

City of Costa Mesa

Inter Office Memorandum

To: Planning Commission
From: Mel Lee, Senior Planner 
Date: September 11, 2014
Subject: **SUMMARY OF ELECTRONIC CIGARETTE REGULATIONS**

This memo has been prepared in response to Commissioner McCarthy's request for information on how other Orange County Cities are regulating electronic cigarettes.

Background

Electronic cigarettes, or "e-cigarettes", are battery-powered devices intended to emulate smoking a cigarette which allow the user to inhale vapor without producing fire, smoke, ash or carbon monoxide. They are usually designed to resemble traditional cigarettes and the liquids vaporized by the e-cigarette may contain nicotine, other chemicals, and flavoring, but do not contain tobacco. Electronic cigarettes come in many shapes and prices, ranging from the disposable types that can be purchased at convenience stores for a few dollars and resemble real cigarettes to the more complex vaporizers sold at "vape, vapor, or vaping stores," which can cost hundreds of dollars. At vape bars or e-cigarette lounges, users fill a tank with a flavored solution that may contain nicotine of various potencies and press a button that heats the solution into a vapor that is inhaled by the user.

Because the popularity of e-cigarettes is fairly new, their use is not currently regulated in the Costa Mesa Municipal Code (CMMC). As noted earlier, e-cigarettes and related accessories are available for sale in convenience markets and similar retail stores. As shown in the photos attached to this memo, these products are prominently displayed on sales counters and signage since they are not subject to the same display and advertising restrictions as regular tobacco products.

E-cigarettes are currently not regulated by the Food and Drug Administration (FDA). The FDA is currently considering an update to the Tobacco Control Act that would prohibit the sale of electronic cigarettes to persons under the age of 18, similar to regular tobacco products¹. Manufacturers could also be required to disclose the ingredients and warn consumers that nicotine is addictive, similar to regular tobacco products.

¹ In California, selling or furnishing e-cigarettes to individuals younger than 18 is already illegal (California Health and Safety Code Section 119405).

Other City Ordinances Regarding E-Cigarettes

If the FDA imposes restrictions on e-cigarettes in the Tobacco Control Act similar to regular tobacco products, it will not limit the City's authority to regulate them. A recent article in OC Register Metro Magazine identified the following Orange County Cities that have adopted and/or are contemplating adopting regulations for e-cigarettes:

1. Westminster
2. Mission Viejo
3. Aliso Viejo
4. Buena Park
5. San Clemente
6. Laguna Beach
7. Mission Viejo
8. Seal Beach
9. Laguna Niguel

A summary of the adopted or proposed regulations is attached to this memo for reference. Copies of the current CMMC sections restricting smoking in public places and tobacco sales to minors are also attached for reference.

E-Cigarette or "Vape" Establishments

Several establishments have opened in the City representing on their business license applications that they sell smoking-related accessories similar to "retail tobacco stores", but eventually establish (without City approval) "lounges" in which patrons can congregate in a relaxed social setting while they sample the different flavors available for these types of cigarettes (similar to hookah and cigar lounges).

The Finance Department has compiled a partial list of the vape establishments authorized to operate under a business license, which is attached to this memo. Note that the list consists of the establishments that have the word "vape" in the business name, as it is not possible to do a database search by business type since it falls under the "retail" category and would bring up hundreds of licenses.

On May 12, 2014, Planning Commission considered Code Amendment CO-14-01 to amend the Zoning Code for smoking lounges, including hookah, e-cigarette (vape), and cigar lounges. The Commission requested that staff take the ordinance back for additional review to expand the number of the properties that could accommodate the use as well as possibly removing cigar lounges from the proposed regulations, as there is only one in the City at this time. The updated ordinance is still pending.

County of Orange Health Care Agency Information on Electronic Cigarettes

Also attached to this memo are informational handouts obtained from the County of Orange Health Care Agency providing additional information on electronic cigarettes and the potential health effects related to their use. At this time, State law does not regulate vaping in the same manner a smoking.

- Attachments:
1. Summary Table of E-Cigarette Regulations in Other Orange County Cities
 2. Current Costa Mesa Regulations for Smoking in Public Places and Tobacco Sales to Minors
 3. List of E-Cigarette/Vape Establishments in Costa Mesa Provided by the Finance Department
 4. Informational Handouts from County of Orange Health Care Agency Regarding Electronic Cigarettes
 5. Advertising Signage for Electronic Cigarettes Presented at the August 25, 2014 Planning Commission Meeting

Distribution:

- Director of Economic & Development Services/Deputy CEO
- Assistant Development Services Director
- Senior Deputy City Attorney
- Public Services Director
- City Engineer
- Transportation Services Manager
- Fire Protection Analyst
- Staff (6)
- File (2)

**ATTACHMENT 1
SUMMARY OF E-CIGARETTE
REGULATIONS IN OTHER ORANGE
COUNTY CITIES**

City	E-Cigarette Ordinance In Place?	Summary Of Restrictions
Westminster	Yes	Amended Municipal Code related to businesses requiring a permit to include "tobacco product retailers" which include, but is not limited to, electronic cigarette retailers, vapor cigarette retailers, and smoke shops. Tobacco product retailers not permitted within a 1,500 foot radius of another tobacco product retailer or within 500 feet of a public school.
Mission Viejo	No	None at this time.
Aliso Viejo	No	None at this time.
Buena Park	Yes	Adopted an ordinance prohibiting smoking (including e-cigarettes) in all City recreational areas, except where specifically designated.
San Clemente	No	None at this time.
Laguna Beach	No	None at this time.
Mission Viejo	No	None at this time.
Seal Beach	Yes	Amended Zoning Code to require a conditional use permit (CUP) for smoke shops, including electronic cigarettes, in commercial zones; smoking lounges prohibited in all zones.
Laguna Niguel	Yes	Adopted an ordinance prohibiting smoking (including e-cigarettes) in public parks; amendment to Municipal Code to include electronic cigarettes in the City's no smoking ordinance in progress.

