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- By the end of 2014, E-Cigarette poisonings of young children tripled in one year, making up more than 60% of all E-Cigarette poisoning calls.
- Nationally, the use of E-Cigarettes by high school students tripled in two years.
- In California, use among young adults ages 18 to 29 tripled in one year; and,

WHEREAS, the City Council of the City of Culver City finds the failure of tobacco retailers to comply with all tobacco control laws, particularly laws prohibiting the sale of tobacco products (including E-Cigarettes) to minors, presents a threat to the community's public health, safety, and welfare; and,

WHEREAS, the City Council desires to ensure the City's TRL Ordinance clearly states it applies to the sale of E-Cigarettes.

NOW THEREFORE, the City Council of the City of Culver City, California, **DOES HEREBY ORDAIN** as follows:

SECTION 1. The following definitions contained in Section 11.15.010 of the Culver City Municipal Code are hereby amended to read as follows:

TOBACCO PARAPHERNALIA. Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other instrument or paraphernalia designed for the smoking, preparation, storing, ingestion or consumption of Tobacco Products. For purposes of this Chapter, Tobacco Paraphernalia includes an Electronic Smoking Device and Electronic Smoking Device Paraphernalia.

TOBACCO PRODUCT. Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or

1 otherwise distributed with the expectation that the product or matter will be
2 introduced into the human body. Except as otherwise provided herein,
3 Tobacco Product does not include any product specifically approved by the
4 United States Food and Drug Administration for use in treating nicotine or
5 tobacco dependence. For purposes of this Chapter, Tobacco Product
6 includes an Electronic Smoking Device and Electronic Smoking Device
7 Paraphernalia.
8

9 **SECTION 2.** The following definitions are hereby added to Section
10 11.15.010 of the Culver City Municipal Code as follows:

11 **ELECTRONIC SMOKING DEVICE.** An electronic device that can be
12 used to deliver an inhaled dose of nicotine, or other substances, including
13 any component, part, or accessory of such a device, whether or not sold
14 separately. Electronic Smoking Device includes any such device, whether
15 manufactured, distributed, marketed, or sold as an electronic cigarette, an
16 electronic cigar, an electronic cigarillo, an electronic pipe, an electronic
17 hookah, or any other product name or descriptor.

18 **ELECTRONIC SMOKING DEVICE PARAPHERNALIA.** Cartridges,
19 cartomizers, e-liquid, smoke juice, tips, atomizers, Electronic Smoking Device
20 batteries, Electronic Smoking Device chargers, and any other item specifically
21 designed for the preparation, charging, or use of Electronic Smoking Devices.
22

23 **SECTION 3.** Pursuant to Section 619 of the City Charter, this Ordinance
24 shall take effect 30 days after the date of its adoption. Pursuant to Sections 616 and 621
25 of the City Charter, prior to the expiration of 15 days after the adoption, the City Clerk shall
26 cause this Ordinance, or a summary thereof, to be published in the Culver City News and
27 shall post this Ordinance or a summary thereof in at least three places within the City.
28

SECTION 4. The City Council hereby declares that, if any provision, section, subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

APPROVED AND ADOPTED this ____ day of _____, 2015.

MICHEÁL O'LEARY, Mayor
City of Culver City, California

ATTEST:

APPROVED AS TO FORM:

MARTIN R. COLE, City Clerk

CAROL A. SCHWAB, City Attorney

A15-00512