



STATE OF ARKANSAS  
*City of Brookland*

ORDINANCE 2023-15

AN ORDINANCE TO ADOPT PROVISIONS REGARDING VAPING IN THE CITY OF BROOKLAND, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

**NOW, THEREFORE, BE IT ORDAINED BY THE BROOKLAND CITY COUNCIL as follows:**

**Section 1: Title.** This Ordinance shall be known as the Vaping Ordinance of 2023.

**Section 2: Purpose.** The City Council finds that: the prevalence of use of vaping or e-cigarette products by minors presents a real public health risk; that the juvenile courts are overwhelmed and do not have the resources to address the situation; that current state law prohibits the possession and use of such products by minors; and, that this Ordinance will allow the District Court to address such violations.

**Section 3: Definition – Vaping Product.** Vaping product means a vapor product, alternative nicotine product, e-liquid product, or any component of a vapor product, alternative nicotine product, or e-liquid product.

**Section 4: Regulation.**

(a) It is unlawful for a minor to: (1) Use or possess or to purchase or attempt to purchase a vaping product; (2) For the purpose of obtaining or attempting to obtain a vaping product in any form, to represent themselves to be twenty-one (21) years of age or older by displaying proof of age that is false, fraudulent, or not actually proof of the minor's age.

(b) Any vaping product found in the possession of a minor may be confiscated and destroyed by a law enforcement officer.

(c) It is unlawful for any person to smoke tobacco, use tobacco products, or use a vaping product:

1. In or on real property owned or leased by a public school district; or
2. In or on personal property, including without limitation school buses, owned, or leased by a public school district.

**Section 5: Fines.** Any person found to be in violation of this ordinance will be guilty of a misdemeanor and subject to a fine not less than one hundred fifty dollars (\$150.00) and not to exceed three hundred dollars (\$300.00) for a first offense or up to double that sum for each repetition of such offense. In the event the violation would also be punishable by state law, a term of imprisonment consistent with the comparable state legislation may be imposed by the court.

**Section 6: Repealing Clause.** Ordinances or parts thereof in force at the time that this ordinance shall take effect that are in conflict herewith, are hereby repealed.

**Section 7: Saving Clause.** Nothing herein shall be deemed to affect any rights or obligations existing at the time of the passage of this ordinance.

**Section 8: Severability Clause.** In the event any portion of this ordinance is declared inoperative or invalid as a result of a statute or judicial decision, then only that portion expressly so declared to be inoperative or invalid shall be affected thereby and all other provisions hereof shall remain in full force and effect.

**Section 9: Emergency Clause.** This Ordinance is necessary to preserve the public peace, health, safety and welfare, an emergency is declared to exist, and this Ordinance shall be in full force and effect from and after the date of its passage.

Approved and adopted this 14<sup>th</sup> day of August 2023.

  
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Kenneth D. Jones, Mayor

ATTEST:

  
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Julie Thomas, Clerk