**ATTACHMENT 2
CURRENT COSTA MESA REGULATIONS
FOR SMOKING IN PUBLIC PLACES AND
TOBACCO SALES TO MINORS**

Costa Mesa, California, Code of Ordinances >> TITLE 8 - HEALTH AND SANITATION >> **CHAPTER V. SMOKING IN PUBLIC FACILITIES >>**

CHAPTER V. SMOKING IN PUBLIC FACILITIES ^[7]

[Sec. 8-131. Purpose and findings.](#)

[Sec. 8-132. Definitions.](#)

[Sec. 8-133. Smoking prohibited.](#)

[Sec. 8-134. Disposal of waste.](#)

[Sec. 8-135. Administration.](#)

[Sec. 8-135.1. Violations and penalties.](#)

Sec. 8-131. Purpose and findings.

The city council finds that the smoking of tobacco, or any other weed, plant, or substance is a positive danger to health and a material annoyance to those who are present in confined and unconfined spaces, and in order to serve public health, safety and welfare, the declared purpose of this chapter is to prohibit the smoking of tobacco, or any other weed, plant or substance, in public facilities owned or operated by the City of Costa Mesa as stated and required in this chapter.

[\(Ord. No. 11-12, § 1, 11-15-11\)](#)

Sec. 8-132. Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (a) *City-owned sports facilities* means any area of cleared enclosed land, as well as any facilities adjacent to it, used primarily for sporting events, which is owned and/or run by the city, and shall include, but is not limited to, the Jack Hammett Sports Complex at 2750 Fairview Road, the TeWinkle Athletic Complex at 970 Arlington Drive, the Luke Davis Field at 570 W. 18th Street, Downtown Aquatic Center at 1860 Anaheim Avenue. "City-owned sports facilities" shall not include sports fields owned by the Newport Mesa Unified School District.
- (b) *City-owned community gardens* means a plot of cultivated ground, which is owned and/or run by the city and is made available to the citizens in whole or in part to the growing of herbs, fruits, flowers, or vegetables for household use, and includes but is not limited to, the Hamilton Community Garden at 523 Hamilton Street, and the Del Mar Community Garden at 170 Del Mar Avenue.
- (c) *Public facility* means and includes any of the following, which is owned, leased or operated by the City of Costa Mesa, a California municipal corporation, but does not include facilities used as multifamily residential buildings:
 - (1) Any building, structure or room within a building enclosed by a roof and four (4) walls with appropriate openings for ingress and egress.
 - (2) Any motor vehicle enclosed by a roof with appropriate openings for ingress and egress.

- (d) *Park* shall have the same meaning as [section 12-1](#) of the Costa Mesa Municipal Code.
- (e) *Smoke* or *smoking* means and includes any of the following:
 - (1) The consumption of tobacco products by burning, inhalation, or other forms of ingestion.
 - (2) The holding or carrying of a lighted smoking device; or
 - (3) Emitting or exhaling the smoke directly from a cigar, cigarette, pipe or any other lighted smoking device or substance.

(Ord. No. 11-12, § 1, 11-15-11)

Sec. 8-133. Smoking prohibited.

Smoking is prohibited and is unlawful within all areas posted as a no smoking area by the city by signs of sufficient number and posted in such locations as to be readily seen by persons within such area, including but not limited to:

- (a) Public facilities as defined in [section 8-132\(c\)](#).
- (b) Within any park.
- (c) Within fifty (50) feet of any park perimeter, provided that if any such perimeter encroaches on private property, this section's prohibition shall not apply to the private property. This prohibition shall also not apply to persons and vehicles in route along the public streets and sidewalks.
- (d) Within the parking lot and enclosed fenced areas of all city-owned sports facilities, grounds or structures.
- (e) Within the parking lot and enclosed fenced areas of city-owned community gardens.

(Ord. No. 11-12, § 1, 11-15-11)

Sec. 8-134. Disposal of waste.

It shall be unlawful to dispose of any part of any tobacco product including, but not limited to, cigars and cigarettes or any other combustible substance, in any place where smoking is prohibited.

(Ord. No. 11-12, § 1, 11-15-11)

Sec. 8-135. Administration.

The no smoking regulations established by this chapter shall be administered by any city employee authorized to enforce violations of this Code or state laws.

(Ord. No. 11-12, § 1, 11-15-11)

Sec. 8-135.1. Violations and penalties.

- (a) Any violation of [section 8-133](#) shall be punishable in accordance with the provisions set out in [section 1-33](#) of this Code.
- (b) Ejection. Any person who violates [section 8-133](#) shall be subject to ejection from the park by any city employee authorized to enforce violations of this Code or state laws.
- (c) Three or more violations of [section 8-133](#) by the same individual within any twelve-month period within the same park, sports facility or community garden is declared to be a public nuisance and may be abated by the city through civil proceedings by means of a restraining

order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances, including but not limited to, the remedies provided for in section 1-33 of this Code. Any such individual may be ordered to stay away from the public facility, sports facility or community garden where the violations occurred for up to twelve (12) months following the most recent violation.

(Ord. No. 11-12, § 1, 11-15-11)

FOOTNOTE(S):

--- (7) ---

Editor's note— Ord. No. 11-12, § 1, adopted November 15, 2011, amended Ch. V in its entirety to read as herein set out. Former Ch. V, §§ 8-131—8-135, pertained to similar subject matter, and derived from Ord. No. 91-16, § 1, 6-17-91. [\(Back\)](#)

Cross reference— *Fire code amendments re no smoking, § 7-35. [\(Back\)](#)*

Costa Mesa, California, Code of Ordinances >> TITLE 11 - OFFENSES—MISCELLANEOUS >>
CHAPTER 1½. TOBACCO SALES REGULATIONS TO PROTECT MINORS >>

CHAPTER 1½. TOBACCO SALES REGULATIONS TO PROTECT MINORS

Sec. 11-17. Definitions.

