



City of Keene  
*New Hampshire*

**MUNICIPAL SERVICES,  
FACILITIES AND INFRASTRUCTURE  
COMMITTEE  
AGENDA  
Council Chambers B  
October 24, 2018  
6:00 PM**

Janis O. Manwaring  
Randy L. Filiault  
Stephen L. Hooper  
Gary P. Lamoureux  
Robert B. Sutherland

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1. Community Center Discussion - Parks, Recreation and Facilities Director
  2. DRAFT Ordinance O-2018-XX, Relating to the Purchase, Use, and Possession of Tobacco Products

**MORE TIME ITEMS:**

- A. Ashuelot Court Homeowners – Request to Partner in the Installation of Water and Sewer Lines on Ashuelot Court, a Designated Private Road

Non Public Session  
Adjournment



City of Keene, N.H.  
*Transmittal Form*

October 22, 2018

**TO:** Municipal Services, Facilities and Infrastructure Committee

**FROM:** Thomas P. Mullins, City Attorney

**ITEM:** 2.

**SUBJECT:** DRAFT Ordinance O-2018-XX, Relating to the Purchase, Use, and Possession of Tobacco Products

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**RECOMMENDATION:**

That the Municipal Services, Facilities and Infrastructure Committee review the attached draft Ordinance O-2018-XX, Relating to the Purchase, Use, and Possession of Tobacco Products, and make a recommendation back to City Council.

**ATTACHMENTS:**

Description

DRAFT Ordinance O-2018-XX, Relating to the Purchase, Use, and Possession of Tobacco Products

**BACKGROUND:**

At the direction of the City Council at its meeting on October 4, 2018, attached is a draft ordinance for review and consideration, in connection with raising the minimum age to 21 for the purchase and sale, use, and possession of tobacco products.

Eighteen

Relating to the Purchase, Use, and Possession of Tobacco Products

That the Ordinances of the City of Keene, as amended, are hereby further amended by deleting in its entirety Article III - Tobacco, Division 2 – Environmental Tobacco Smoke Regulations for Restaurants, in Chapter 6, Alcoholic Beverages and Tobacco, and inserting a new Article III – Tobacco, Division 2 - Purchase, Use, and Possession of Tobacco Products, as follows:

**DIVISION 2. – PURCHASE, USE, AND POSSESSION OF TOBACCO PRODUCTS**

**Sec. 6-81. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*E-cigarette* means 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* means 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* means any product containing tobacco including, but not limited to, cigarettes, smoking tobacco, cigars, chewing tobacco, snuff, pipe tobacco, smokeless tobacco, and smokeless cigarettes.

**Sec. 6-82. Purchase, Use, and Possession of Tobacco Products.**

- (a) No person under the age of 21 shall:
- (1) Purchase a tobacco product, e-cigarettes, or liquid nicotine.
  - (2) Use or possess a tobacco product, e-cigarettes, or liquid nicotine.

- (b) No person or business shall:**
- (3) Sell or provide a tobacco product, e-cigarettes, or liquid nicotine, to a person under the age of 21.**
- (c) For the purposes of this ordinance, the terms “Tobacco Product,” “E-cigarette,” and “Liquid Nicotine,” shall include any product or device defined herein, and amended from time to time, and in NH RSA 126-K, all other provisions of which statute are incorporated herein.**
- (d) Any person violating the provisions of this ordinance 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.**

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Kendall W. Lane, Mayor