


Councilmember Mary M. Cheh

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia to prohibit the sale or distribution of an electronic smoking device within a quarter mile of a middle or high school.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Electronic Smoking Device Sales Restriction Amendment Act of 2019”.

Sec. 2. An act to prohibit the sale of tobacco to minors under sixteen years of age in the District of Columbia, approved February 7, 1891 (26 Stat. 736; D.C. Official Code § 7-1721.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 7-1721.01) is amended as follows:

(1) Paragraph (1) is redesignated as paragraph (1A).

(2) A new paragraph (1) is added to read as follows:

“(1) “Electronic smoking device” means any product, including one composed of a heating element, battery, or electronic circuit, that contains or delivers nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol. The term “electronic smoking device” includes any such

31 product, regardless of whether it is manufactured, distributed, marketed, or sold as an e-cigarette,
32 e-liquid, e-cigar, e-pipe, e-hookah, vape pen, or by any other product name or descriptor.”

33 (b) A new section 7a is added to read as follows:

34 “Sec. 7a. Prohibition on sale or distribution of electronic smoking devices.

35 “(a) No person shall sell or distribute an electronic smoking device within a quarter mile
36 of any middle school or high school in the District.

37 “(b) A person violating subsection (a) of this section shall be subject to a civil fine of not
38 more than \$1000 for each violation.

39 “(c) A license to sell tobacco products issued pursuant to D.C. Official Code § 47-2404
40 may be suspended for a first or second violation of subsection (a) of this section. The license
41 shall be revoked for a third or subsequent violation of subsection (a) of this section.”

42 Sec. 3. Fiscal impact statement.

43 The Council adopts the fiscal impact statement in the committee report as the fiscal
44 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
45 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

46 Sec. 4. Effective date.

47 This act shall take effect following approval by the Mayor (or in the event of veto by the
48 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
49 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
50 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
51 Columbia Register.