

**Article 3: Environmental Health Quality Controls**  
(Retitled from “Water Quality Controls” on 3-8-1994 by O-18047 N.S.)

**Division 11: Prohibition of Tobacco Vending Machines  
and Electronic Cigarette Vending Machines**  
(“Prohibition of Tobacco Vending Machines” added 3–8–1994 by O–18048 N.S.)  
(Retitled to “Prohibition of Tobacco Vending Machines and Electronic Cigarette Vending  
Machines” on 10-2-2014 by O-20409 N.S.; effective 11-1-2014.)

**§43.1101 Purpose and Intent**

Because smoking is responsible for the premature deaths of Americans each year from lung cancer, heart disease, respiratory illnesses, and other diseases; environmental tobacco smoke is reportedly responsible for the additional deaths of nonsmokers; and the U.S. Surgeon General has declared that nicotine is as addictive as cocaine or heroin; that no other addictive product, drug or cancer-causing product or drug is sold through vending machines; the declared purpose of this Division is to prohibit the sale of *tobacco products* through vending machines to protect the health and welfare of the public.

Further, because of the increasing popularity of *electronic cigarettes* and the unknown health risks associated with their use, it is the purpose of this Division to prohibit the sale of *electronic cigarettes, electronic cigarette paraphernalia, and vaping juice* in vending machines, to protect the health and welfare of the public, particularly youth.

(“Purpose and Intent” added 3–8–1994 by O–18048 N.S.)  
(Amended 10-2-2014 by O-20409 N.S.; effective 11-1-2014.)

**§43.1102 Definitions**

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

*Electronic Cigarette Vending Machine* means any machine or device designed for or used for the vending of *electronic cigarettes, electronic cigarette paraphernalia, or vaping juice* as defined in San Diego Municipal Code section 33.4502, upon the insertion of coins, paper currency, trade checks, slugs, or electronic payment cards.

*Tobacco Vending Machine* means any machine or device designed for or used for the vending of *tobacco products* as defined in San Diego Municipal Code section 33.4502, upon the insertion of coins, paper currency, trade checks, slugs, or electronic payment cards.

(“Definitions” added 3–8–1994 by O–18048 N.S.)  
(Amended 10-2-2014 by O-20409 N.S.; effective 11-1-2014.)

**§43.1103 Prohibitions**

- (a) It is unlawful for any person to sell or distribute, or cause to be sold or distributed, any *tobacco products* from a *Tobacco Vending Machine*.
- (b) It is unlawful for any person to sell or distribute, or cause to be sold or distributed, any *electronic cigarette, electronic cigarette paraphernalia, or vaping juice* from an *Electronic Cigarette Vending Machine*.

(“Prohibitions” added 3–8–1994 by O–18048 N.S.)  
(Amended 10-2-2014 by O-20409 N.S.; effective 11-1-2014.)

**§43.1104 Penalty**

Any person who violates any provision of this Division is guilty of a misdemeanor and subject to any enforcement option or penalty provision set forth in Chapter One of this Code to address violations of law.

(“Penalty” added 3–8–1994 by O–18048 N.S.)