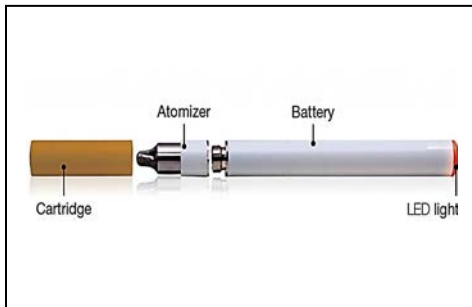




# About Electronic Cigarettes and San Francisco Health Code Article 19N

## What are Electronic Cigarettes?

**“Electronic Cigarette”, “E-Cigarette”, or “E-Cig” means any device with a heating element, a battery, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates smoking tobacco. *These devices are tobacco products.***



*Electronic Cigarettes may look like traditional cigarettes, but they can also come in a wide variety of shapes and forms.*



- Electronic Cigarettes are still awaiting regulation from the Food and Drug Administration (FDA). There are no set standards in production or content. This means ingredients can vary drastically between brands.
  - These products generally contain nicotine which is always derived from tobacco plants. Nicotine is a highly addictive substance, which causes increased heart rate, high blood pressure, and birth defects.
  - Another regular ingredient is propylene glycol, which causes **eye, throat, and lung irritation**. This can be especially dangerous for persons with health conditions such as asthma.
  - Products have also tested positive for known **tobacco related carcinogens, toxic chemicals, and heavy metals**.
  - The second-hand aerosol expelled by these devices exposes bystanders to the **hazardous chemicals** listed above. It is **NOT** just water vapor!
  - Usage among young people has increased dramatically over the past few years.



*These products come in a wide variety of kid-friendly flavors such as bubble gum, strawberry, grape, skittles, and gummy bear*

*Many of the Electronic Cigarette companies are being purchased and marketed by the **tobacco industry** using similar tactics as traditional cigarettes*





## How does Health Code Article 19N affect the use and sale of Electronic Cigarettes?

- Electronic Cigarettes **ARE NOT** banned. Usage is allowed in any location that traditional cigarettes can be used per Article 19N of the San Francisco Health Code, effective April 26, 2014.
- Electronic Cigarette usage is therefore prohibited wherever traditional cigarette usage is prohibited. This includes but is not limited to the following locations:

Locations Where Using E-cigs is Prohibited	Legal Authority
Workplaces, Restaurants, and Bars	CA Labor Code 6404.5 SF Health Code Article 19F, Section 1009.22
Near entryways including exits and operable windows of commercial, multi-unit residential and mixed use buildings (Smoking only at the curb or 15 feet if no curb)	SF Health Code Article 19F, Section 1009.22
Tobacco Shops	SF Health Code Article 19F, Section 1009.22
Enclosed areas of Common areas of Multi-Unit Housing	SF Health Code Article 19F, Section 1009.22
Rental units with leases designating units as smoke free	SF Health Code Article 19M, Section 19M.3
Public Transit Vehicles and Stations (Muni and BART)	CA Health and Safety Code Sections 118925-118945/ SF Health Code Article 19F, Section 1009.22
Indoor facility utilized for kindergarten, elementary, or secondary education or library services for children	US Code Section 6083
Motor vehicles with a minor under 18 years of age	CA Health and Safety Code Sections 118947-118949
Taxis (whether or not passengers are present)	SF Health Code Article 19F, Section 1009.22
Service Waiting Lines (ATMs, ticket lines, bus stops)	SF Health Code Article 19F, Section 1009.22
City and County of San Francisco owned or operated parks, playing fields, or other unenclosed areas	SF Health Code Article 19I, Section 1009.81
Outdoor Events held on City and County property	SF Health Code Article 19L, Section 19L.3
Sports Arenas	SF Health Code Article 19F, Section 1009.22
Farmer's Markets	SF Health Code Article 19F, Section 1009.22
Playgrounds and Tot Lots	CA Health and Safety Code Section 104495
Wharf, Pier, Dock, Bulkhead, or Marine Facility	SF Police Code Article 1, Section 55
Any other location with a smoke free policy such as a college campus	

- **Sales of Electronic Cigarettes will follow all the requirements and penalties related to tobacco sales.**
- Electronic Cigarettes cannot be sold anywhere tobacco sales are prohibited.

Locations Where Sales are Prohibited	Legal Authority
Sales of Electronic Cigarettes require a tobacco sales permit. All related requirements and penalties apply	SF Health Code Article 19H, Section 1009.52
Sales of Electronic Cigarettes are prohibited at pharmacies	SF Health Code Article 19J, Section 1009.92
Sales of Electronic Cigarettes are prohibited on City and County Property	SF Health Code Article 19K, Section 1010.1
Sales of Electronic Cigarettes through self-service merchandizing such as vending machines are illegal. This includes counter top displays	SF Health Code Article 19D, Section 1009.1 / SF Police Code Article 46, Section 4600.3
Illegal to have giveaways or free samples or coupons	SF Police Code Article 1, Section 95
Illegal to advertise on City & County Property	SF Administrative Code, Chapter 4, Section 4.2