

**WHATCOM COUNTY COUNCIL AGENDA BILL**

**NO.**

2016-253

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	JF	7/13/16	<div style="font-size: 2em; font-weight: bold; letter-spacing: 0.5em;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">AUG 03 2016</div> <div style="font-size: 1.2em; font-weight: bold; margin-top: 10px;">WHATCOM COUNTY COUNCIL</div>	8/9/2016	Health & Safety Committee
Division Head:	AD	7/21/16		9/13/16	Introduction
Dept. Head:	7/24/16	AD		10/11/16	Public Hearing
Prosecutor:	RB	6/28/16			
Purchasing/Budget:					
Executive:		8.3.16			

**TITLE OF DOCUMENT:**  
 Repeal WCC Chapter 8.06 and establish WCC Chapter 24.14.

- ATTACHMENTS:**
- Memo to Executive\_WCC Chapters 8.06 and 24.14
  - Ordinance\_SmokingVapingInPublicPlaces
  - Exhibit A\_County Code 24.14\_SmokingVapingInPublicPlaces
  - Community Feedback on E-Cigarettes & Vaping

SEPA review required?    ( ) Yes    ( X ) NO SEPA review completed?    ( ) Yes    ( X ) NO	Should Clerk schedule a hearing?    ( ) Yes    ( X ) NO Requested Date:
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**

The purpose of the proposed Ordinance is to repeal WCC Chapter 8.06 and establish WCC Chapter 24.14.

**COMMITTEE ACTION:**  
 8/9/2016: Discussed

**COUNCIL ACTION:**  
 9/13/2016: Introduced 7-0

<b>Related County Contract #:</b>	<b>Related File Numbers:</b>	<b>Ordinance or Resolution Number:</b>
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**Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).**



**RECEIVED**

JUL 26 2016

**JACK LOUWS**  
**COUNTY EXECUTIVE**

## Memorandum

**TO:** Jack Louws, Whatcom County Executive  
**FROM:** Regina A. Delahunt, Director  
**DATE:** July 20, 2016  
**RE:** Ordinance Smoking and Vaping in Public Places and Establishing  
WCC Chapter 24.14

The attached ordinance to be considered by the Health Board establishes Whatcom County Code Chapter 24.14 as specified in Exhibit A to adopt the Washington State Smoking in Public Places Law, Chapter 70.160 RCW, by reference and to expand the prohibition on smoking to include the use of vapor products in public places and places of employment in Whatcom County. The ordinance also repeals Whatcom County Code Chapter 8.06, incorporating its provisions into the new Chapter 24.14.

The ordinance and code will provide a more comprehensive approach to regulating both smoking and vaping in public places. These regulations will positively impact emerging concerns that have been identified in Whatcom County over the past several years, as outlined in the ordinance.

In January of 2016, the Public Health Advisory Board recommended County staff develop policy language to regulate vapor product use in Whatcom County. Public feedback, collected through community surveys, public listening sessions and other means, demonstrated support for regulation.

These items align with the Washington State Legislature enacted ESSB 6328 in 2016, establishing Chapter 38, Vapor Products in Title 70 RCW, which allows political subdivisions to further regulate the use of vapor products in indoor public places.

Please contact Joe Fuller at ext. 6045 or Amy Hockenberry at ext. 6052 if you have any questions.

PROPOSED BY: Health  
INTRODUCTION DATE:

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

**AN ORDINANCE ADOPTING A  
SMOKING AND VAPING IN PUBLIC PLACES LAW**

**WHEREAS**, extensive medical and scientific research confirms that secondhand smoke is harmful to individuals who smoke and to non-smoking adults and children causing eye, nose and throat irritation, aggravating lung and heart diseases including emphysema, and is linked to various kinds of cancers; and

**WHEREAS**, the Washington State Legislature has recognized the public health impact of secondhand smoke and enacted Chapter 70.160 RCW, the Washington Clean Indoor Air Act, and the People of the Washington State have revised Chapter 70.160 RCW through Initiative 901 to further protect the public from hazardous environmental smoke, which passed by voter approval and became effective in December 2005 as the Smoking in Public Places law; and

**WHEREAS**, Chapter 70.160 RCW empowers local health departments to enforce the duties of owners or persons in control of public places and places of employment to ensure establishments are in compliance with the Smoking in Public Places law; and

**WHEREAS**, Chapter 70.160 RCW authorized local health departments to adopt regulations as required to implement the chapter; and

**WHEREAS**, vapor products including electronic cigarettes (e-cigarettes) commonly contain nicotine, a highly addictive drug that negatively impacts the developing brain and present a substantial risk of nicotine or other substance addiction; and

**WHEREAS**, Whatcom County has experienced a significant increase in youth usage of e-cigarettes and other vapor products; and

**WHEREAS**, local data shows that 26% of Whatcom County twelfth grade students reported past month e-cigarette use in 2014, a nine-fold increase from 5% in 2012; and

**WHEREAS**, Whatcom County youth report nearly twice as much e-cigarette use than combustible tobacco cigarette use; and

**WHEREAS**, e-liquids consumed in vapor products can contain marijuana or THC concentrates and may also be used for the purpose of illegal drug use; and

