

Chapter 5.20

CIGARETTE VENDING MACHINES

Sections:

5.20.010 Vending machine sales prohibited.

5.20.010 Vending machine sales prohibited.

A. Purpose and Intent.

1. To prevent young people from using nicotine until they are mature and capable of making an informed and rational decision;

2. To significantly reduce the ability of young people from illegally obtaining tobacco products by banning cigarette vending machines;

3. To generally promote the health and welfare of all people in the community against the health hazards and harmful effects of using addictive tobacco products;

4. It is the present policy of the city council of the city to restrict or prohibit the smoking of tobacco products in some enclosed public places and some workplaces as expressed in Sections 8.20.010 and 8.20.090 of this code in order to reduce the involuntary exposure of nonsmokers to the harmful effects of secondhand smoke. Health hazards of exposure to secondhand smoke include increased risk for developing lung cancer, respiratory infection, bronchoconstriction, and bronchospasm;

5. The availability of tobacco products from vending machines located in public places such as restaurants, bowling alleys, stadiums, workplaces, and office buildings encourages smoking in these public places and increases the likelihood that non-smokers will be exposed to secondhand smoke;

6. This chapter prohibiting the sale of tobacco products from vending machines is enacted to further the policy set forth in said code sections. The city council concludes that enforcement of the existing ordinance and Penal Code Section 308 will be facilitated if the sale of tobacco products from vending machines is prohibited.

B. Findings.

1. The council finds that minors have ready access to cigarettes and other tobacco products through cigarette vending machines;

2. Prohibition of sale of tobacco products from vending machines in areas accessible to minors is essential to curtailing the illegal sale of tobacco products to minors. The U.S. Office on Smoking and Health and U.S. Surgeon General have found that vending machines are the source of cigarettes in almost all cases for children purchasing and using tobacco for the first time. They concluded that the youngest of children get initiated to tobacco and get addicted to nicotine through cigarettes purchased from vending machines. As these children get older, they get bolder and begin to purchase their cigarettes from over the counter. The U.S. Surgeon General has declared that nicotine is as addictive as cocaine or heroin, and children can become addicted to these products through easy purchase through tobacco vending machines;

3. The council finds that although some vending machines are located within the premises licensed by the state for on sale liquor sales and located within area of such premises to which access by minors is prohibited by law, minors can and do access such machines.

C. Vending Machine Sales Prohibited. No cigarette or other tobacco product may be sold, offered for sale, or distributed by or from a vending machine.

D. Definitions.

"Vending machine" means any machine or device designated for or used for the selling of cigarettes, cigars, tobacco, or tobacco products upon the insertion of coins, trade checks or slugs.

E. Sec. 1004. Enforcement. Violations of this chapter are subject to a civil fine of one thousand dollars per day for each violation. Violation of this section is declared to be a misdemeanor. (Prior code § 15-139)