



## **NEW RULES ON INDOOR VAPING AND E-CIGARETTE USE IN ALLEGHENY COUNTY: THE BASICS**

***Starting March 20<sup>th</sup>, e-cigarettes/vaping will be treated the same as smoking cigarettes in Allegheny County.***

Earlier this month, Allegheny County joined almost 600 local governments across the country by enacting a Board of Health regulation that ***prohibits the use of e-cigarettes and vaping products in indoor public places where cigarettes are already prohibited.*** This includes workplaces, restaurants, government buildings, schools, and daycare centers, among others.

**Inside? Can't smoke? Can't vape or use e-cigarettes, either.**

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### **Why regulate e-cigarettes?**

Unlike many other states, e-cigarettes and vaping products are not covered by Pennsylvania's Clean Indoor Air Act. Research shows that bystanders can be exposed to second hand aerosol from e-cigarettes and vaping. The aerosol is not harmless and can contain nicotine and other harmful chemicals that impact not only the user, but also those exposed to it second-hand.

This country has seen an enormous increase in adolescent use of these products, much higher than adolescents trying traditional cigarettes. According to the 2016 U.S. Surgeon General's Report, American teens' use of e-cigarettes and vaping devices increased by over 900% in recent years. This use is also associated with future use of cigarettes.

### **Is this ordinance a ban of e-cigarettes?**

No. It is only an exclusion of e-cigarettes from indoor spaces where smoking is prohibited. If you use these products, you may continue to purchase them and try them in vaping stores, use them in private, outside, or in places where you can also smoke cigarettes under existing Pennsylvania law.

### **Aren't e-cigarettes already prohibited indoors?**

Although many places already prohibit the use of e-cigarettes and vaping products, these rules have been made by individual businesses. This ordinance will now cover all indoor public spaces where smoking is prohibited.

### **What places are covered by the ordinance?**

E-cigarettes and vaping will be prohibited in all public indoor spaces where cigarettes are currently prohibited. This includes schools, government buildings, workplaces, restaurants and other facilities.

The ordinance defines “public places” as:

*“An enclosed area which serves as a workplace, commercial establishment or an area where the public is invited or permitted. The term includes: (1) A facility which provides education, food or health care-related services. (2) A vehicle used for mass transportation. This paragraph includes a train, subway, bus, including a chartered bus, plane, taxicab and limousine. (3) A train station, subway station or bus station. (4) A public facility. This paragraph includes a facility to which the public is invited or in which the public is permitted and a private home which provides child-care or adult day-care services. (5) A sports or recreational facility, theater or performance establishment.”*

Please note that this definition is identical to the definition of public place in the Pennsylvania Clean Indoor Air Act.

### **Are there indoor spaces where use of e-cigarettes and vaping products is permitted?**

Yes, the ordinance allows for the use of e-cigarettes and vaping products in any indoor public spaces where cigarettes are allowed. This includes bars that do not have more than 20% of their revenue from food, cigar bars, full-service truck stops, gaming floors where smoking is permitted, some night clubs, private clubs, and tobacco shops as defined in section 2 of the PA Clean Indoor Air Act (P.L. 182, No. 27).

In addition, specialty establishments in Allegheny County that earn at least 50% of their revenue from e-cigarette and vaping products may permit use of these products.

### **What if I see someone using an e-cigarette in a place covered by this ordinance?**

First, you should politely request that they stop using the product. Perhaps they don't know about the ordinance. If the individual doesn't cooperate, notify a supervisor or manager. If you can't locate one, you may call 412-687-ACHD or notify the Allegheny County Health Department via our website: <http://www.achd.net/contactus.html>. ACHD staff will follow up accordingly.

The Allegheny County Health Department will respond to complaints relating to unlawful use of these products in all facilities covered by the ordinance.

Complaints may only be made to the Health Department, unlike the smoking ban, because this is a local ordinance. Again, complaints can be made to ACHD by calling 412-687-ACHD or by contacting us via our website: <http://www.achd.net/contactus.html>.

