



[Bracketed/Underscored Material] - New  
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1 includes any component part of such product or device whether or not sold  
2 separately, including but not limited to vapor products. “Electronic smoking  
3 device” does not include any product that has been approved by the United  
4 States Food and Drug Administration for sale as a tobacco cessation product  
5 and is being marketed and sold solely for the approved purpose.]

6 VAPOR PRODUCT ~~[shall mean any product that employs a mechanical~~  
7 ~~heating element, battery or circuit, regardless of shape or size, and can be~~  
8 ~~used to heat a liquid nicotine solution including, without limitation, e-~~  
9 ~~cigarettes, electronic cigarettes, electronic cigars, electronic cigarillos or~~  
10 ~~electronic pipes. The definition does not include any product regulated by the~~  
11 ~~United States Food and Drug Administration under Chapter V of the Federal~~  
12 ~~Food, Drug and Cosmetic Act. means any product or substance that contains~~  
13 ~~nicotine or a similar substance, and is intended for human consumption or is~~  
14 ~~likely to be consumed using an electronic smoking device. “Vapor product”~~  
15 ~~does not include any product specifically approved by the U.S. Food and Drug~~  
16 ~~Administration for sale as a tobacco cessation product that is being marketed~~  
17 ~~and sold solely for the approved purpose.]~~

18 Section 4. VIOLATION

19 It is a crime punishable pursuant to section 1-1-99 of this code of  
20 ordinances for any person or entity to ~~[offer for sale or]~~ sell, offer to sell,  
21 barter or give any ~~[electronic smoking device or]~~ vapor product to any child in  
22 the city limits of the City of Albuquerque.”

23 SECTION 2. SEVERABILITY CLAUSE. If any section, paragraph, sentence,  
24 clause, word or phrase of this Ordinance is for any reason held to be invalid or  
25 unenforceable by any court of competent jurisdiction, such decision shall not  
26 affect the validity of the remaining provisions of this Ordinance. The Council  
27 hereby declares that it would have passed this Ordinance and each section,  
28 paragraph, sentence, clause, word or phrase thereof irrespective of any  
29 provision being declared unconstitutional or otherwise invalid.

30 SECTION 3. COMPILATION. This Ordinance shall be incorporated in and  
31 made part of the Revised Ordinances of Albuquerque, New Mexico, 1994.

32 SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect five days  
33 after publication by title and general summary.