

CITY OF MANKATO INTER-OFFICE COMMUNICATION



TO: City Manager Susan Arntz

FROM: Public Safety Director Jeremy Clifton

DATE: July 21, 2025

SUBJECT: Tobacco Compliance Check Results and Recommendations

In alignment with the City of Mankato's mission to protect public health and uphold compliance with local and state laws, the Mankato Department of Public Safety recently completed both educational and enforcement compliance checks related to the sale of tobacco, tobacco related devices, and electronic delivery devices (herein referred to as "tobacco"). These efforts are part of our ongoing strategy to reduce illegal youth access to tobacco to ensure that retailers are aware of and comply with their legal obligations associated with Chapter 6, Division 3 of City Code and MN State Law.

At the request of Mankato City Council, Mankato Public Safety was asked to develop a plan to intensify underage tobacco compliance, education, and enforcement.

For perspective, the following tobacco education and enforcement has occurred:

Educational Compliance Checks (April–June 2025)

Between April and June 2025, the Department conducted 41 educational compliance checks. These checks are grant funded through the State of MN and are designed to provide immediate feedback and serve as a proactive tool for educating license holders and employees about proper ID verification and sale restrictions.

- 11 violations were recorded, representing a 26.83% failure rate.
- Businesses that failed received on-site education and guidance about preventing future violations, consistent with the city's commitment to education prior to formal enforcement.

Enforcement Compliance Checks (June 2025)

Enforcement compliance checks were conducted primarily in June, following formal protocols that may result in penalties for non-compliance.

- 40 of 41 enforcement checks have been completed, with 1 confirmed violation.
- The remaining check is scheduled for completion.
- The resulting 2.5% failure rate reflects a marked improvement, which we believe is directly attributable to the effectiveness of the earlier educational checks.
- Compliance checks have been completed by School Resource Officers in summer months (school not in session)

Violation and Citation Trends (2022–2025 YTD)

In reviewing citation data from the past three and a half years, the Department has recorded a total of 33 tobacco-related violations:

Year	Total Violations
2022	8
2023	0
2024	20
2025 (to date)	5

Breakdown of the 33 violations:

- 17 were for sales of tobacco to individuals under the age of 21, the result of failed enforcement compliance checks.
- 13 involved possession or use of prohibited tobacco products in school settings.
- 2 were for smoking in a prohibited area
- 1 was for the sale of nicotine delivery products to a person under the age of 21.

Penalty Structure and Retailer Concerns

The City of Mankato recently amended its Administrative Penalty Schedule for Tobacco Violations, in accordance with Minnesota Statute § 461.12, Subd. 2. These are mandatory administrative penalties for licensees or employees who furnish or sell tobacco to individuals under age 21:

Violation	Penalty
First Violation	\$300 (previously \$75)
Second Violation (within 36 months)	\$600 (previously \$200)
Third Violation (within 36 months)	\$1,000 + license suspension with min. 7 days; revocation possible (previously \$250 + a license suspension of not less than 7 days)

Worth noting is several local retailers have expressed concerns that the previous penalties did not reflect the seriousness of underage tobacco sales. Specifically:

- Some competitors are reportedly willing to risk minor fines in exchange for continued sales to underage individuals.
- With only one compliance check per year, risk of detection is low, and penalties are viewed as insufficient deterrents.
- There is strong support among compliant retailers for stronger enforcement and equitable accountability across businesses.

Recommendations

In light of these findings, the Department recommends the following:

1. Continue with the annual educational compliance grant funded tobacco checks.
2. Commit to semi-annual enforcement compliance checks for all tobacco licensed retailers.
3. Conduct at least two additional annual enforcement compliance checks on tobacco licensed retailers that fail an educational or enforcement compliance check.
4. Continue the use of administrative penalties for violation of tobacco licensed retailers.
5. Continue education and outreach to licensed retailers to promote responsible sales practices, increase awareness of regulatory requirements, and clarify the consequences of violations. To best accomplish this effort, require attendance of owner or manager representative to an annual meeting for all licensed tobacco retailers. This meeting will include latest trends in under 21 false identification cards and other pertinent materials to reduce underage tobacco procurement.
6. Partner with Mankato Area Public Schools in reinforcing current educational efforts and in determining enhanced enforcement strategies to reduce underage tobacco use.

These recommendations will increase operating costs and continue to limit capacity of our workforce. As the Council is aware, we continue to be short staffed in the police division and anticipate this work to be conducting using overtime staff. It is estimated to cost approximately \$5,000 to \$7,000 annually. If directed to move forward, we will incorporate these costs into the 2026 budget. In 2025, we may be able to complete one round of compliance checks with funds from unfilled positions.

If the City Council directs this work to commence, we will work with our staff this fall to train in the new procedures and will include reporting on outcomes during the periodic KPI reporting semiannually.