



ORDINANCE

RAISING THE AGE TO PURCHASE, USE, AND POSSESS TOBACCO PRODUCTS AND E-CIGARETTES FROM EIGHTEEN (18) TO TWENTY-ONE (21)

CITY OF NASHUA

In the Year Two Thousand and Nineteen

The City of Nashua ordains that Part II “General Legislation” of the Nashua Revised Ordinances as amended, is hereby further amended by adding the following new underlined Chapter 304 entitled “Tobacco Products and E-Cigarettes”:

“Chapter 304 **TOBACCO PRODUCTS AND E-CIGARETTES**

Article I **Purchase, Use, and Possession of Tobacco Products and E-Cigarettes**

§ 304-1. Definitions.

The following words and phrases, when used in this Article, shall have the following meanings:

E-CIGARETTE – Any electronic smoking device composed of a mouthpiece, a heating element, a battery, and electronic circuits that provides a vapor of pure nicotine mixed with propylene glycol to the user as the user simulates smoking. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, or e-pipes, or under any other product name.

LIQUID NICOTINE – Any liquid product composed either in whole or in part of pure nicotine and propylene glycol and manufactured for use with e-cigarettes.

TOBACCO PRODUCT – Any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes.

§ 304-2. Purchase, use, and possession of tobacco products and e-cigarettes.

- A. No person under the age of twenty-one (21) shall:
- (1) Purchase a tobacco product, e-cigarette, or liquid nicotine.
 - (2) Use or possess a tobacco product, e-cigarette, or liquid nicotine.
- B. No person or business shall sell or provide a tobacco product, e-cigarette, or liquid nicotine to a person under the age of twenty-one (21).
- C. For the purposes of this Article, the terms “tobacco product”, “E-cigarette”, and “liquid nicotine” shall include any product or device as defined in this Article, and as defined in New Hampshire Revised Statutes Annotated Chapter 126-K “Youth Access To and Use of Tobacco Products” as may be amended from time to time.
- D. Any person violating the provisions of this section shall be subject to a fine of up to fifty dollars (\$50.00) for a first offense, and up to one hundred dollars (\$100.00) for a second or subsequent offense.”

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This legislation shall take effect 90 days after passage.

LEGISLATIVE YEAR 2019

ORDINANCE:

O-19-037

PURPOSE:

Raising the age to purchase, use, and possess tobacco products and e-cigarettes from eighteen (18) to twenty-one (21)

ENDORSERS:

Alderman Ernest Jette

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE:

Unable to determine if the city would have any direct or additional costs.

ANALYSIS

This legislation raises the age to purchase, use, and possess tobacco products and e-cigarettes from eighteen (18) to twenty-one (21). RSA 162-K:14 allows the city to adopt local ordinances that are more stringent than the state laws found in RSA Chapter 162-K "Youth Access to and use of Tobacco Products".

Approved as to form:

Office of Corporation Counsel

By: *Dowling Clarke*

Date: *6 February 2019*