

Article 3: Environmental Health Quality Controls
(*Retitled from "Water Quality Controls" on 3-8-1994 by O-18047 N.S.*)

**Division 11: Prohibition of Tobacco Vending Machines
and Electronic Cigarette Vending Machines**

(*"Prohibition of Tobacco Vending Machines" added 3-8-1994 by O-18048 N.S.*)
(*Retitled to "Prohibition of Tobacco Vending Machines and Electronic Cigarette Vending
Machines" on 10-2-2014 by O-20409 N.S.; effective 11-1-2014.*)

§43.1101 Purpose and Intent

Because smoking is responsible for the premature deaths of Americans each year from lung cancer, heart disease, respiratory illnesses, and other diseases; environmental tobacco smoke is reportedly responsible for the additional deaths of nonsmokers; and the U.S. Surgeon General has declared that nicotine is as addictive as cocaine or heroin; that no other addictive product, drug or cancer-causing product or drug is sold through vending machines; the declared purpose of this Division is to prohibit the sale of *tobacco products* through vending machines to protect the health and welfare of the public.

Further, because of the increasing popularity of *electronic cigarettes* and the unknown health risks associated with their use, it is the purpose of this Division to prohibit the sale of *electronic cigarettes, electronic cigarette paraphernalia, and vaping juice* in vending machines, to protect the health and welfare of the public, particularly youth.

(*"Purpose and Intent" added 3-8-1994 by O-18048 N.S.*)
(*Amended 10-2-2014 by O-20409 N.S.; effective 11-1-2014.*)

§43.1102 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Electronic Cigarette Vending Machine means any machine or device designed for or used for the vending of *electronic cigarettes, electronic cigarette paraphernalia, or vaping juice* as defined in San Diego Municipal Code section 33.4502, upon the insertion of coins, paper currency, trade checks, slugs, or electronic payment cards.

Tobacco Vending Machine means any machine or device designed for or used for the vending of *tobacco products* as defined in San Diego Municipal Code section 33.4502, upon the insertion of coins, paper currency, trade checks, slugs, or electronic payment cards.

(“*Definitions*” added 3-8-1994 by O-18048 N.S.)
(Amended 10-2-2014 by O-20409 N.S.; effective 11-1-2014.)

§43.1103 Prohibitions

- (a) It is unlawful for any person to sell or distribute, or cause to be sold or distributed, any *tobacco products* from a *Tobacco Vending Machine*.
- (b) It is unlawful for any person to sell or distribute, or cause to be sold or distributed, any *electronic cigarette*, *electronic cigarette paraphernalia*, or *vaping juice* from an *Electronic Cigarette Vending Machine*.

(“*Prohibitions*” added 3-8-1994 by O-18048 N.S.)
(Amended 10-2-2014 by O-20409 N.S.; effective 11-1-2014.)

§43.1104 Penalty

Any person who violates any provision of this Division is guilty of a misdemeanor and subject to any enforcement option or penalty provision set forth in Chapter One of this Code to address violations of law.

(“*Penalty*” added 3-8-1994 by O-18048 N.S.)