

## **Chapter 8.46**

# **EXPOSURE OF MINORS TO TOBACCO PRODUCTS**

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### **8.46.010 Legislative purpose.**

The city of Visalia has determined that in order to protect the health, safety, and welfare of those citizens within the city and metropolitan area, under the age of eighteen (18) years, it is necessary to regulate the sale, acquisition, or possession of tobacco products facilitated by self-service displays. (Ord. 2000-11 § 1 (part), 2000)

### **8.46.030 Definitions.**

As used in this chapter, those terms identified in this section shall, unless the contexts indicates otherwise, be ascribed the meaning contained herein.

“Employee” means any person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed. Employee also includes any person volunteering his or her time or service.

“Minor” means any person under eighteen (18) years of age.

“Tobacco product” means any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhaling, snuffing, or other manner of ingestion or absorption in the human body.

“Tobacco shop” means a business establishment in which fifty (50) percent or more of any one or more of the following is devoted to or attributable to the sale of tobacco products:

1. Wall space or any other display area such as tables, racks, or display structures;  
or
2. Gross revenues.

“Wholesale retailer” means any large-scale retail establishment with supporting goods and services designated to service a regional service trade area and located within the PCR zone. (Ord. 2000-11 § 1 (part), 2000)

### **8.46.050 Use of tobacco by minor.**

No minor shall, in the streets or in any public place, smoke a cigar, pipe, cigarette, or shall use tobacco in any form. (Ord. 2000-11 § 1 (part), 2000)

**8.46.060 Display of tobacco products.**

It shall be unlawful for any person, firm, corporation, business, partnership, or other entity doing business within the city of Visalia to store, stock, keep, or display for sale or transfer any tobacco product in any area other than a place that is locked and secured, or is otherwise made inaccessible to the public and which is accessible only to the employees of the business. This prohibition shall not apply to “tobacco shops” or “wholesale retailers.” (Ord. 2000-11 § 1 (part), 2000)