



## City of Rohnert Park Planning Commission Report

**DATE:** May 12, 2016

**ITEM NO:** 8.1

**SUBJECT:** PLMC2015-0002 Amend Rohnert Park Municipal Code Title 8 Health and Safety Chapter 8.32 Use of Tobacco to include electronic cigarettes

**LOCATION:** NA

**REQUEST:** Receive Update re Regulations for Electronic Cigarettes (E-cigarettes)

**APPLICANT:** City of Rohnert Park

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### **Background**

Electronic cigarettes (“e-cigarettes”) are battery powered devices that heat a liquid substance, which frequently contains nicotine or other harmful chemicals, for the purposes of inhalation by the user. When the charge from the battery warms the liquid it creates an aerosol that resembles smoke from a conventional cigarette that is inhaled by the user and exhaled into the air. Like cigarette smoke, the aerosol can carry in the air and may be inhaled by near-by non-smokers and minors with detrimental effects to the inhaler.

The City has been exploring making amendments to its Municipal Code to regulate e-cigarettes because the state had not done so. However, on May 4, 2016 the Governor approved Senate Bill No. 5, which will include e-cigarettes within the definition of “tobacco products” in the Stop Tobacco Access to Kids Enforcement and other tobacco regulations. This has implications in numerous areas of law including restrictions on the sale and use of e-cigarettes. The Bill also increased the smoking age to 21. In addition on May 5, 2016, the Food and Drug Administration (FDA) adopted new regulations regulating e-cigarettes. These rules are expected to sharply restrict the use of e-cigarettes.

## Analysis

Because of the substantial changes enacted this week with respect to e-cigarettes at both a federal and state level, we recommend tabling this item. Additional time is needed to allow staff to analyze the effect the new laws/regulations and determine whether and to what extent local regulation is still needed and/or if revisions to our existing code should be updated to reflect these changes.

### APPROVALS:

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5.6.16  
Date

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