

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
AMENDING CHAPTER 9 ARTICLE 25 SECTION 9-2507 OF
THE FRESNO MUNICIPAL CODE, RELATING TO
EXPOSURE OF MINORS TO TOBACCO PRODUCTS

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9, Article 25, Section 9-2507 of the Fresno Municipal Code is amended to read:

SECTION 9-2507. – EXPOSURE OF MINORS TO TOBACCO PRODUCTS.

(a) **Declaration:**

[b:] The Council of the City of Fresno finds and declares that reducing and eventually eliminating the illegal purchase and consumption of tobacco products by minors is critical to ensuring the long-term health of the citizens of this city. The Council further finds and declares self-service tobacco displays may contribute to youth use of tobacco by promoting shoplifting and illegal sales. More than 188 cities in Arizona, California, Colorado, Kansas, Maine, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Texas, Utah and Wisconsin have successfully adopted ordinances banning self-service tobacco displays. It is believed that such ordinances have successfully reduced shoplifting of tobacco by minors and sales of tobacco to minors. In order to protect the health, safety and welfare of minors from the health risks of tobacco use, to minimize the exposure by minors to tobacco products and to prevent minors from breaking existing laws by purchasing, stealing

1 of 3

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No.

or possessing tobacco products, the Council of the City of Fresno adopts this ordinance.

(b) **Definitions:**

(1) "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.

(2) "Minor" means any person under 18~~48~~21 years of age.

(3) "Tobacco Product" means any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, snuff 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.

(4) "Tobacco Shops" means a business establishment in which fifty percent (50%) or more of any one or more of the following is devoted to or attributable to the sale of pipe tobacco or cigars:

(i) Wall Space or any other display area such as tables, racks or display structures; or,

(ii) Gross revenues.

(c) **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.

(d) **Display of Tobacco Products.** It shall be unlawful for any person, firm, corporation, business, partnership or other entity doing business within the City of Fresno to store, stock, keep or display for sale or transfer any tobacco product in an area other than a place that is locked and secured or is otherwise made unavailable to the public and which is accessible only to the employees of the business. This prohibition shall not apply to "Tobacco Shops."

SECTION 2. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its final passage.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2025.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2025
Mayor Approval/No Return: _____, 2025
Mayor Veto: _____, 2025
Council Override Vote: _____, 2025

TODD STERMER, MMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Angela M. Karst Date
Senior Deputy City Attorney