Sec. 11-18. Requirement of vendor-assisted sales.

Sec. 11-19. Non-retaliation.

Secs. 11-20—11-25. Reserved.

Sec. 11-17. Definitions.

Business means any sole proprietorship, joint venture, corporation or other business entity formed for profit making purposes, including retail establishments where goods or services are sold.

Cigar lounge means a private enclosed area in or attached to a retail or wholesale tobacco shop that is dedicated to the use of tobacco products including, but not limited to, cigars and pipes.

City shall mean the City of Costa Mesa.

Employee means any person who is employed by any employer in consideration for direct or indirect wages or profit, and any person who volunteers his or her services for a nonprofit entity.

Minor means any individual who is under eighteen (18) years of age.

Person shall mean any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

Restricted tobacco sales area shall mean any area of a retail business that satisfies the following requirements:

- (1) The area is set aside for the exclusive display and sale of tobacco products and related accessories.
- (2) There is a single, restricted entrance to and exit from the area which is located next to a sales counter and allows passage of no more than two (2) people at a time.
- (3) There is an adult sales clerk who is continually present at the sales counter while the business is open to the public.
- (4) The sales clerk monitors access into the restricted area and denies entrance to minors, unless accompanied by a parent or a responsible adult.
- (5) There is a sign prominently posted at the entrance to the restricted area that says, in substance: "RESTRICTED TOBACCO SALES AREA. NO MINORS ALLOWED, unless accompanied by a parent or a responsible adult." The sign shall meet standards established by the city manager, or his designee.

Self-service display means the open display of products to which the public has access without the intervention of a store employee including, but not limited to, a rack, shelf, vending machine or counter-top display.

Tobacco product means any manufactured substance made from the tobacco plant including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco and smokeless tobacco, or products prepared from tobacco and designed for smoking, chewing or other manner of ingestion.

Tobacco shop means a business establishment whose main purpose is the sale of tobacco products including, but not limited to, cigars, pipe tobacco, and smoking accessories.

Vending machine means any electronic or mechanical device or appliance the operation of which depends upon the insertion of money, whether in coin or paper currency or other things representative of value, which dispenses or releases a product.

Vendor-assisted sale means a purchase requiring a direct, face-to-face exchange between the retailer and the customer, in which the vendor has access to the tobacco product, and assists the customer by supplying the product, The customer does not take possession of the product until it is purchased.

(Ord. No. 99-5, § 2, 5-17-99)

Sec. 11-18. Requirement of vendor-assisted sales.

It shall be unlawful for any person, business or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of a self-service display, including a cigarette vending machine, or by any means other than vendor-assisted sales. This prohibition shall not apply to tobacco shops, cigar lounges, or restricted tobacco sales areas.

(Ord. No. 99-5, § 2, 5-17-99)

Sec. 11-19. Non-retaliation.

- (a) No person or employer shall discharge, refuse to hire or in any manner retaliate against any employee or applicant for employment because such employee or applicant agrees to abide by the provisions of this chapter.
- (b) No person shall intimidate or threaten any reprisal or effect any reprisal for the purpose of retaliating against another person because such other person seeks to attain compliance with provisions of this chapter.

(Ord. No. 99-5, § 2, 5-17-99)

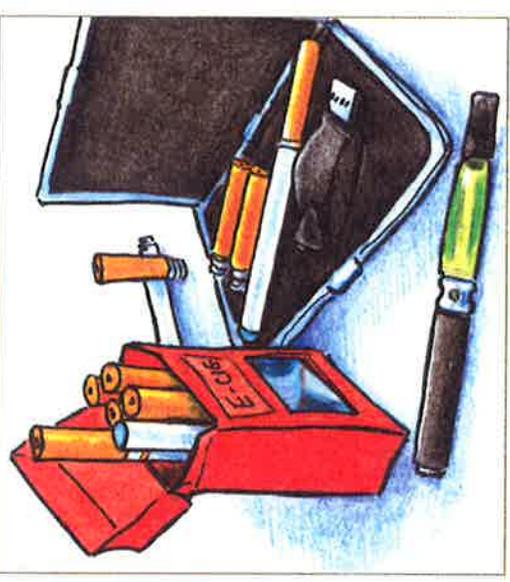
Secs. 11-20—11-25. Reserved.

**ATTACHMENT 3
LIST OF E-CIGARETTE/VAPE
ESTABLISHMENTS IN COSTA MESA
PROVIDED BY THE FINANCE
DEPARTMENT**

Account #	DBA	Expiration date	Bus address	Bus City, State	License status	Phone number
44931	FLAWLESS VAPES AND SUPPLIES	05/31/2015	1834 NEWPORT BLVD STE E	COSTA MESA, CA 92627-2710	Active	(714) 269-5460
44540	ICM VAPE	02/28/2015	1673 IRVINE AVE L	COSTA MESA, CA 92627-3241	Active	(949) 423-7012
39982	LOCAL VAPE LLC	09/30/2014	1525 MESA VERDE DR 114	COSTA MESA, CA 92626	Renewal Notice	(657) 600-8911
44161	MESA VAPE AND LOUNGE	12/31/2014	891 BAKER ST B11	COSTA MESA, CA 92626-4363	Active	
44871	TRIVAPE COMPANY	05/31/2015	1776 NEWPORT BLVD B	COSTA MESA, CA 92627-2756	Hold	
44047	VAPES DEPOT - VAPORHOOD	12/31/2014	777 W 19TH ST W	COSTA MESA, CA 92627-3573	Active	(714) 606-4514

**ATTACHMENT 4
INFORMATIONAL HANDOUTS FROM
COUNTY OF ORANGE HEALTH CARE
AGENCY REGARDING ELECTRONIC
CIGARETTES**

Can E-cigarettes Help You Quit Smoking?



