

**ORDINANCE NO. 34 - 20**

By: Jen Robinson

**An Ordinance Modifying Chapter 636.16 of the Codified Ordinances, to Prohibit the Sale of Flavored Vaping Products within the City of Bexley.**

**Whereas**, The City of Bexley seeks to promote the health, wellness, and safety of all residents; and,

**Whereas**, The City of Bexley has historically been a leader in anti-smoking efforts, being the first community in the State of Ohio to enact an indoor smoking ban and one of the first central Ohio communities to ban the sale of smoking products to persons under the age of 21; and,

**Whereas**, according to the Centers for Disease Control and Prevention and the National Youth Survey for Tobacco-Free Kids, there has been a 135% increase in vaping by high school students since 2017; and,

**Whereas**, teens who vape are nearly 4-times more likely to smoke cigarettes than their peers who don't use any type of tobacco products; and,

**Whereas**, nicotine exposure can harm adolescent brain development affecting attention, learning, mood and impulse control and can lead to stronger addiction.; and,

**Whereas**, one-third of all middle and high school users use e-cigarette pods as a vehicle to smoke marijuana; and,

**Whereas**, a 2018 study by the CDC found that many adults use e-cigarettes in an attempt to quit smoking; however, most adult e-cigarette users continue to smoke cigarettes in combination with e-cigarette products (Dual Use); and,

**Whereas**, e-cigarette flavored pods have been used overwhelmingly to attract those who have not previously used nicotine or tobacco products; and,

**Whereas**, 53% of e-cigarettes are purchased from convenience stores, food, drug and mass retail chains in comparison to 28% from online retailers and 19% from specialty/vape shops; and,



**Whereas**, due to the effects of vaping on the inner lining of the lungs, children under the age of eighteen who have used a vape or e-cigarettes product are 5 times more likely to develop COVID-19, and children under the age of eighteen who have used a vape or e-cigarette product within 30 days are 7 times more likely to develop COVID-19;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY:**

That Chapter 636.16 shall be modified in the Bexley Codified Ordinances and shall be as follows:

**Section 1**

That Section 636.16(a)(5)A shall be modified as follows:

- A. E-CIGARETTE is defined as , subject to subsection (a)(6)B. of this section, any electronic product or a device consisting of a mouthpiece, a battery, a cartridge for containing the e-liquid or e-juice, and heating component for the device that is powered by a battery that produces a vapor that delivers nicotine or any other substance to the person inhaling from the device including, but not limited to products likely to be offered to or purchased by consumers as an electronic cigarette, electronic cigar, electronic cigarillo, vape pen, e-hookah, or electronic pipe.

**Section 2**

That Section 636.16(a)(5) as follows:

- C. FLAVORED VAPING PRODUCT is any product or pod (commonly known as vapes) containing liquid nicotine, which is the same chemical found in traditional cigarettes. In addition to containing nicotine, tetrahydrocannabinol (THC) and cannabinoid (CBD) oils, these products contain additional flavorings and additives making them more attractive, especially to younger consumers.
- D. VAPING is defined as the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device

(definitions provided by the Center on Addiction, CDC and Tobacco Free Kids)

**Section 3**

That 636.16(b)(7) shall be created:



636.16(b)(7) Give, sell or otherwise distribute Flavored Vaping Products to any person, regardless of age.

**Section 4**


That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: Nov. 10<sup>th</sup>, 2020

  
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Lori Ann Feibel - President of Council

Attest: William Harvey  
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William Harvey - Clerk of Council

Approved: 11/10, 2020

  
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Benjamin J Kessler, Mayor

First Reading 8 - 25, 2020

Second Reading 9 - 8, 2020

Third Reading 9 - 22, 2020

Tabled 9-22-20  
Passed 11-10-2020

