

AN ORDINANCE TO AMEND THE CITY OF LILBURN CODE OF ORDINANCES CHAPTER 42 – “OFFENSES AND MISCELLANEOUS PROVISIONS” TO ADD REGULATIONS FOR VAPE AND VAPE-RELATED PRODUCTS AND PROHIBIT THE SALE, MANUFACTURE, AND DISTRIBUTION OF SYNTHETIC CANNABINOIDS, SYNTHETIC CATHINONES, AND SYNTHETIC OPIATES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**WHEREAS**, electronic cigarettes are battery operated devices that vaporize flavored liquid which typically contains nicotine; and

**WHEREAS**, stores specializing in the sale of e-cigarettes and related products are commonly referred to as vape shops; and

**WHEREAS**, although state law bans e-cigarette sales to anyone under 18, vaping has become popular among teenagers; and

**WHEREAS**, the Mayor and Council of the City of Lilburn, Georgia are charged with preserving the health, safety and welfare of the citizens of the City; and

**WHEREAS**, the City desires to amend the Code of Ordinances Chapter 42 – Offenses and Miscellaneous Provisions to add regulations for vape and vape-related products and prohibit the sale, manufacture, and distribution of synthetic cannabinoids, synthetic cathinones, and synthetic opiates.

**NOW THEREFORE**, the Mayor and Council of the City of Lilburn hereby ordains that Chapter 42 – “Offenses and Miscellaneous Provisions” is hereby amended to add Section 42-20 and Section 42-21 to read as follows:

**Section 42-20 – Vape-related offenses.**

- (a) Definitions. The following words as used in this section shall have the following prescribed meaning:
- (1) *Vape* or *vape juice* refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring, and water, and can be used for vaping by means of an alternative nicotine product.
  - (2) *Vape-related products* refers to any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic,

chemical, or mechanical means to produce a vapor that delivers nicotine, synthetics, or illegal substances to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bongs and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar, or electronic pipe.

- (b) Furnishing to, purchasing by or possession by a person under 18 years of age.
  - (1) Except as otherwise provided in this section:
    - a. No person, directly or through another person, shall sell, furnish, cause to be furnished, or permit any person in such person's employ to furnish any vape or vape-related products to any person under 18 years of age, and proof of age shall be required of any person purchasing vape-related products.
    - b. No person under 18 years of age shall purchase or possess any vape or vape-related products.
    - c. No person under 18 years of age shall misrepresent such person's age in any manner whatever for the purpose of obtaining unlawfully any vape or vape-related products.

**Section 42-21 – Synthetic cannabinoids, synthetic cathinones, and synthetic opiates – prohibition on sale, manufacture, or distribution.**

- (a) Definitions. The following words as used in this section shall have the following prescribed meaning:
  - (1) Synthetic cannabinoids shall mean and refer to any compounds or substances, whether described as tobacco herbs, incense, spice, K2, aromatherapy incense, potpourri, herbal smoking blends, plant food, aromatic substance, novelty aromatic, or any blend thereof, regardless of whether the compound or substance is marketed for the purpose of being smoked, injected, inhaled or ingested by humans or for human consumption, that emulate, simulate or mimic the effects of marijuana or the active ingredient in marijuana (tetrahydrocannabinol).
  - (2) Synthetic cathinones shall mean and refer to any compounds or substances, whether described as bath salts, flakka, or by any other name, or any blend thereof, regardless of whether the compound or substance is marketed for the purpose of being smoked, injected, inhaled or ingested by humans or for human consumption that cause physical and psychological effects similar to amphetamine.
  - (3) Synthetic opiates shall mean and refer to any compound or substance, regardless of whether the compound or substance is marketed for the purpose of being

smoked, injected, inhaled or ingested by humans or for human consumption, that mimic the effects of opiates.

- (4) Person shall mean and refer to any individual, natural person, partnership, firm, corporation, joint venture, proprietorship, business entity, association, agency, group, organization or group of persons or any other entity.
- (b) It shall be unlawful for any person to sell, give, manufacture with intent to sell, possess, purchase, deliver, transport or distribute any synthetic cannabinoids, synthetic cathinones, or synthetic opiates within the limits of Lilburn, unless any such compound or substance is currently or hereinafter regulated as a Schedule 1 controlled substance under Georgia law, and its sale, possession, manufacture, purchase, delivery, transport, or distribution is otherwise authorized by law.
- (c) Any person violating this section as it exists or may be amended, upon conviction, shall be guilty of an ordinance violation and subject to punishment by the imposition of a fine not to exceed \$1,000.00, by imprisonment for a period of time not to exceed 60 days, or by both such fine and imprisonment. Each day any violation of this section shall continue shall constitute a separate offense.
- (d) Jurisdiction. The Lilburn Municipal Court shall have jurisdiction to try the offense described in this section.
- (e) Any business or establishment owned or operated by a person convicted of violating this section shall be considered a threat or nuisance to public health, safety, or welfare and the Director of Finance shall thereby have due cause to revoke and shall revoke the occupational tax certificate for the business.

This ordinance shall be effective upon adoption.

SO ORDAINED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Johnny D. Crist, Mayor  
City of Lilburn

Attest:

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Melissa L. Penate, City Clerk

Approved as to form:

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Richard A. Carothers, City Attorney  
Carothers & Mitchell, LLC