

#### **Sec. 20-18. Penalty for violation of chapter.**

Any person found guilty of violating any of the provisions of sections ~~20-2, 20-3, 20-6~~ 20-2, 20-3, 20-4, 20-6 through 20-11, and ~~20-13, 20-13~~, inclusive, shall be punished by imprisonment not to exceed 180 days or by a fine of not less than \$100.00 nor more than \$1,000.00, or by both ~~such~~ imprisonment and fine. Pursuant to ~~section 20-8~~ section 20-8 of this chapter, the manager of regulated industries may also suspend for a period not to exceed 90 days or revoke the permit or license of any such person convicted of such an ordinance violation.

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Section 3. That Chapter 50, Code of Ordinances of the City of Kansas City, is hereby amended by repealing Section 50-235, Sale or distribution of tobacco products, rolling papers, alternative nicotine products or vapor products to those under the age of 21; possession by those under the age of 18, and replacing it with a section of like number and subject matter, entitled "Sale or distribution of tobacco products, rolling papers, alternative nicotine products, vapor products, or non-nicotine vapor products to those under the age of 21," to read as follows:

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**Sec. 50-235. - Sale or distribution of tobacco products, rolling papers, alternative nicotine products, vapor products, or non-nicotine vapor products to those under the age of twenty-one; ~~possession by those under the age of eighteen.~~**

~~(a)~~ *Definitions.* As used in this section, the following terms shall mean:

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(1) Alternative nicotine product means any non-combustible product containing nicotine that is intended for human consumption whether chewed, absorbed, dissolved, or ingested by any other means. ~~Alternative nicotine product does not include any vapor product, tobacco product or any product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.~~

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(2) ~~(2)~~ Blunt wrap means an individual tobacco wrapper, by whatever name known, that is designed to be sold to the public and is made wholly or in part from tobacco, including reconstituted tobacco, whether in the form of a tobacco leaf, sheet, or tube.

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(3) ~~(3)~~ Distribute means a conveyance to the public by sale, barter, gift or sample.

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(4) ~~(4)~~ Marijuana means Cannabis indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products. "Marijuana" does not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

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(5) Marijuana accessories means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing,

packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

(6) *Marijuana facility* means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the Missouri Department of Health and Senior Services pursuant to Article 14, Section 2 of the Missouri Constitution, but shall not include a medical facility licensed under Article 14, Section 1 of the Missouri Constitution.

(7) *Marijuana-infused products* means products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

(8) *Medical facility* means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined Article 14, Section 1 of the Missouri Constitution, and duly licensed to operate as a medical facility by the Missouri Department of Health and Senior Services.

(9) *Non-nicotine vapor product* means any vapor cartridge in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device that does not contain nicotine. A non-nicotine vapor product does not include drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act

(10) *Person* means an individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, department or bureau of the state or federal government, or any other legal entity which is recognized by law as the subject of rights and duties.

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(11) ~~(5)~~ *Proof of age* means a driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid.

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(12) ~~(6)~~ *Rolling papers* means paper designed, manufactured, marketed, or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokable cigarette.

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~~(13)~~ ~~(7)~~ *Sample* means a product distributed to members of the general public at no cost for product promotional purposes.

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~~(14)~~ ~~(8)~~ *Tobacco ~~products~~product* means any substance containing tobacco leaf, including, but not limited to, blunt wraps, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

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~~(9)~~ *Under direct supervision* means in the plain vision of an employee or owner of a retail business during regular business hours.

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~~(15)~~ ~~(10)~~ *Vapor Product* means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from a solution or other form ~~that may or may not contain nicotine.~~ Vapor product includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. Vapor product does not include any alternative nicotine product or tobacco product.

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~~(16)~~ ~~(11)~~ *Vending machine* means ~~any~~ mechanical electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses ~~products.~~ tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products.

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~~(b)~~ ~~(b)~~ *Required sign stating violation of law to sell tobacco to persons under age 21; display of sign required on tobacco displays and vending machines; control of tobacco products.*

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~~(1)~~ ~~(1)~~ The owner of an establishment at which tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products are sold and on every vending machine where tobacco products, alternative nicotine products, vapor products, or non-nicotine vapor products are purchased a sign that shall:

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a. Contain in red lettering at least one-half-inch high on a white background the following: "It is a violation of law for cigarettes, other tobacco products, alternative nicotine products ~~or,~~ vapor products, or non-nicotine vapor products to be sold to any person under the age of 21 or for such person to purchase or attempt to purchase cigarettes, other tobacco products, alternative nicotine products ~~or,~~ vapor products."<sup>2</sup> or non-nicotine vapor products"; and

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~~a-b.~~ Include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter of a surrounding red circle, and the words "Under 21."

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~~(1)(2)~~ Further, all such vending machines shall be ~~under direct supervision of the owner of the establishment or an employee of the owner unless such vending machine is located in a place~~ where persons under the age of twenty-one are denied access.

