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Nutter Signs Law That Bans Vaping

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As Mayor Nutter took out his pen Wednesday to sign two bills that crack down on "vaping," or puffing on electronic cigarettes, Gregory Conley broke the silence in the Mayor's Reception Room at City Hall.

"Congratulations on hurting public health and deceiving smokers into believing that e-cigarettes are harmful," Conley shouted at the mayor while holding an e-cigarette.

As a member of Nutter's security team stood in front of Conley, an e-cigarette lobbyist, the mayor fired back: "That device might be harmful, but he's harmless."

Then Nutter signed the bills that prohibit the sale of e-cigarettes to minors and ban vaping in Philadelphia workplaces, bars, restaurants, and other public spaces. The laws also apply to all other electronic smoking devices, such as vape pens, e-hookahs, and e-cigars.

The first bill, which stops the sale of e-cigarette products to minors, took effect immediately. The second, which bans the use of e-cigarette products just about everywhere, including stores, movie theaters, museums, schools, common areas of apartment buildings, and hotels, will take effect July 1.

"We don't know yet what effects e-cigarette vapor may have on their users or on the people around them, but we do know that e-cigarette vapor has been found to contain nicotine," said Nutter, the architect behind the city's smoking ban in 2007. "We believe that erring on the side of caution is important for the health, safety, and welfare of all of our citizens."

Nutter on Wednesday called the bills, originally sponsored by City Councilman William K. Greenlee, a "sensible extension" of the 2007 Clean Indoor Air Worker Protection Law.

New Jersey in 2010 was the first major jurisdiction in the nation to ban the use of e-cigarettes in most public places, joined later by the states of Utah and North Dakota. Several major cities - Boston, Chicago, Los Angeles, New York, and San Francisco - have done so as well. At least 26 states, including New Jersey, ban sales to minors; a bill is pending in Harrisburg.

E-cigarettes are not regulated by the Food and Drug Administration, although new rules are expected soon. Supporters of local legislation say that the devices potentially pose serious public-health concerns, especially to children and teenagers.

Opponents argue that the vapor produced by e-cigs is harmless. Vaping, advocates say, can help wean longtime smokers off cigarettes. A citywide ban on vaping in public places, they say, is unenforceable.

Conley, a volunteer with the National Vapers Club, said he had smoked cigarettes for eight years before he tried a watermelon-flavored e-cig.

"It helped me quit overnight," the 27-year-old said.

In the South Street neighborhood, where several vape shops have sprouted up over the last year, e-cig enthusiasts were also disappointed with Wednesday's legislation.

"It's a no-brainer that it shouldn't be sold to minors, but that doesn't mean vaping should be treated like smoking," said Michael Chhem, co-owner of Love Vape, 608 S. Fifth St.

Hours after Nutter gave his seal of approval to both bills, Chhem, 23, sat with several friends and coworkers inside his store, puffing away on a battery-powered, green-apple-flavored device as vapor filled the small, colorful room.

For Conley, the e-cig debate in Philadelphia should come down to a matter of choice.

"If 99 percent of all Philadelphia businesses decided to, on their own, ban e-cigarette use, that's their right," Conley said. "But what about the 1 percent that wants to allow them? It doesn't make any sense."

http://www.philly.com/philly/news/politics/20140410_Mayor_Nutter_signs_law_that_bans_vaping_just_about_everywhere_in_Philadelphia.html#A3q4HZfOqUb5zKsE.99