



CITY OF IOWA CITY COUNCIL ACTION REPORT

March 21, 2023

Resolution accepting use of Section 453A.22(3) affirmative defense to tobacco civil penalty by Hy-Vee Food Store #2

Prepared By:	Rebecca Passavant, City Attorney's Office Administrative Secretary
Reviewed By:	Redmond Jones, Deputy City Manager
Fiscal Impact:	No impact
Staff Recommendation:	Approval
Attachments:	Resolution.pdf

Executive Summary:

This Resolution accepts the use of the affirmative defense described in Iowa Code Section 453A.22(3) from Hy-Vee Food Store #2. 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.