An e-cigarette is a battery-operated device. It heats a liquid and turns the liquid into a vapor. That vapor can then be inhaled much like cigarette smoke is inhaled. It is sold as an alternative to smoking. Some people say e-cigs can help you quit smoking. But do they really work? Look inside to learn more.

For Free Help in Quitting Smoking
Call 1-866-NEW-LUNG
or

1-866-639-5864

Made Possible by the County of Orange Health Care Agency, Tobacco Use Prevention Program through funds received from the National Tobacco Settlement.

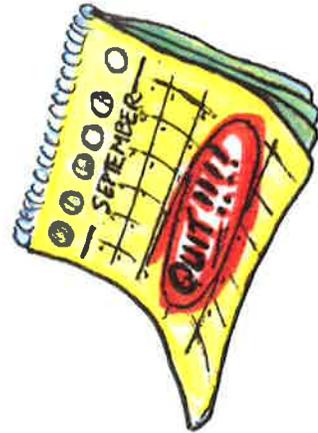
This pamphlet is not a substitute for medical care. If you have questions or concerns, please talk with a health care provider.

Written by Nancy Calhoun.
Designed by Eva Bernstein. Illustrated by Meg Biddle.
Special thanks to our medical, professional and audience reviewers.
©2014 Journeyworks Publishing. All rights reserved.
Please do not duplicate. Printed on recycled paper.
Title #5754 ISBN 978-1-56885-754-1

For ordering information contact:
JOURNEYWORKS PUBLISHING
P.O. Box 8466 • Santa Cruz • CA 95061
800 • 775 • 1998 www.journeyworks.com

If you are trying to quit smoking...

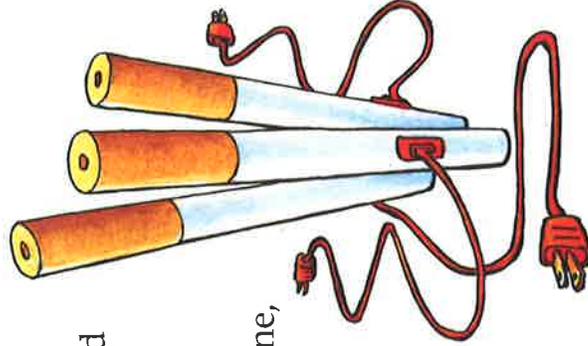
- ▶ Get support. Talk to your doctor or a quit-smoking counselor.
- ▶ Call a quitline or try an online or in-person support group.
- ▶ Ask your doctor about NRT and other quit-smoking aids.
- ▶ Make a plan to quit. Pick a date and put it on your calendar.
- ▶ If you don't quit the first time, keep trying. It can take several tries to quit for good.
- ▶ If you choose to try e-cigs to help you quit, get advice from your doctor or quit-smoking counselor about how to use them as part of your quit plan.



So you want to quit smoking? Good for you! It is one of the best things you can do for your health. Do you wonder if e-cigarettes (e-cigs) can help? Consider these points.

E-cigarettes are sold as a new way to smoke.

- ▶ E-cigs are **not** sold as a way to quit smoking.
- ▶ Like cigarettes, they have nicotine, which is very addictive.



Experts do not know if e-cigs are a good quitting tool.

- ▶ There have only been a few studies done. The results are mixed.
- ▶ They may help some people quit smoking. But some people just switch from being addicted to cigarettes to being addicted to e-cigs.
- ▶ Others end up smoking both e-cigs and regular cigarettes.



Approved NRT is a safer choice.

- ▶ E-cigs are not currently regulated. No one really knows if they are a safe quitting aid.
- ▶ Nicotine replacement therapy (NRT) works well to help people stop smoking. It includes nicotine patches, inhalers, nasal sprays, lozenges and gum.
- ▶ NRT gives a low-dose of nicotine. When used as directed, NRT is proven safe.



Nicotine is not harmless.

- ▶ E-cigs may keep you addicted to nicotine.
- ▶ Nicotine changes your heart rate and raises your blood pressure.
- ▶ Studies show it may increase problems with diabetes.
- ▶ No one yet knows the long-term health effects of using e-cigs.

E-cigs have fewer cancer-causing chemicals. But they are not chemical-free.

- ▶ All e-cigs have chemicals and added flavors. (Even those that say they are nicotine-free.)
- ▶ The health risks of inhaling these chemicals are not yet known.
- ▶ They also do not know if the secondhand vapor from e-cigs will harm others.



It is hard to break nicotine addiction.

- ▶ Because e-cigs have nicotine and mimic the action of smoking, they may make it harder to quit for good.
- ▶ Studies show that you have the best chance of quitting if you talk with a quit-smoking counselor and use NRT or other quit medications.



8. **E-cigarettes make it easier for kids and first-timers to try smoking.**

- E-cigarettes come in many flavors. The flavors may make them easier to try.
- Some of the flavors – such as grape, strawberry and fruit punch – look like they are made to attract kids!
- The sweet flavors still have nicotine.
- Once a person gets hooked on the nicotine in an e-cigarette, they may try other tobacco products too.

15



E-cigarettes are advertised as a safe way to smoke. But is that really true? Look inside to get the facts. To learn more, visit: BeTobaccoFree.gov

For Free Help in Quitting Smoking

Call 1-866-NEW-LUNG

or

1-866-639-5864

Made Possible by the County of Orange Health Care Agency/ Tobacco Use Prevention Program Through funds received from the National Tobacco Settlement.

This pamphlet is not a substitute for medical care. If you have questions or concerns, please talk with a health care provider.

