

BILL NO. 2985

ORDINANCE NO. 2803

**AN ORDINANCE REGULATING THE SALE, USE, AND POSSESSION OF ELECTRONIC CIGARETTES/VAPORIZING PRODUCTS BY MINORS.**

**Regulation of Vaporizing Products and the Prevention of Electronic Cigarette Use by Minors**

**Sec. 1. Definitions**

“Vaporizing Products” are electronic devices which employ a battery to power a heating chamber that converts a liquid solution containing tobacco-derived nicotine, through a non-combustive process, into a vapor or vapor-like mist. The definition includes electronic cigarettes, electronic cigars, electronic cigarillos, and electronic pipes, which are personal Vaporizing Products on which users inhale through a mouthpiece.

**Sec. 2. Distribution of Vaporizing Products to or possession by persons under 18 years of age prohibited.**

(a) A person, either directly or indirectly by an agent or employee, or by a vending machine owned by the person or located in the person’s establishment, may not sell, offer for sale, give, or furnish any Vaporizing Product or any component to a person under 18 years of age.

(b) Before selling, offering for sale, giving, or furnishing any Vaporizing Product, or any cartridge or component of any Vaporizing Product, to another person, the person selling, offering for sale, giving, or furnishing the Vaporizing Product shall verify that the person is at least 18 years of age by:

(1) examining from any person that appears to be under 27 years of age a government-issued photographic identification that establishes the person is at least 18 years of age or

(2) for sales made through the Internet or other remote sales methods, performing an age verification through an independent, third-party age verification service that compares information available from public records to the personal information entered by the person during the ordering process that establishes the person is 18 years of age or older.

(c) No minor under 18 years of age shall possess any Vaporizing Product, buy any Vaporizing Product, or, in the furtherance or facilitation of obtaining any Vaporizing Product shall display or use a false or forged identification card or transfer, alter, or deface an identification card.

(d) It is not a violation of this Act for a person under 18 years of age to purchase or possess a Vaporizing Product if the person under the age of 18 purchases or is given the Vaporizing Product from a retail seller of Vaporizing Products or an employee of the retail seller pursuant to a plan or action to investigate, patrol, or otherwise conduct a “sting operation” or enforcement

action against a retail seller of any Vaporizing Product or a person employed by the retail seller of Vaporizing Products or on any premises authorized to sell Vaporizing Products to determine if Vaporizing Products are being sold or given to persons under 18 years of age if the "sting operation" or enforcement action is approved by the Department of State Police, the county sheriff, a municipal police department, the Department of Public Health, or a local health department.

**Sec. 3. Severability**

The provisions of this Act are severable. In the event that any provision of this Act or the application of any provision of this Act is held invalid by a court of law, the invalidity shall not affect any other provisions of the Act or the application of any other provision of the Act that can be given effect without the invalid provisions or application of the invalid provisions.

**Sec. 4. Effective**

This ordinance shall in be in full force and effect from and after its passage and approval.

Passed and approved this 21<sup>st</sup> day of July, 2014

Bob Natus

Mayor

ATTEST:

Vickie Hass

City Clerk

( FIRST READING HELD 6/16/14 )