



CITY OF IOWA CITY COUNCIL ACTION REPORT

March 21, 2023

Resolution accepting use of Iowa Code Section 453A.22(3) affirmative defense to tobacco civil penalty by Deli Mart #3.

Prepared By: Rebecca Passavant, City Attorney's Office Administrative Secretary

Reviewed By: Redmond Jones, Deputy City Manager

Fiscal Impact: No impact

Staff Recommendation: Approval

Commission Recommendations: N/A

Attachments: [Resolution.pdf](#)

Executive Summary:

This Resolution accepts the use of the affirmative defense described in Iowa Code Section 453A.22(3) from Deli Mart #3. The affirmative defense is allowed when the employee that was selling or providing tobacco to a minor has a valid certificate of completion from the tobacco compliance employee training program. The retailer is only allowed to assert the affirmative defense once in a four-year period. When the affirmative defense is asserted, the retailer is not assessed the civil penalty and the violation is not counted if there are subsequent violations.