2014 Revised and updated.

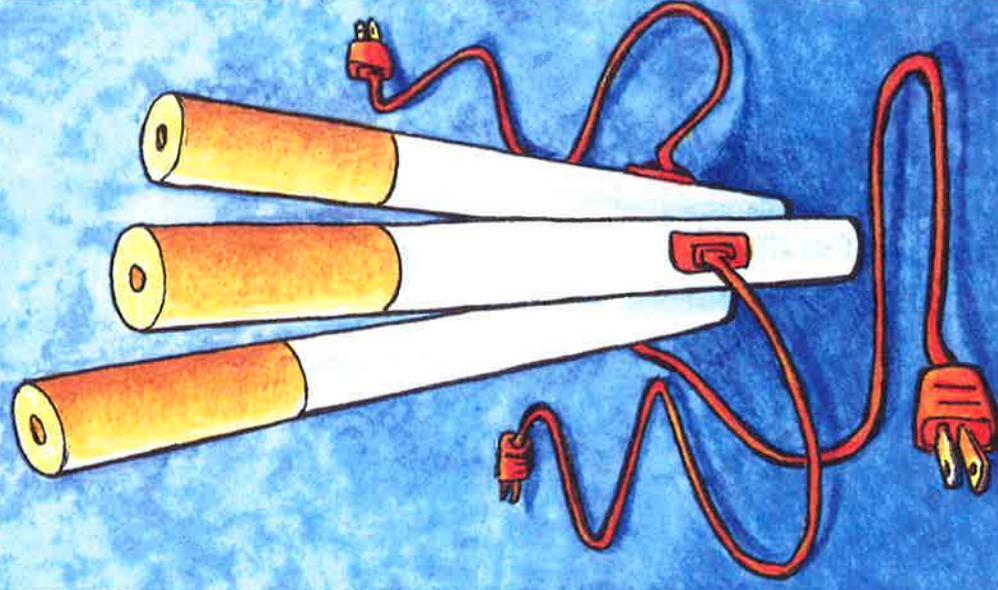
©2013 Journeyworks Publishing. All rights reserved. Please do not duplicate. Printed on recycled paper. Title #5742 (Rev. 2/14) ISBN 978-1-56885-742-8

For ordering information contact:

JOURNEYWORKS PUBLISHING
P.O. Box 8466 • Santa Cruz • CA 95061
800 • 775 • 1998 www.journeyworks.com

E-cigarettes

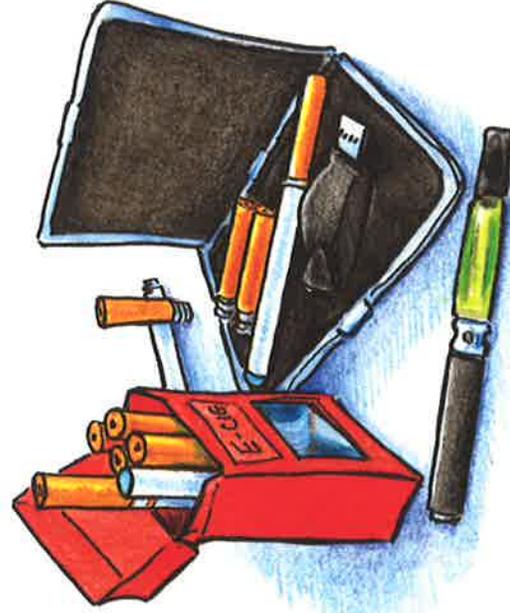
8 Things Everyone Should Know



E-cigarettes are advertised as a safer cigarette. But is this really true? Here is what you need to know about e-cigarettes.

1. E-cigarettes (or electronic cigarettes) are battery-operated devices people use to inhale nicotine.

- They often look like regular cigarettes.
- They give off a vapor instead of smoke. The vapor comes from heating a liquid.
- The liquid usually has nicotine and other chemicals.



2. The nicotine in e-cigarettes is addictive.

- Most e-cigarettes have nicotine, just like regular cigarettes and other tobacco products.
- Nicotine is very addictive.
- Once you start, it is very hard to stop.

3. The chemicals in e-cigarettes may harm your health.

- Tests show some e-cigarette liquids have toxins.
- Some of these toxins are known to cause cancer.

4. Nicotine poisoning is a risk.

- Pure nicotine is a poison that can kill.
- There are no rules for safety labels or childproofing on e-cigarettes or the liquid refill packs.
- This puts children and pets at risk.

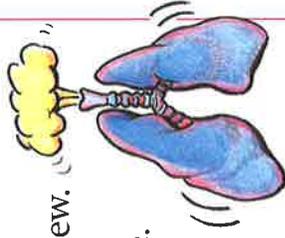


5. E-cigarettes are not regulated.

- The nicotine and other chemicals in one brand can be much higher or lower than in another.
- Tests have shown nicotine is in some brands that claim to be nicotine-free.
- People who buy them do not know what they are really getting.

6. The health effects are not known.

- E-cigarettes are very new. No one really knows how harmful they are.
- Long-term studies on the health effects have not been done.
- There is no proof that the vapor is safe for the person smoking, or for those who breathe the secondhand vapor.



7. E-cigarettes can keep you hooked on tobacco.

- People who sell e-cigarettes claim they can help a person stop smoking. But there is no proof this is true.
- In fact, some studies suggest they may keep smokers hooked.
- They may also cause people who have quit smoking to start again.



WHAT TEENS SHOULD KNOW ABOUT

- Electronic Cigarettes
- Hookah Pens
- E-Hookahs
- Vape Pens

What are Electronic Cigarettes, Hookah Pens, E-Hookahs, and Vape Pens?

