

AN ORDINANCE AMENDING LARAMIE MUNICIPAL CODE 9.24 TO CONFORM TO STATE LAW AND PROHIBIT SALES OF NICOTINE PRODUCTS, INCLUDING TOBACCO, TOBACCO PRODUCTS, AND ELECTRONIC CIGARETTES, TO PERSONS UNDER THE AGE OF TWENTY-ONE (21) YEARS

WHEREAS, Laramie Municipal Code at 9.24.040 makes it an offense to sell tobacco products to persons under the age of eighteen (18) years;

WHEREAS, Senate File 0050 in 2020 amended Wyoming state law, the Wyoming State Statute 14-3 was amended to prohibit sales of nicotine, including cigarettes and electronic cigarettes, to persons under the age of twenty-one (21) years;

WHEREAS, Laramie Municipal Code is not in conformity with state law and currently allows the sales of nicotine to persons age eighteen, nineteen, and twenty, in conflict with state law; and

WHEREAS, the City Council find it is appropriate to amend the language to prohibit the sale of nicotine to persons under the age of twenty-one (21) years in order to conform to state law;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LARAMIE:

**Section 1:** Section 9.24 shall be amended to the Laramie Municipal Code as follows:

**9.24.040 - Nicotine/Tobacco - Sale of**

No person shall within the city sell, buy for, give to or furnish, either directly or indirectly, any nicotine or tobacco product, including but not limited to cigar, cigarette or cigarette paper, or any product made or derived from tobacco that contains nicotine, which includes but is not limited to, electronic cigarettes or other vaporization devices, or any tobacco in any of its forms, to any person under the age of ~~eighteen years~~ twenty-one (21) years.

**9.24.050 - Possession of tobacco products by minors.**

A. ~~A "Tobacco products"~~ "Tobacco products" means any substance containing tobacco leaf or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco or dipping tobacco, and electronic cigarettes. (W.S. 14-3-301(a)(i))

B. ~~"Electronic cigarette" means a product that employs any mechanical heating element, battery or electronic circuit, regardless of its shape or size, that can be used to deliver doses of vapor with nicotine or other substances by means of heating a liquid solution contained in a cartridge or other delivery system~~ "Electronic cigarette" means any device that can be used to deliver aerosolized or vaporized nicotine or synthetic nicotine material to the person using the device and includes any component, part and accessory of the device and any vapor material intended to be aerosolized or vaporized during the use of the device. "Electronic cigarette" includes, without limitation, any electronic cigar, electronic cigarillo, electronic pipe, electronic hooka, vapor pen and any similar product or device. "Electronic cigarette" does

not include a battery or battery charger if sold separately from the electronic cigarette and does not include any product regulated as a drug or device by the United States food and drug administration under subchapter V of the Food, Drug and Cosmetic Act. (W.S. 14-3-301(a)(v))

C. "Nicotine products" means tobacco products and electronic cigarettes. (W.S. 14-3-301(a)(vi))

~~GD. It is unlawful for any person under the age of eighteen years twenty-one (21) years to possess or use any tobacco-nicotine products within the city limits. Upon conviction, any person violating this section shall be punished by a fine of not to exceed twenty-five dollars. The court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars for each hour of work performed.~~

~~D. It is an affirmative defense to prosecution under this section that the defendant possessed or used the tobacco product in the home of, or under the direct supervision of, his parent or guardian.~~

E. Any individual convicted of violating this section is guilty of a misdemeanor punishable by a fine of not more than (W.S. 14-3-302(b)):

(i) Two hundred fifty dollars (\$250.00) for a first violation committed within a twenty-four (24) month period. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;


(ii) Five hundred dollars (\$500.00) for a second violation committed within a twenty-four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service or attend a tobacco or nicotine cessation program and be granted credit against his fine and court costs at the rate of ten dollars (\$10.00) for each hour of work performed or each hour of tobacco or nicotine cessation program attended;

(iii) Seven hundred fifty dollars (\$750.00) for a third or subsequent violation committed within a twenty- four (24) month period, regardless of the locations where the violations occurred. The court may allow the defendant to perform community service and be granted credit against his fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.

**Section 2.** That this ordinance shall become effective on upon passage and publication.

Passed and approved this 6<sup>th</sup> day of December 2022.

 **VICE MAYOR**  
Paul Weaver, Mayor and President of the  
City Council

Attest:   
Nancy Bartholomew, CMC  
City Clerk

First Reading: November 1, 2022

Public Hearing: November 16, 2022

Second Reading: November 16, 2022

Third Reading and Final Action: December 6, 2022

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