

Philadelphia Code 10-614 – Prohibiting indoor e-cigarette use – April 2014

1. Which business and indoor spaces are impacted?

This law prohibits the use of e-cigarettes in workplaces, restaurants (including outdoor seating areas), bars, clubs, and 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; and 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.

2. Why was this law passed?

This law will protect and promote public health in a number of ways: 1) helping avoid confusion and difficulty with enforcing the Clean Indoor Air Worker Protection Law, which prohibits conventional cigarette smoking in indoor spaces; 2) protecting people from the potential harms of secondhand e-cigarette vapor, which can contain harmful chemicals; 3) ensuring that a behavior mimicking cigarette smoking does not make smoking normal again; and 4) setting a consistent citywide standard for all workplaces so that expectations for managers, employees, clients, visitors, students, and residents are clear.

3. How will this law be enforced?

Ultimately, businesses affected by the law 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. Sample signs will be available at: <http://www.phila.gov/health/permitsForms.html>.

To enforce this law, the Philadelphia Department of Public Health (PDPH) will use the same process it used for the Clean Indoor Air Worker Protection Law. PDPH will educate businesses through fact sheets, online presentations, press releases, and communications to business associations. PDPH will begin inspecting businesses this summer. (It will also set up a system for the public to report violations by phone and online.) For approximately the first 6 months (July-December 2014), PDPH will provide education and warnings to businesses if violations are noted. Beginning in 2015, PDPH will issue \$300 tickets for violations. Tickets will be issued to business owners, not e-cigarette users.

4. Are there exemptions from this law?

Three types of businesses are exempted from this law:

- a. **E-cigarette specialty establishments** (“vape shops”), with at least 50% of revenue coming from e-cigarette sales. An application to register as an e-cigarette specialty establishment will soon be available at <http://www.phila.gov/health/permitsForms.html>.
- b. **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>.
- c. **Drinking establishments and private clubs** with an existing waiver from the Clean Indoor Air Worker Protection Law. Businesses cannot apply for this exemption.