



Legislation Text

File #: 130679., **Version:** 4

REGULATION OF NICOTINE DISPENSING DEVICES (B)

Ordinance No. 130679

An ordinance of the City of Gainesville, Florida amending the City Code of Ordinances related to smoking and the use of nicotine dispensing devices; by repealing the provisions of Chapter 11.5 that are preempted by state law and adopting new provisions in Chapter 11.5 to regulate the use of nicotine dispensing devices; amending the definition of "smoke or smoking" in Section 11.5-40; adding a penalty provision to Section 2-339; providing directions to the codifier; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

The City Commission adopt the proposed ordinance.

On December 19, 2013, the City Commission referred the issue of enacting an ordinance regulating the use of nicotine dispensing devices, (commonly referred to as "e-cigarettes") to the Public Safety Committee for discussion. After hearing a presentation by the UF Health Education Centers Program and receiving citizen comment, the Public Safety Committee returned the matter to the Commission recommending that the City Commission direct the City to draft an ordinance.

At its meeting on April 3, 2014, the City Commission directed the City Attorney to draft an ordinance similar to the Alachua County ordinance regulating e-cigarettes and adding language to prohibit the possession of e-cigarettes by minors, if the Florida legislature did not enact legislation regulating the possession of nicotine dispensing devices by minors.

The Florida legislature enacted Senate Bill 224 prohibiting the delivery and possession of nicotine dispensing devices by minors. This ordinance repeals current smoking regulations in the Code of Ordinances which have been preempted by state statute and are therefore no longer enforceable, as well as imposes regulations prohibiting the use of nicotine dispensing devices in any location where smoking is prohibited by state law.

In addition, this ordinance extends the existing prohibition of outdoor smoking at a city facility and at RTS bus stops and bus shelters to include the use of nicotine dispensing devices.