

Frequently Asked Questions Regarding the Electronic Cigarette Ordinance

Last Updated 5/6/2014

1) What are electronic cigarettes (e-cigarettes or e-cigs)?

E-cigs (also referred to as e-cigars, e-cigarillos, e-pipes, and e-hookahs) are nicotine delivery devices that are battery-powered and simulate tobacco smoking. These devices generally use a heating element known as an atomizer, which vaporizes a liquid solution. These solutions contain varying levels of nicotine and flavors, while some do not contain nicotine at all. Many are designed to simulate smoking implements, such as cigarettes or cigars, in their use and/or appearance, while others are considerably different in appearance.

2) What is vaping?

Vaping is the term commonly used to describe the act of carrying, holding, or operating a lighted e-cigarette or equipment, similar to how the term smoking is commonly used to describe the act of carrying, holding or operating a tobacco product.

3) Why did the City Council pass such an ordinance?

The City Council's major concern stemmed from the growing popularity of e-cigarette use, particularly when the health and safety implications have not been fully understood. The National Youth Tobacco Survey conducted by the U.S. Centers for Disease Control and Prevention reported that e-cigarette use nearly doubled amongst middle school and high school students during 2011-2012. The City Council felt it was important to take a proactive approach on this issue and promote a healthier community.

4) Where is vaping allowed/not allowed in the City?

Under this ordinance, vaping is regulated in the same way as conventional tobacco products in the city. As such, vaping is not allowed in the same places where federal, state and local laws regulate conventional smoking. Examples of where vaping and smoking is prohibited include the following:

- Inside public buildings, near windows and doors of public buildings and outdoor areas within 20 feet of a public building
- Enclosed space at place of employment
- Public school property
- City parks and City recreational facilities
- Open air dining areas on private and public property, including the public right of way
- City-owned vehicles

- 5) How will this ordinance impact me as a business owner?**
E-cigarette use and sales are regulated in the same way as conventional tobacco products, therefore, impacts to businesses resulting from the City's e-cigarette regulations would be the same as conventional tobacco regulations.
- 6) Can I vape inside a private smoke/vape lounge?**
Since private smoker lounges allow for tobacco use, private lounges also allow for e-cigarette use.
- 7) How will this ordinance impact me as an e-cigarette and tobacco product retailer?**
Sales of e-cigarettes will be regulated in the same manner as the sales of tobacco products in the City. As such, tobacco retailers are required to apply for a City-issued tobacco retailer permit on an annual basis. The ordinance requires those that sell either e-cigarettes and/or tobacco products to apply for this City-issued permit. Please note the City's retailer permit is in addition to the State-issued tobacco permit. For more information about the City permit process, please contact the City at (310) 285-2424.
- 8) Can e-cigarettes be sold in vending machines?**
Similar to tobacco products, e-cigarettes are also prohibited from being sold in stand-alone vending machines.
- 9) When does the e-cigarette ordinance go into effect?**
This ordinance goes into effect on June 1st, 2014.
- 10) Are businesses required to post signage regarding vape use?**
The e-cigarette ordinance does not require businesses to post signage. However, the "No Smoking" signage may be used to regulate both tobacco products and e-cigarettes.
- 11) Can I vape in my own private residence?**
Individuals who own their home may choose to vape in their own private residence. For renters, you should verify with your landlord and find out what are the smoking/vaping regulations for your complex. Similar to smoking, the landlord may regulate e-cigarette use throughout the complex.
- 12) Where can I find the e-cigarette ordinance in the City's municipal code?**
You can find the City's municipal code on e-cigarettes by clicking the link here:
http://www.sterlingcodifiers.com/codebook/index.php?book_id=466
- 13) What outreach is being done by the City to inform and educate the public about this ordinance?**
City staff is in the midst of a public education program to inform the community about the e-cigarette ordinance. Outreach efforts include postcard mailings to residents and businesses, social media outlets, an educational video, and partnering with the Chamber of Commerce and the Center for Conference & Visitors Bureau. The City's website

www.beverlyhills.org/smokingregulations will also contain information about the ordinance, including signage artwork that businesses can download for their use.

14) What is the penalty if someone violates the e-cigarette ordinance?

The penalty would be similar to someone violating the City's smoking ordinance. Any person who violates the e-cigarette ordinance shall be guilty of a misdemeanor or may be prosecuted as an infraction in the discretion of the City prosecutor.

15) Who can enforce the City's e-cigarette regulations?

The city prosecutor, any peace officer, or city code enforcement officer shall have the authority to enforce the provisions of these e-cigarette and tobacco-related ordinances.