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~~(1)(3)~~ It shall be unlawful for any business proprietor, manager or other person in charge or control of a retail business of any kind to stock or display any tobacco product in any way which allows a customer to access such tobacco ~~product~~ ~~products~~, ~~alternative nicotine products~~, ~~vapor products~~, or ~~non-nicotine vapor products~~, without first securing the physical assistance of an employee, except that adult customers may be allowed to enter walk-in humidors for the purpose of selecting for purchase cigars displayed therein.

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~~(c) (e)~~ Proof of age required, when: defense to action for violation is reasonable reliance on proof; liability.

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~~(1) (1)~~ A person selling ~~tobacco products or rolling papers or~~ distributing tobacco ~~products, rolling papers, alternative nicotine products, vapor products, or non-nicotine vapor products, or~~ product samples thereof, shall require proof of age from a prospective purchaser or recipient, ~~if an ordinary person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of twenty-one.~~

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~~(2) (2)~~ Reasonable reliance on proof of age shall be a defense to any action for a violation of ~~subsections~~ ~~subsections~~ (d)(1), (d)(2) ~~of~~, and (d)(3) ~~of~~ hereof.

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~~(d) (4)~~ Unlawful to sell or distribute tobacco products, rolling papers, alternative nicotine products ~~or~~, ~~vapor products, or non-nicotine~~ vapor products to persons under age of 21, failure to display required signs, penalties; what persons are liable; ~~family members exempt~~; when.

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~~(1) (4)~~ It shall be unlawful for any person to sell or distribute any tobacco products, rolling papers, alternative nicotine products ~~or~~, ~~vapor products, or non-nicotine~~ vapor products to any person under the age of twenty-one or ~~to allow such sale or distribution. This subsection shall not apply to the distribution by family members on property that is not open to the public.~~

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~~(2) (2)~~ It shall be unlawful for any employee or owner of an establishment where any vending machine is located to permit or allow any person under the age of twenty-one to purchase or otherwise obtain any tobacco products, rolling papers, alternative nicotine products ~~or~~, ~~vapor products, or non-nicotine~~ vapor products from such vending machine.

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~~(3)~~ (3) —It shall be unlawful for any person to distribute any tobacco products, rolling papers, alternative nicotine products, vapor products, or rolling papers non-nicotine vapor products, or samples thereof, in or on any public street, sidewalk, school ground, or park, or on private property open to the public without the property ~~owner's~~owner's permission.

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~~(4)~~ —If a sale is made by an employee of the owner of an establishment in violation of subsection (d), the employee, the manager or other person in charge or control of the establishment at the time of the sale and owner of the establishment shall be guilty of the offense. If a vending machine is operated or located in violation of subsection (b), the manager or other person in charge or control of the establishment and the owner of the establishment shall be guilty of the offense. If a sample is distributed by an employee of a company conducting the distribution, such employee and the owner of the company shall be guilty of the offense.

~~(c)~~ (e) *Possession or use of tobacco products, rolling papers, alternative nicotine products* ~~or, vapor products, or non-nicotine~~ vapor products by persons under age eighteen18 unlawful.

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(1) ~~(4)~~ —It shall be unlawful for any person under the age of eighteen18 to knowingly possess or use any tobacco products, rolling papers, alternative nicotine products ~~or, vapor products, or non-nicotine~~ vapor products, and any tobacco products, rolling papers, alternative nicotine product ~~or, vapor product, or non-nicotine~~ vapor product knowingly possessed by person under the age of eighteen18 are hereby declared to be contraband and may be seized by a law enforcement officer and destroyed in order to protect the public health.

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(2) ~~(2)~~ —It shall be unlawful for any person under the age of eighteen18 to knowingly obtain or attempt to obtain any tobacco ~~products~~product, rolling papers, alternative nicotine product ~~or, vapor product, or non-nicotine~~ vapor product by misrepresentation of age or by any other method.

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(3) ~~(3)~~ —It shall be prima facie evidence for purposes of this chapter that the substance within a package or container is a tobacco product, rolling papers, alternative nicotine product ~~or, vapor product, or non-nicotine~~ vapor product if the product package or container has affixed to it a manufacturer's label which identifies it as such.

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~~(f)~~ (f) *Medical and recreational marijuana exemption.* Nothing in this section shall be construed to regulate the sale or distribution of marijuana, marijuana-infused products, or marijuana accessories at a medical facility or marijuana facility duly licensed by the State of Missouri and authorized by the Missouri Department of Health and Senior Services to sell or distribute marijuana, marijuana-infused products, and marijuana accessories at such medical facility or marijuana facility.

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(g) *Penalty*; continuing violations.

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(1) ~~(1)~~—Any person who violates any provision of subsections (b) or (d) of this section shall, for each offense, be fined not less than \$100.00 and not more than \$1,000.00 or be punished by imprisonment not to exceed six months, or be punished by both fine and imprisonment. Each violation of, or failure, refusal, or neglect to comply with, any provision ~~of~~ subsections (b) or (d) of this section shall constitute a separate and distinct offense.

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(2) ~~(2)~~—Any person under the age of ~~eighteen~~18 who violates any provision of subsection (e) of this section shall, for each offense, be fined not more than \$100.00.

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Approved as to form:

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Andrew Bonkowski  
Assistant City Attorney