

BILL NO. 2014-70

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO REQUIRE A PRIVILEGED LICENSE FOR SMOKING LOUNGES AND FOR CERTAIN BUSINESSES THAT SELL TOBACCO PARAPHERNALIA OR DESIGNATED SUBSTANCES; ESTABLISH REGULATIONS REGARDING THE OPERATION OF SUCH BUSINESSES, PROVIDE A PERIOD FOR EXISTING BUSINESSES TO COME INTO COMPLIANCE; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Requires a privileged license for smoking lounges and for certain businesses that sell tobacco paraphernalia or designated substances, and establishes operational regulations for such businesses.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 6, Chapter 6, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

**6.06.010:** (A) The provisions of this Chapter apply to those businesses which are found by the City Council to require a high degree of supervision and to more seriously affect the economic, social and moral well-being of the City and its residents. These businesses have been commonly referred to as “privileged” and require specific consideration for approval of a license for the business by an approving authority, and specific consideration for approval of the suitability of the principals by an approving authority.

(B) For purposes of this Chapter, the term “approving authority” means:

(1) The Director, for licenses and suitability determinations for principals issued under the provisions of Chapters 6.06A, 6.06B, 6.12, 6.14, 6.18, 6.35, 6.47, 6.51, 6.53, 6.55, 6.69, 6.74, 6.82 and 6.84; and

(2) The City Council, for all other categories.

SECTION 2: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 82 and consisting of Sections 10 to 90, inclusive, reading as follows:

1 **6.82.010:** As used in this Chapter, the following terms shall have the meanings indicated:

2 “Designated substance” means salvia divinorum or Salvinorum A, including all parts of the plant  
3 botanically classified as salvia divinorum, whether growing or not; any extract thereof; the seeds thereof;  
4 and every compound, manufacture, salts derivative, mixture or preparation of the plant or its seeds or  
5 extracts.

6 “Sell” (and related forms of the word) refer to the sale, offer to sell, exchange or offer to exchange for any  
7 form of consideration.

8 “Smoke shop” means a business which has, as its principal activity or a primary activity, the sale of  
9 tobacco paraphernalia or designated substances, or a business that holds itself out to the public as a  
10 business engaging in that activity.

11 “Smoking lounge” means a business which offers, as its principal activity or a primary activity, a location  
12 and equipment for the consumption of tobacco products.

13 “Tobacco paraphernalia” means cigarette papers or wrappers, pipes, holders of smoking materials of all  
14 types, cigarette rolling machines, and any other item designed for use in the smoking, preparation or  
15 consumption of tobacco products. The term does not include tobacco products.

16 “Tobacco product” means any substance containing tobacco leaf, including but not limited to cigarettes,  
17 cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other  
18 preparation of tobacco; and any product or formulation of matter containing biologically active amounts of  
19 nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the  
20 product or matter will be introduced into the human body, but does not include any cessation product  
21 specifically approved by the United States Food and Drug Administration for use in treating nicotine or  
22 tobacco dependence.

23 **6.82.020:** (A) No person shall engage in business as a smoke shop within the City without first  
24 obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a  
25 privileged license subject to the provisions of LVMC Chapter 6.06.

26 (B) Each employee of a smoke shop who sells or handles tobacco paraphernalia or

1 designated substances, or has daily control of the operations of the smoke shop shall obtain a work card  
2 pursuant to LVMC Chapter 6.86, unless that person has been approved for suitability as a principal.

3 **6.82.030:** It is unlawful for any business subject to licensing as a smoke shop to:

4 (A) Employ a person under the age of eighteen years (or allow such an employee) to  
5 sell or handle tobacco paraphernalia or designated substances.

6 (B) Sell tobacco paraphernalia or any designated substance to a person under the age  
7 of eighteen.

8 **6.82.040:** (A) In any smoke shop, tobacco paraphernalia that is being stored or displayed must be  
9 stored or displayed in a designated area within the business premises that is not open to view by persons  
10 under the age of eighteen and to which such persons do not have access. Except in an establishment that  
11 does not permit entry to persons under the age of eighteen, each entrance to the designated area shall have a  
12 sign clearly posted in letters not less than three inches tall indicating that persons under the age of eighteen  
13 are not permitted within that area unless accompanied by a parent or legal guardian. Any such designated  
14 area and signage are subject to prior approval by the Director as part of the license approval process.

15 (B) No principal or employee of a smoke shop shall permit a person under the age of  
16 eighteen years to enter or remain within the designated area unless that person is accompanied by his or her  
17 parent or legal guardian.

18 **6.82.050:** (A) No person shall engage in business as a smoking lounge within the City without  
19 first obtaining a business license pursuant to this Chapter. The license required by this Chapter shall be a  
20 privileged license subject to the provisions of LVMC Chapter 6.06.

21 (B) Each employee of a smoking lounge who serves patrons of the establishment,  
22 handles tobacco products or tobacco paraphernalia, or has daily control of the operations of the smoking  
23 lounge shall obtain a work card pursuant to LVMC Chapter 6.86, unless that person has been approved for  
24 suitability as a principal.

25 **6.82.060:** It is unlawful for any business subject to licensing as a smoking lounge to:

26 (A) Employ a person under the age of eighteen years (or allow such an employee) to

1 sell or handle tobacco products or tobacco paraphernalia; or

2 (B) Allow a person under the age of eighteen years to consume tobacco products.

3 **6.82.070:** Within a smoking lounge:

4 (A) All smoking areas must be open to view by employees and patrons.

5 (B) No live entertainment may be provided unless the establishment has a night club  
6 license or other appropriate license for that activity.

7 **6.82.080:** A business that desires to operate both as a smoke shop and a smoking lounge may apply  
8 for and obtain a license for each operation under this Chapter, or the Department may at its option issue a  
9 combined license to authorize both types of activity. Under a combination license, the licensee must  
10 comply with the provisions of this Chapter that apply to both types of operations.

11 **6.82.090:** Businesses that are existing on the effective date of the Ordinance codified in this Chapter  
12 shall have six months from that date to come into compliance with this Chapter.

13 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or  
14 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or  
15 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or  
16 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City  
17 of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph,  
18 sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections,  
19 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

20 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared to  
21 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required  
22 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of  
23 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon  
24 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of  
25 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation  
26 of this ordinance shall constitute a separate offense.

SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC  
City Clerk

APPROVED AS TO FORM:

Val Steed,  
Deputy City Attorney

Date \_\_\_\_\_

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the \_\_\_\_\_  
2 day of \_\_\_\_\_, 2014, and referred to a committee for recommendation, the committee  
3 being composed of the following members \_\_\_\_\_;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_\_ day of  
5 \_\_\_\_\_, 2014, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council as first  
7 introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

11 APPROVED:

12  
13 By \_\_\_\_\_  
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 \_\_\_\_\_  
16 BEVERLY K. BRIDGES, MMC  
City Clerk