**FOR MANAGERS, STAFF, & VISITORS OF RESTAURANTS AND BARS WHERE SMOKING IS NOT CURRENTLY PERMITTED**

**I am a restaurant owner – how does this affect me?**

Your employees must wash their hands after using e-cigarettes and vaping products before handling food, and they may not use these products indoors. Your customers may not use these products indoors.

**Do I need to provide signage for customers?**

The ordinance doesn't require signage, but we encourage signage to make compliance easier. You may create your own signage or use County Health Department signage available for download on our website at: <http://www.achd.net/chrond/smoking/ecig.html>

**FOR MANAGERS, STAFF, & PATRONS OF OTHER INDOOR PUBLIC PLACES, INCLUDING WORKPLACES**

**I own a non-restaurant business or indoor public place. How does this affect me?**

The same rules apply as for restaurants. No use of e-cigarettes or vaping is allowed indoors. However, if your establishment currently has an exception to allow cigarette smoking, vaping and e-cigarette use is also allowed.

**What should I do if someone is using an e-cigarette in my workplace or another indoor place covered by the act?**

Politely request that they stop using the product. Perhaps they don't know about the ordinance. If the individual doesn't cooperate, notify a supervisor or manager. If you can't locate one, you may call 412-687-ACHD or let the Allegheny County Health Department know via our website <http://www.achd.net/contactus.html>. ACHD staff will follow up accordingly.

**FOR MANAGERS, STAFF, & PATRONS OF E-CIGARETTE SPECIALTY ESTABLISHMENTS**

**I am a vape shop owner. How does this affect me?**

Under the County ordinance, if 50% of your revenue is from vaping products, you and your customers are permitted to use these products inside your establishment.

**Are minors allowed to enter a vape shop?**

Minors are not permitted to enter a vape shop that allows vaping or e-cigarette use.

Vape shop owners please note: this ordinance contains what is called an affirmative defense and you may be protected by it. It is your right to inform the Allegheny County Health Department if you have attempted to remove a minor from your establishment and they or the accompanying adult do not comply. Additionally, to qualify for the affirmative defense, you must post a sign in your vape shop prohibiting minors from entering. You may create your own sign or download one from the ACHD website: <http://www.achd.net/chrond/smoking/ecig.html>.

**As a vape shop owner, will I need a permit?**

The ordinance does not require vape shops to obtain an Allegheny County Health Department

permit. However, you should post signage visible outside your store indicating that minors are not permitted inside.

**Can I create my own signage preventing minors from entering?**

Vape shop owners should post signage indicating that minors may not be permitted on the premises of vape shops. You may create your own signage, or you may use the Health Department's signs for vape shops stating that no minors are permitted:  
<http://www.achd.net/chrono/smoking/ecig.html>

**Can I sell drinks in my vape shop?**

Yes, you are permitted to sell beverages in your shop under the ordinance, but you may not sell food.

**FOR CURRENT USERS OF E-CIGARETTES AND VAPING PRODUCTS**

**What if I am in a vape shop and I see a minor in a specialty establishment?**

Notify the manager or a staff person immediately. They may not have noticed the presence of someone who may be a minor in their business.

**I am trying to quit smoking with e-cigarettes. Why are you making it harder on me?**

We applaud any smoker's efforts to quit. This ordinance does not ban the use of vaping or e-cigarettes. It merely protects others from their emissions indoors where smoking cigarettes is prohibited. You may continue to use these products in private spaces and outdoors or in establishments that are not covered by this ordinance.

**A NOTE ABOUT QUITTING SMOKING**

*Although some people have reported positive health outcomes associated with switching to e-cigarettes from traditional cigarettes, the evidence that this is an effective way to quit smoking is still limited. The Allegheny County Health Department strongly encourages you to call 1-800-QUIT NOW, the PA Quit Line, to get help kicking your smoking habit. If and when the FDA approves e-cigarettes or vaping devices for smoking cessation, ACHD will promote them as such.*