Philadelphia’s Electronic Cigarette (E-Cig) Laws

What businesses need to know.
Philadelphia E-Cig Laws

- Philadelphia Code §10-614
  - Prohibits e-cig use indoors

- Philadelphia Code §9-633
  - Prohibits sale of e-cigs to minors
Philadelphia Code §10-614
Prohibiting e-cig use indoors
Why was this law passed?

- To protect and promote public health by:
  - Avoiding confusion and difficulty with enforcing the Clean Indoor Air Worker Protection Law
  - Protecting people from the potential harms of secondhand e-cigarette vapor
  - Ensuring that a behavior mimicking cigarette smoking does not make smoking normal again
  - Setting a consistent citywide standard for all workplaces so that expectations for managers, employees, clients, visitors, students, and residents are clear
Which business and indoor spaces are impacted?

- This law prohibits the use of e-cigarettes in:
  - Workplaces,
  - Restaurants (including outdoor seating areas)
  - Bars and clubs
  - Other indoor public spaces including:
    - Retail/wholesale stores
    - Movie theaters
    - Museums
    - Performance spaces
    - Childcare, daycare, schools, hospitals
    - Common areas of apartment buildings and hotels; at least 75% of hotel rooms
    - Casinos

- The law applies to all electronic smoking devices, such as e-cigarettes, e-cigars, e-hookahs, and vape pens

- The law goes into effect July 1, 2014.
Education and enforcement

- Businesses are responsible for notifying staff, clients, and visitors about this new policy, including posting signs (or modifying existing signs) stating that e-cigarette use is prohibited.

- PDPH will educate businesses through fact sheets, online presentations, press releases, and local business associations.

- Timeline
  - Summer 2014
    - PDPH will begin inspecting businesses
    - A system for the public to report violations by phone and online will be created
  - July –December 2014
    - PDPH staff will provide education and warnings to businesses if violations are noted
  - January 2015
    - PDPH will issue $300 tickets for violations
    - This violation will be issued to the business owner, not the e-cigarette user.
Are there any exemptions from this law?

- Three types of businesses are exempted from this law:
  - **E-cigarette specialty establishments** ("vape shops"), with at least 50% of revenue coming from e-cigarette sales. To apply to be an e-cigarette specialty establishment forms will soon be available at [http://www.phila.gov/health/permitsForms.html](http://www.phila.gov/health/permitsForms.html).
  - **Tobacco products distribution businesses** ("cigar shops"), with at least 90% of revenue coming from tobacco sales. To apply to be a tobacco products distribution business, visit [http://www.phila.gov/health/permitsForms.html](http://www.phila.gov/health/permitsForms.html)
  - **Drinking establishments** and **private clubs** with an *existing* waiver from the Clean Indoor Air Worker Protection Law. Businesses **cannot** apply for this exemption.
For more information and materials

- Go to:
  
  http://www.phila.gov/health/permitsForms.html

- Fact sheets

- Exemption forms

- Downloadable examples of signage

- Copy of this presentation
Philadelphia Code §9-633
Prohibiting sale of e-cigs to minors
Why was this law passed?

• To prevent youth from purchasing e-cigarettes, refill cartridges, and other e-cigarette accessories

• This will protect kids from the potential harms of e-cigarette use, and help prevent youth from becoming addicted to nicotine

• E-cigarettes often contain nicotine and other harmful chemicals, and e-cigarette liquid is available with candy and fruit flavorings that are appealing to kids

• E-cigarettes are unregulated at the Federal level

• Their use among youth in the U.S. has doubled in the past few years. There is increasing evidence that e-cigarettes may be a bridge to traditional cigarettes for youth
What is required of businesses that sell e-cigarettes?

• Philadelphia retailers may not sell e-cigarettes or their accessories to youth under 18 years-of-age

• E-cigarettes must be stored and displayed behind the counter or in a locked cabinet and sold in their original packaging

• Stores selling e-cigarettes must post a sign stating that e-cigarette sales to minors are illegal

• The law applies to all electronic smoking devices, such as e-cigarettes, e-cigars, e-hookahs, and vape pens and all accessories (refill cartridges, batteries, chargers, vaporizers/atomizers)

• The law goes into effect April 9, 2014
Education and enforcement

- The Philadelphia Department of Public Health (PDPH) will use the same process it uses to investigate conventional cigarettes sales to minors.

- PDPH will educate businesses through fact sheets, online presentations, press releases, and local business associations.

- PDPH’s Environmental Health Services unit will issue tickets of $250 if businesses are found to have sold an e-cigarette to a minor.

- Businesses may also receive additional fines for:
  - Not checking ID ($250)
  - Selling an e-cigarette out of its original packaging ($250)
  - Not having appropriate signage ($250)
  - Not having a tobacco retail permit ($75 per day)

- Any business that receives three separate violations in 2 years can result in the City ceasing its business activities for 48 hours or more.

- Any business believes it has been ticketed inappropriately, an appeal can be issued with City’s Office of Administrative Review.
Are there any exemptions from this law?

- E-cigarette specialty establishments or “vape shops”, with more than 50% of revenue coming from e-cigarettes, cannot sell to minors.

- They can have self-serve displays and sell e-cigarettes out of their original packaging.
For more information and materials

- Go to:
  

- Fact sheets
- Exemption forms
- Downloadable examples of signage
- Copy of this presentation
Thank you for all that you do to promote and protect the public’s health!