

LEGISTAR #36141 – Version 1

DRAFTER'S ANALYSIS: This ordinance establishes a definition of electronic delivery devices and includes electronic delivery devices in the definition of smoking. Thereby, prohibiting the use of electronic delivery devices in places of employment and other areas defined within the ordinance. This ordinance bans smoking in all City parks and beaches where posted.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (1) entitled "Definitions" of Section 23.05 entitled "Smoking Prohibited in Certain Areas" of the Madison General Ordinances is amended by creating and amending therein the following:

"Electronic delivery device" means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

"Smoking" means to smoke or carry a lighted pipe, cigar, cigarette or tobacco-related products in any form. Smoking also includes the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device."

2. Paragraph 7. of Subdivision (a) of Subsection (2) entitled "Intent and Purpose" of Section 23.05 entitled "Smoking Prohibited in Certain Areas" of the Madison General Ordinances is created to read as follows:

"7. Electronic delivery devices are currently unregulated and have been proven to emit nicotine, ultra-fine particles, volatile organic compounds and other toxins. Inhalation of nicotine is proven to be dangerous to everyone, especially children and pregnant women. Exposure to ultrafine particles may exacerbate respiratory illnesses, such as asthma and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols, as well as conventional cigarette smoke, are proven carcinogens."

3. Subdivision (d) of Subsection (4) entitled "Prohibition of Smoking in Outdoor Areas" of Section 23.05 entitled "Smoking Prohibited in Certain Areas" of the Madison General Ordinances is amended to read as follows:

"(d) City parks and beaches as posted ~~and so designated by the Park Commissio~~