



Philadelphia's Electronic Cigarette (E-Cig) Laws

What businesses need to know.



Rev. 4/14

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>.
 - **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>
 - **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:

<http://www.phila.gov/health/permitsForms.html>

- 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!

