

Board of Health Rules for Guilford County
Regulation of Smoking, E-cigarettes and Tobacco Products in Local
Government Buildings, Vehicles ~~and Grounds~~

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Section I. Title

This regulation shall be entitled Tobacco Control Rules for County, Municipal or other Local Government Buildings, Vehicles ~~and Grounds~~ in Guilford County.

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Section II. Findings and Purpose

WHEREAS, tobacco use is the number one preventable cause of premature death in North Carolina and the nation; and

WHEREAS, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and nonsmokers; and,

WHEREAS, the 2014 Surgeon General's Health Consequences of Smoking Report documents that while the decline of smoking consequent to tobacco control is surely one of public health's greatest successes, if smoking persists at the current rate among young adults in this country, 5.6 million of today's Americans younger than 18 years of age are projected to die prematurely from a smoking-related illness, and;

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity, and some hazard exists beyond 30 feet;

WHEREAS, in 2016, the U.S. Surgeon General's Report on E-cigarette Use Among Youth and Young Adults stated that emitted e-cigarette aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air. Furthermore, e-cigarette use has the potential to involuntarily expose children and adolescents, pregnant women, and non-users to aerosolized nicotine and, if the products are altered, to other psychoactive substances. Therefore, clean air—free of both smoke and e-cigarette aerosol—remains the standard to protect health;

WHEREAS, the use of e-cigarettes in places where smoking traditional tobacco products is prohibited could lead to difficulties in enforcing smoke-free policies;

WHEREAS, in 2009, the United States Food and Drug Administration (FDA) announced that an analysis of e-cigarette samples indicated that the e-cigarettes contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze; and it has been found that the emitted aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air to those nearby;

WHEREAS, the County of Guilford is committed to protecting the health and environment of individuals, children, and employees in the local government buildings, vehicles, and grounds by eliminating exposure to secondhand smoke;

WHEREAS, local governments are granted broad authority under N.C. Gen. Stat. § 130A, Article 23 to adopt local ordinances, laws, or rules restricting smoking in local government buildings, vehicles, and grounds; and,

WHEREAS, local governments are granted broad authority under SL 2008-149 (H 2252/S1681) to adopt local ordinances, laws, or rules restricting smoking in local government vehicles, and;

WHEREAS, pursuant to G.S. 130A-39(a), local boards of health have the responsibility to protect and promote the public's health and to adopt rules necessary for that purpose;

NOW, THEREFORE, THE GUILFORD COUNTY BOARD OF HEALTH ADOPTS THE FOLLOWING RULES:

Section III. Definitions

1. "City/Town building". – A building owned, leased as lessor, or the area leased as lessee and occupied by the City/Town.
2. "City/Town vehicle". – A passenger-carrying vehicle owned, leased, or otherwise controlled by the City/Town and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official City/Town business.
3. "County building". – A building owned, leased as lessor, or the area leased as lessee and occupied by the County.
4. "County vehicle". – A passenger-carrying vehicle owned, leased, or otherwise controlled by the County and assigned permanently or temporarily to its employees, agencies, institutions, or facilities for official County business.
5. "E-cigarette". – Any electronic oral device that employs a mechanical heating element, battery, or electronic circuit regardless of shape or size and that can be used to heat a liquid nicotine solution or any other substance, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, vapes, vaporizers, vape pens, hookah pens or under any other product name or descriptor.
6. ~~"Grounds" – an unenclosed area owned, leased or occupied by Local Government.~~
7. "Local government" – A local political subdivision of this State, an airport authority, or an authority or body created by an ordinance, joint resolution, or rules of any such entity.
8. "Local government building" – a building owned, leased as lessor, or the area leased as lessee and occupied by a local government.

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9. "Local government vehicle" - A passenger-carrying vehicle owned, leased, or otherwise controlled by a local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official local government business.

10. "Person in Charge" – County, City, or Town Managers (Mayor if no manager position), heads of other local governmental agencies, or their designees.

11. "Smoking". – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

12. "Tobacco product". – Any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. A tobacco product excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

13. "Universal 'No Smoking Symbol'". – Symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.

14. "Universal 'No Smoking and Use of Tobacco Products Prohibited' Symbol". – Symbol consisting of a pictorial representation of a burning cigarette and a tobacco product enclosed in a red circle with a red bar across it.

Section IV. Smoking, and the use of E-cigarettes and Tobacco Products Prohibited in Local Government Buildings, Local Government Vehicles, ~~and On Local Government Grounds~~

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Smoking and the use of Tobacco Products, including E-Cigarettes is prohibited in/on all of the following:

(a) Buildings that are owned by Guilford County or any municipality or local government within the County, ~~to include the airport authority.~~ Cigarettes, E-cigarettes and any other Tobacco Products are prohibited within 50 feet of the Health and Human Services buildings.

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(b) Buildings that are leased as lessor by Guilford County or any municipality or local government within the County, ~~to include the airport authority.~~

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(c) Buildings or areas of buildings that are leased as lessee and occupied by Guilford County or any municipality or local government within the County, ~~to include the airport authority.~~

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(d) Local vehicles owned or leased by Guilford County or any municipality or local government within the County, ~~to include the airport authority.~~

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~~(e) The grounds that are owned by Guilford County or any municipality or local government within the County, to include the airport authority.~~

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Section V. Signage

(a) Persons in charge of buildings ~~and grounds~~ identified in Section IV shall post signs at all entrances and exits explaining the prohibition set out herein. Signs may be posted in other areas of the buildings as well.

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(b) Persons in charge of vehicles identified in Section IV shall post signs conveying the prohibition. The signs must be in plain sight of the drivers and passengers.

(c) The signs required by subsections (a) and (b) of this Section must use clear and unambiguous language and/or universal symbols to convey the prohibition.

(d) Persons in charge of buildings ~~or grounds~~ where smoking is prohibited by this rule shall remove all publicly available ashtrays from the building ~~or grounds~~.

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(e) Persons in charge of buildings and vehicles identified in Section IV must determine whether signs should be posted in languages other than English. Under Title VI, Guilford County Department of Public Health provides translations of all vital documents in languages other than English that meet the Low English Proficiency threshold.

Section VI. Compliance and Penalties

An individual in charge of a building, ~~grounds~~ or vehicle identified in Section IV or his or her designee who sees an individual who is in violation of these rules shall direct the individual to discontinue the use of the product.

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The second and subsequent violations ~~are~~ **may be considered** Class 1 misdemeanors ~~pursuant to 130A of the North Carolina General Statute, 130A-25. [Note: G.S. 14-3 provides that all unclassified misdemeanors are Class 1 misdemeanors.]~~

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Employees of the Guilford County or any municipality or local government unit within the county, ~~including the airport authority~~, are also subject to sanctions for violations of this rule.

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Section VII. Effective Date

These rules shall become effective January 1, 2020, County Board of Health.

ADOPTED DATE: _____, 2019

SIGNED: _____.