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Ordinance amending the Pittsburgh Code, Title Nine – Zoning, Article V, Use Regulations, Chapter 911: Primary Uses, to add Restricted Personal Goods Retail, to add specific requirements and conditional use application requirements.

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WHEREAS, per the Centers for Disease Control, electronic cigarette (“vape”) products often contain harmful substances, including nicotine (which is highly addictive and impairs adolescent brain development), heavy metals, volatile organic compounds, cancer-causing chemicals, and ultra-fine particles that can be inhaled deep into the lungs; and,

WHEREAS, per Johns Hopkins Medicine, exposure to e-cigarette or vapor aerosols, both first-hand and second-hand, has been associated in recent studies with elevated risks of lung disease, high blood pressure, and other adverse health outcomes in both youth and adults; and,

WHEREAS, per a recent review published in *Health & Place*, vape shops act as nodes in the built environment that increase visibility, accessibility, marketing exposure, and normalization of vaping behavior, especially among minors and socially-vulnerable populations; and,

WHEREAS, per a recent study published in the official journal of the Society for Research on Nicotine and Tobacco, vape shops are disproportionately clustered in urban areas and in neighborhoods with higher poverty rates, minority populations, and lower education levels, potentially exacerbating existing health disparities; and,

WHEREAS, the proximity of vape shops to child-centric uses such as schools increases the likelihood of youth exposure, initiation, and experimentation with vaping; and,

WHEREAS, the public interest in preventing youth nicotine addiction, shielding minors from persuasive advertising or indoor aerosol exposure, and ensuring that retail environments do not contribute disproportionately to health inequities justifies this proposed zoning ordinance under the City of Pittsburgh’s powers to promote the health, safety, and general welfare of the community.

NOW, THEREFORE, the Council of the City of Pittsburgh ordains as follows:

Section 1. The Pittsburgh Zoning Code, Title Nine: Zoning, Article V: Use Regulations, Chapter 911: Primary Uses, 911.02 - Use Table is hereby amended as follows:

P = Permitted By Right A = Administrator Exception S = Special Exception C = Conditional Use																													
	Residential					Mixed Use								Special			DT	RIV											
	R1D	RIA	R2	R3	RM	NDO	LNC	NDI	UNC	HC	GI	UI	UC-MU	UC-E	R-MU	P	H	EMI	GT		RM	MU	NS	GI	IMU				
<u>Retail: Tobacco, Inhalant, and Cannabinoids</u> means a retail establishment, not including a licensed medical marijuana dispensary, whose principal retail activity, based on product inventory, display, and marketing is the sale of any combination of the following products or categories: <ol style="list-style-type: none"> <u>Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipes, snuff, chewing tobacco, and dipping tobacco.</u> <u>Electronic cigarettes, vape pens, or similar inhalant devices.</u> <u>Smoking or inhalation accessories (e.g., pipes, rolling papers, hookahs).</u> <u>Hemp-derived or synthetic cannabinoids, including but not limited to Delta-8 THC, Delta-10 THC, HHC, or similar</u> 								S	S	S	S	S	S													S	S	S	S

<p><u>psychoactive substances not regulated as controlled substances under state or federal law.</u></p> <p>5. <u>Other ingestible or inhalable supplements marketed for psychoactive or euphoric effects.</u></p> <p>6. <u>The business name or trade name contains terms like “vape,” “smoke,” “CBD,” or “tobacco,” or the business license lists it as a “vape shop,” “smoke shop,” “CBD shop”, or similar.</u></p>																									
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Section 2. The Pittsburgh Zoning Code, Title Nine, Article V: Use Regulations, Chapter 911 - Primary Uses, 911.04: Use Standards is hereby amended to include a new Section 911.04.A.102: Retail: Tobacco, Inhalant, and Cannabinoids as follows:

911.04.A.102 Retail: Tobacco, Inhalant, and Cannabinoids

Retail: Tobacco, Inhalant, and Cannabinoids use shall be subject to the following standards:

- (a) Shall not be located within 1,000 feet of any Elementary or Secondary School, measured from parcel line to parcel line.
- (b) Shall not operate between the hours of 11:00 p.m. and 9:00 a.m.
- (c) No self-service sales shall be permitted.