

## **DRAFT language for City of Schenectady proposed law**

### Section I: Definitions

Electronic Nicotine Delivery System: any oral electronic and/or battery powered device that contains a cartridge filled with nicotine, flavor, or other chemicals.

Smoking: inhaling, exhaling, burning, or carrying any lighted or heated bidis, cigar, cigarette, cigarillos, hookah, kreteks, little cigar, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. The act of smoking includes the use of any Electronic Nicotine Delivery System.

Tobacco Product: any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, and Electronic Nicotine Delivery Devices. However, "Tobacco Product" does not include any product that has been approved by the U.S. Food & Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved use.

### Section 2: Prohibition of Tobacco Product Use in Outdoor Areas

(A) The use of tobacco products is prohibited within 50 feet of buildings owned or operated by the City of Schenectady which are open to the public.

### Section 3: Other Requirements and Prohibitions

(A) No ash can, ashtray, or other smoking waster receptacle shall be placed in any area in which smoking is prohibited by this Chapter.

### Section 4: Penalties and Enforcement

(A) Each instance of Smoking or tobacco product use in violation of this chapter shall constitute a separate violation. For violations other than smoking or tobacco product use, each day of a continuing violation of this chapter shall constitute a separate violation.

(B) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall also constitute a violation of this Chapter.

(C) Each violation of this chapter constitutes a violation subject to a fine of \$50.

(D) Enforcement of this chapter shall be the responsibility of the Schenectady Police Department.