

Electronic Smoking Device Ordinance Checklist

ChangeLab Solutions has developed a *Model California Ordinance Regulating Electronic Smoking Devices*. The ordinance provides a range of policy options to consider when developing a strategy to address e-cigarettes and other similar products. The

ordinance not only prohibits the use of electronic smoking devices wherever smoking is prohibited by law, but also prohibits sales to minors, requires retailers to check purchasers' ID, and prohibits self-service displays and sampling. The ordinance language you select

should be part of a larger strategy to have the ordinance adopted in your community.

To guide your planning, the American Lung Association in California's Center for Tobacco Policy & Organizing has developed the five phase model below.

**Campaign Trail
START**

Contact "The Center" for help planning your campaign steps and working through the phases.



American Lung Association in California's Center for Tobacco Policy & Organizing (**The Center**) helps local coalitions wage effective tobacco control policy campaigns. The Center can provide you with resources, trainings, and effective strategies to help you narrow down your issue, do a political assessment, complete a strategy chart, recruit new members, and re-energize your coalition.

(916) 554-5864
www.center4tobaccopolicy.org

Investigation & Assessment

Assess the political environment and decision makers. Identify local issues and resources to build an understanding of what might influence decision makers. Determine your issue, a location (city or county), and a goal.



Strategy & Planning

Develop a strategy chart and establish a rough timeline.



The checklist on page 2 is designed to help you begin drafting an ordinance based on your community's choices – this is the time to contact ChangeLab Solutions.

Recruitment

Now that you've prepared the groundwork, it's time to involve more people. Train campaign members in outreach and recruitment strategies. Meet with key opinion leaders and recruit community residents who are influential with local officials.



The Campaign

Finalize and then implement the timeline, strategy, and tactics with your newly recruited members. Form action teams: e.g., ordinance-drafting, media, tactic team, speakers' bureau. A key tactic will be meeting with decision makers.



Implementation & Evaluation

Research how the policy should be implemented. Determine effectiveness of the campaign and tactics.



WIN!



ChangeLab Solutions

Law & policy innovation for the common good.

ChangeLab Solutions is a nonprofit organization that helps advocates, city and county attorneys, and elected officials by providing and reviewing ordinance language, researching and analyzing state and federal legal issues, and providing training and consulting on legal strategies for tobacco control. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

(510) 302-3380

www.changelabsolutions.org/tobacco-control

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Your community has a range of policy choices to consider when designing a local ordinance regulating electronic smoking devices. The options below are based on ChangeLab Solutions' *Model California Ordinance Regulating Electronic Smoking Devices* available at www.changelabsolutions.org/tobacco-control. Policy provisions that ChangeLab Solutions considers essential already include a check mark. Contact ChangeLab Solutions for help drafting an ordinance based on your community's choices. Additionally, some communities may wish to develop a program or strategy to evaluate the effectiveness of a new ordinance after it goes into effect. If your community is considering options for evaluation, contact us for help in discussing your community's needs.

POLICY OPTIONS IN MODEL ORDINANCE

Provisions Regulating the Use of Electronic Smoking Devices

- Prohibits the use of electronic smoking devices wherever smoking is prohibited by law
- Requires that property owners and managers prevent patrons and guests from illegally using electronic smoking devices

Provisions Regulating Electronic Smoking Device Retailing

- Prohibits the sale of electronic smoking devices to minors*
- Requires Retailers to check ID for electronic smoking devices if the purchaser appears under age 27
- Prohibits self-service displays of electronic smoking devices (e.g., vending machines)
- Prohibits free or nominal-cost distribution of electronic smoking devices (e.g., sampling)

Enforcement Provisions

- Designates that the ordinance will be enforced by _____ but also enforceable by peace officer or code enforcement officer
- Declares violations based on *illegal use of electronic smoking devices* to be infractions with a fixed fine amount of \$ ____ (cannot be more than \$100)
- Declares *other* violations of the ordinance to be an infraction or a misdemeanor, decided at the discretion of the prosecuting attorney
- Allows the city or county to file a civil action for any violation:
 - Seeking monetary fine (civil fine can be up to \$1,000)
 - Seeking injunctive relief or nuisance abatement
- Declares that violation of the ordinance constitutes a nuisance
- Allows private citizens to get an injunction against individuals or businesses for repeat violations of the ordinance

* California law prohibits the sale of electronic smoking devices to minors, but does not preempt cities or counties from passing such a law at the local level. Please see the comment in Sec. [__(*)3](a) of the model ordinance for more detail on this policy option.