- ▶ All of these devices are forms of electronic cigarettes, or e-cigarettes.
- ▶ They are battery operated and contain nicotine, flavors, and other chemicals.
- ▶ E-cigarettes give off a vapor instead of smoke. The vapor comes from heating a liquid.
- ▶ E-cigarettes are available in different flavors, such as chocolate, strawberry and mint, which may make them seem less harmful.
- ▶ E-cigarettes are designed to look like and be used in the same way as regular cigarettes.



Don't Be Pressured to Smoke or Vape

- ▶ Stand up for your rights to be smoke-free and vape-free.
- ▶ If your friends are smoking or vaping, stand away from them while they smoke or vape, or tell them in a friendly way not to smoke or vape around you.
- ▶ Make up an excuse why you can't smoke or vape, such as you have asthma.
- ▶ Smoking or vaping may lead to problems because the people around you may be bothered by the vapor or smoke.
- ▶ In California, selling or giving e-cigarettes to people under 18 years old is illegal.

Do you or someone you know want to quit smoking?

**FREE HELP is available by calling
1-866-NEW-LUNG (1-866-639-5864)**

DTP1088



Orange County Health Care Agency
PUBLIC HEALTH SERVICES
Health Promotion



Myths and Facts about E-cigarettes

Myth: Everyone vapes.

Fact: In the U.S., only 1 in 10 high school students had ever used an e-cigarette in 2012. That means 9 in 10 high school students had never used an e-cigarette.

Myth: Using e-cigarettes is safe.

Fact: At this time, there are some short-term health effects, but we do not know if there are long-term health effects.

Myth: E-cigarettes don't have nicotine.

Fact: Some e-cigarette brands have claimed they do not contain nicotine, but when tested, they actually did.

Myth: Quitting nicotine or e-cigarettes is easy.

Fact: Once people start using products that contain nicotine, such as e-cigarettes, they may find it hard to stop.

Myth: Flavorings used in e-cigarette will not hurt me.

Fact: Some flavorings have been shown to be toxic when inhaling them.

Myth: It does not matter if my friends are vaping around me.

Fact: You are breathing in some of the same chemicals if your friends vape around you.

ELECTRONIC CIGARETTES: INFORMATION FOR PARENTS

What are electronic cigarettes?

- Electronic cigarettes (e-cigarettes) are battery operated devices that contain nicotine, flavors, and other chemicals. (FDA, 2013)
- Illegal substances, such as marijuana, have been used in e-cigarette devices.
- E-cigarettes give off a vapor instead of smoke. The vapor comes from heating a liquid.
- E-cigarettes are available in different flavors, such as chocolate, strawberry and mint, which may appeal to young people. (FDA, 2013)
- E-cigarettes are designed to look like and be used in the same way as regular cigarettes. (FDA, 2013)
- They are also called vaporizer pens and hookah pens. Here are some examples:



E-cigarette use among teens

- In California, the sale or furnishing of e-cigarettes to individuals younger than 18 years of age is prohibited by state law. (California Health and Safety Code, Section 119405)
- The percentage of U.S. middle and high school students who use e-cigarettes more than doubled from 2011 to 2012. (MMWR, CDC, 2013)
- In 2012, more than 1.78 million middle and school students nationwide had tried e-cigarettes. (MMWR, CDC, 2013)
- 1 in 5 middle school students who reported ever using e-cigarettes say they have never tried regular cigarettes. E-cigarettes could be an entry point to use of regular tobacco products, including cigarettes. (MMWR, CDC, 2013)

What can parents do?

- Talk with your children before they begin smoking or using e-cigarettes, which is also called vaping. (Individuals who do not use tobacco before the age of 26 are likely to never start.) (Office of Adolescent Health, 2013)
- Talk to your children about the health risks of regular cigarettes and e-cigarettes. (Young people who see tobacco use as less harmful are more likely to start using tobacco.) (Office of Adolescent Health, 2013)
- Talk to your children about your expectations, such as how you strongly disapprove of their using tobacco. This can lessen a teen's risks of smoking or vaping. (Office of Adolescent Health, 2013)
- Adolescents raised in authoritative households have been shown to engage in fewer risky behaviors, such as smoking, than adolescents from non-authoritative families. (Latin American Journal of Nursing, 2008)
- Talk to your children about e-cigarette ads they see in the movies, internet, and on TV, or hear about on the radio. Use this as a chance to talk to your children about the health effects of smoking or vaping. (Office of Adolescent Health, 2013)

Do you or someone you know want to quit smoking?

**FREE HELP is available by calling
1-866-NEW-LUNG (1-866-639-5864)**

Are there any health effects from using e-cigarettes?

- Some e-cigarette brands claim they do not contain nicotine, but when tested, they have been found to contain some levels of nicotine. *(FDA, 2010)*
- Nicotine is the addictive chemical that makes it hard to quit smoking. *(FDA, 2013)*
- Some e-cigarettes have also been found to contain a chemical called diethylene glycol, a toxic chemical used in antifreeze. *(FDA, 2013)*
- Other samples have been found to contain some of the same cancer-causing chemicals that are in regular cigarettes. *(FDA, 2013)*
- At this time, there are some known short-term health effects, but we do not know if there are long-term health effects.
- While the flavorings found in e-cigarettes are safe to consume, inhaling them may be harmful. Some of the flavorings have even been shown to be toxic.
- There is no proof that e-cigarettes are safe for those who smoke or for those who breathe in the vapor. *(FDA, 2013)*
- E-cigarettes are not an approved tool for quitting smoking. *(FDA, 2010)*
- Currently, e-cigarettes are not regulated by the Food and Drug Administration (FDA), so the safety and the purity of the devices are unknown.

ELECTRONIC CIGARETTES: INFORMATION FOR EMPLOYERS

What are electronic cigarettes?

