

ORDINANCE NO. \_\_

AN ORDINANCE TO AMEND SECTION 14-39 OF THE GILLETTE CITY CODE TO INCLUDE ELECTRONIC CIGARETTES IN THE DEFINITION OF TOBACCO PRODUCTS WHICH MAY NOT BE SOLD, GIVEN OR DELIVERED TO MINORS UNDER THE AGE OF 18

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GILLETTE, WYOMING:

SECTION ONE. Section 14-39 of the Gillette City Code is amended to read as follows

§14-39 Smoking Regulations Concerning People Below the Age of 18.

A. Legislative Finding and declaration.

- (1) The City of Gillette expressly finds and declares that:
  - (a) Cigarette smoking is dangerous to human health;
  - (b) There exists substantial scientific evidence that the use of tobacco products causes cancer, heart disease and other medical disorders;
  - (c) The Surgeon General of the United States has declared that nicotine addiction from tobacco is similar to addiction to cocaine, and is the most widespread example of drug dependence in this country;
  - (d) The Director of the National Institute on Drug Abuse concluded that the majority of the three hundred twenty thousand (320,000) Americans who die each year from cigarette smoking became addicted to nicotine as adolescents before the age of legal consent;
  - (e) The National Institute on Drug Abuse found that cigarette smoking precedes and may be predictive of adolescent illicit drug use; and,
  - (f) The present legislative scheme has proven ineffective in preventing persons under the age of eighteen (18) from using tobacco products.
- (2) The enactment of this Ordinance directly pertains to and is in furtherance of the health, welfare and safety of the residents of the City of Gillette, particularly those residents under eighteen (18) years of age.

B. Definitions.

For the purposes of this Chapter, the following words and phrases shall have the meanings respectively ascribed to them:

"tobacco products" means any substance containing tobacco leaf, or any product made or derived from tobacco that contains nicotine, including, but not limited to, cigarettes, electronic cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

"vending machine" means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products.

"Electronic cigarette" means a product that employs any mechanical heating element, battery or electronic circuit, regardless of shape or size, that can be used to deliver doses of nicotine vapor by means of heating a liquid nicotine solution contained in a cartridge or other delivery system.

C Prohibited sales, or delivery

(1) No person shall sell, offer for sale, give away or deliver tobacco products to any person under the age of eighteen (18) years .

(2) It is a defense to a prosecution under subsection (1) of this section if:

(a) In the case of a sale, the person who sold the tobacco product was presented with, and reasonably relied upon, an identification card which identified the person buying or receiving the tobacco product as being over eighteen (18) years of age: or

(b) The tobacco product was given or delivered to the person under eighteen (18) years of age by his parent or guardian and the tobacco product was given or delivered to the person for use in the privacy of his parent's or guardian's home or under the direct supervision of the parent or guardian.

PASSED, APPROVED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2014.

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John Opseth, Mayor

( S E A L )  
ATTEST:

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Karlene Abelseth, City Clerk

Published:

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