



City of Philadelphia

City Council
Chief Clerk's Office
402 City Hall
Philadelphia, PA 19107

BILL NO. 200119

Introduced February 6, 2020

**Councilmembers Bass, Henon, Council President Clarke, Councilmembers
Parker, Johnson, Squilla, Domb, Oh, Thomas and Jones**

**Referred to the
Committee on Public Health and Human Services**

AN ORDINANCE

Amending Section 9-633 of The Philadelphia Code, entitled "Sale of Electronic Smoking Devices and Unapproved Nicotine Delivery Products," to modify provisions concerning enforcement and penalties for noncompliance, and make certain technical changes, all under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Chapter 9-600 of The Philadelphia Code is hereby amended to read as follows:

CHAPTER 9-600 SERVICES AND OTHER BUSINESSES

* * *

§ 9-633. Sale of Electronic Smoking Devices and Unapproved Nicotine Delivery Products.

* * *

(6) Enforcement and Penalties.

* * *

(e) Upon a finding of a third violation of this Section committed at a single location or within a single business establishment, or of a combination of three or more violations of this Section or § 9-622(1)-(4), within a two-year period, the person shall also be subject, depending on the severity of the violations, to an order of the Department to either (A) cease the sale of electronic smoking devices, unapproved nicotine delivery products, and cigarettes; or (B) cease operations. Such order shall be for a period not less than forty-eight (48) hours and not to exceed [one year,] *three years*, at the Department's discretion, based on the severity of the violations.

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For purposes of this subsection (e), multiple violations shall be considered to have occurred at a single location or within a single business establishment, even if ownership of the location or business has been transferred between the time of violations, unless the transfer was pursuant to an arm's length transaction for fair market value between two unrelated persons or unaffiliated companies.

Explanation:

[Brackets] indicate matter deleted.

Italics indicate matter added.