- ◆ Vapes or electronic-cigarettes (e-cigarettes) are battery operated devices that contain nicotine, flavors, and other chemicals.¹
- ◆ Illegal substances, such as marijuana, have been used in e-cigarette devices.
- ◆ E-cigarettes give off a vapor instead of smoke. The vapor comes from heating a liquid.
- ◆ E-cigarettes are available in different flavors, such as chocolate, strawberry and mint, which may appeal to young people.¹
- ◆ E-cigarettes are designed to look like and be used in the same way as regular cigarettes.¹
- ◆ They are also called vaporizer pens and hookah pens. Here are some examples:



Businesses are having a difficult time figuring out what to do about e-cigarettes.

Here is what you need to know:

- ◆ Existing tobacco laws do not apply to e-cigarettes.
- ◆ Some places have policies or are developing policies to prohibit the use of e-cigarettes in enclosed areas. For example, the U.S. Department of Transportation interprets existing federal regulations against smoking on airplanes as also applying to the use of e-cigarettes.⁴
- ◆ Concerns have been raised by supervisors who may not be able to tell if someone is smoking a cigarette or using an e-cigarette.
- ◆ Establishing a policy frees employees from having to determine if someone is smoking or using an e-cigarette.
- ◆ It is up to each business to make up its own policy about e-cigarette use.
- ◆ Once an e-cigarette policy has been established for your business:
 - 1) Post the policy;
 - 2) Train your employees; and
 - 3) Enforce the policy.

Do you or someone you know want to quit smoking?

**FREE HELP is available by calling
1-866-NEW-LUNG (1-866-639-5864)**

Are there any health effects from using e-cigarettes?

- ◆ Some e-cigarette brands have claimed they do not contain nicotine, but when tested, they have been found to contain some levels of nicotine.²
- ◆ Nicotine is the addictive chemical that makes it hard to quit smoking.¹
- ◆ Some e-cigarettes have also been found to contain a chemical called diethylene glycol, a toxic chemical used in antifreeze.¹
- ◆ Other samples have been found to contain some of the same cancer-causing chemicals that are in regular cigarettes.¹
- ◆ In some studies, exposure to e-cigarette vapor for just 5 minutes caused narrowing of the airway, which can make it hard to breathe.³
- ◆ There is no proof that e-cigarettes are safe for those who smoke or for those who breathe in the vapor.¹
- ◆ While the flavorings found in e-cigarettes are safe to consume, inhaling them may be harmful. Some of the flavorings have even been shown to be toxic.
- ◆ E-cigarettes are not an approved tool for quitting smoking.²
- ◆ Currently, e-cigarettes are not regulated by the Food and Drug Administration (FDA), so the safety and the purity of the devices are unknown.²

Sources:

- ¹ FDA Warns of Health Risks Posed by E-Cigarettes.
www.fda.gov/ForConsumers/ConsumerUpdates/ucm173401.htm
- ² FDA E-cigarettes: Questions and Answers.
www.fda.gov/forconsumers/consumerupdates/ucm225210.htm
- ³ Vardavas, CI et al. "short-Term Pulmonary Effects of Using an EC: Impact on Respiratory Flow Resistance, Impedance and Exhaled Nitric Oxide" Chest 2012 141(6):1400-1406
- ⁴ U.S. Department of Transportation Proposes to Ban the Use of Electronic Cigarettes on Aircraft
<http://www.dot.gov/briefing-room/us-department-transportation-proposes-ban-use-electronic-cigarettes-aircraft>

**ATTACHMENT 5
ADVERTISING SIGNAGE FOR
E-CIGARETTES PRESENTED AT THE
AUGUST 25, 2014 PLANNING
COMMISSION MEETING**



Vaping Advertisement

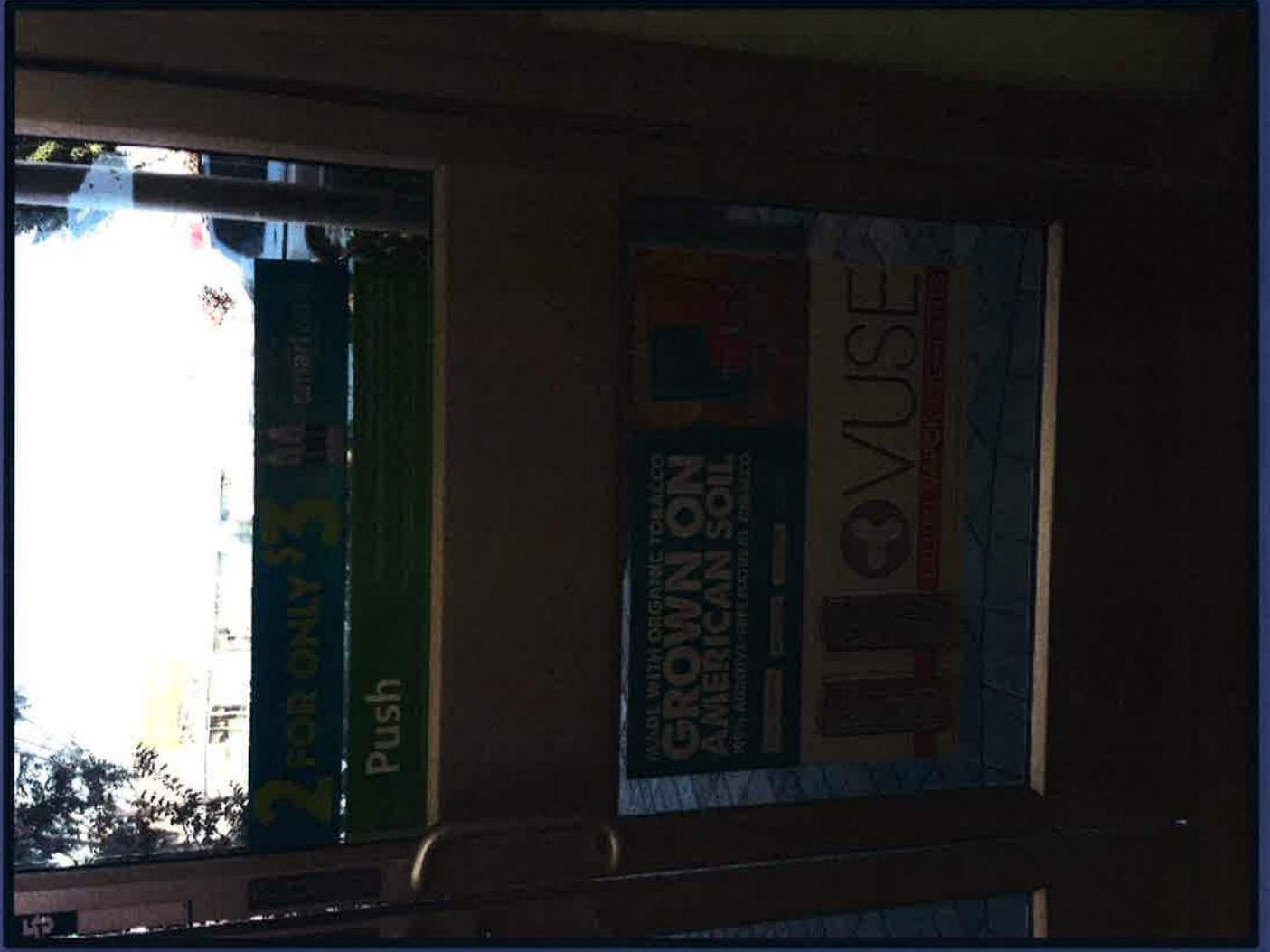
Date: August 25, 2014

By: Colin McCarthy

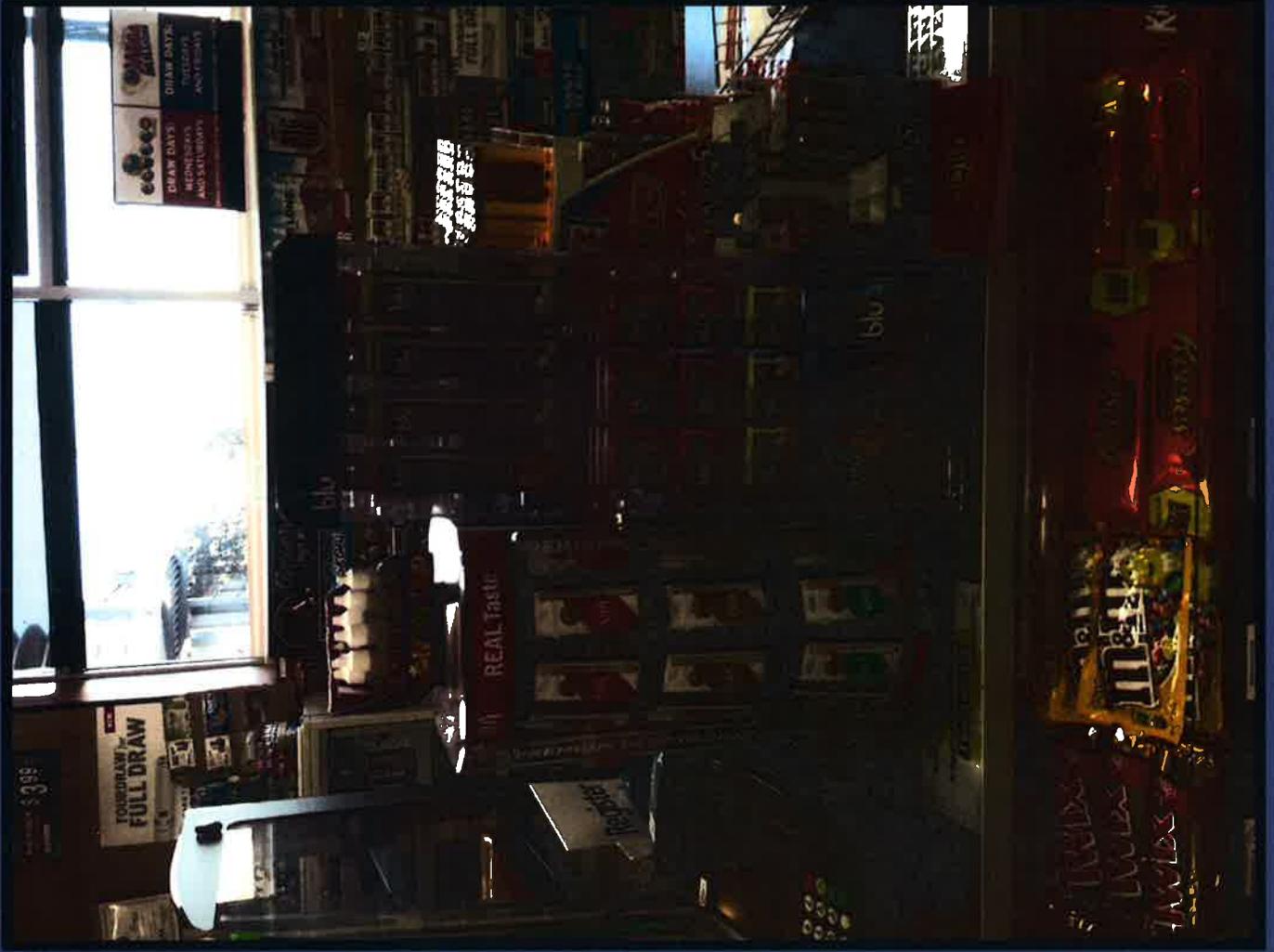
Planning Commissioner



Door Signage



In Store Displays



In Store Kiosk



In Store Kiosk



Free Standing Sign



Window Sign