**WHEREAS**, the use of vapor products in public places and places of employment complicates enforcement of laws prohibiting smoking and use of marijuana in public places and places of employment; and

**WHEREAS**, the use of vapor products has not been proven safe and vapor products have not been approved for use as smoking cessation aids by the United States Food and Drug Administration; and

**WHEREAS**, scientific analysis, including by the United State Food and Drug Administration, shows the vapor or aerosol emitted by the use of vapor products contains particles of solvents, flavorings, and chemical byproducts produced in the heating process that may result in adverse health consequences from direct or passive exposure, especially

1 in vulnerable populations such as children, pregnant women, and individuals with  
2 compromised lung function or cardiovascular conditions; and  
3

4 **WHEREAS**, the lack of regulations prohibiting vaping in public places sends a mixed  
5 message to youth, may renormalize the use of nicotine, and may adversely impact the  
6 health of both vapor product users and non-users; and  
7

8 **WHEREAS**, the Washington State Legislature enacted ESSB 6328 in 2016, establishing  
9 Chapter 38, Vapor Products in Title 70 RCW, which regulates the sales and promotion of  
10 vapor products, prohibits vaping in certain public places where children congregate, and  
11 allows political subdivisions to further regulate the use of vapor products in indoor public  
12 places; and  
13

14 **WHEREAS**, Whatcom County Code Chapter 8.06 Smoking in the Workplace does not  
15 address the use of vapor products and does not prohibit smoking in public places as  
16 comprehensively as the Washington Smoking in Public Places law 70.160 RCW; and  
17

18 **WHEREAS**, the majority of public feedback received in Whatcom County supports  
19 regulation of e-cigarettes and vaping; and  
20

21 **WHEREAS**, the quality of individual citizen’s health, access to clean air, and benefit to  
22 public health and safety are a priority; and  
23

24 **WHEREAS**, reduced access and exposure to smoking and vaping for children and youth  
25 promote a healthier environment.  
26

27 **NOW, THEREFORE**, BE IT ORDAINED by the Whatcom County Council, acting as the Whatcom  
28 County Health Board, that Whatcom County Code Chapter 8.06 Smoking in the Workplace is  
29 repealed; and  
30

31 BE IT FURTHER ORDAINED that Whatcom County Code Chapter 24.14 is established as  
32 specified in Exhibit A to adopt the Washington State Smoking in Public Places Law, Chapter  
33 70.160 RCW, by reference and to expand the prohibition on smoking to include the use of  
34 vapor products in public places and places of employment in Whatcom County.  
35  
36

37 **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

38  
39 ATTEST: WHATCOM COUNTY HEALTH BOARD  
40 WHATCOM COUNTY, WASHINGTON  
41

42  
43  
44 \_\_\_\_\_  
45 Dana Brown-Davis, Clerk of the Council  
46

47 \_\_\_\_\_  
48 Barry Buchanan, Health Board Chair  
49

50 WHATCOM COUNTY EXECUTIVE  
51 APPROVED AS TO FORM:  
52 \_\_\_\_\_

53 WHATCOM COUNTY, WASHINGTON  
54 \_\_\_\_\_

55 Civil Deputy Prosecutor  
56

57 Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: \_\_\_\_\_

## Exhibit A

### Chapter 24.14 Smoking and Vaping in Public Places

#### Sections

24.14.010	Authority, Applicability, and Intent
24.14.020	Adoption by Reference of Chapter 70.160 RCW
24.14.030	Definitions and Local Supplemental Definitions Relative to Chapter 70.160 RCW
24.14.040	Smoking and Vaping Prohibited in Public Places and Places of Employment
24.14.050	Vaping Prohibited Within Twenty-five Feet of Public Places or Places of Employment - Application to Modify Presumptively Reasonable Minimum Distance
24.14.060	Required Signage
24.14.070	Tastings
24.14.080	Enforcement Procedures
24.14.090	Severability
24.14.100	References to State Law
24.14.110	Effective Date

#### **24.14.010 Authority, Applicability, and Intent.**

- A. The statutory authority for the adoption of this Chapter is provided in Chapter 70.160 RCW, Smoking in Public Places, the amendments to Title 70 RCW set forth in 2016 Washington Laws, 64th Leg., 1st Special Session, Chapter 38, Vapor Products, and the authority of Chapter 70.05 RCW to preserve, promote, and improve the public health.
- B. These regulations apply to the prohibition of smoking and the prohibition of use of vapor products in indoor public places and places of employment.
- C. These regulations supplement but do not replace the regulations adopted by the United States Food and Drug Administration and the regulations enacted by the state of Washington and enforced by the Liquor and Cannabis Board regarding the licensure and regulation of vapor product promotions and sales at retail.
- D. This regulation is not intended to restrict vaping in private facilities which are occasionally open to the public, except upon the occasions when a facility is open to the public.
- E. This regulation does not preclude or prohibit any property owner from implementing “no smoking”

and/or “no vaping” policies on, or within, any property or structures under their control.

- F. Nothing contained in this regulation is intended to be nor shall be construed to create or form the basis for, any liability on the part of the Whatcom County Health Department or its officers, employees or agents, for any injury or damage resulting from the failure of any person subject to these rules and regulations to comply with these rules and regulations, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of these rules and regulations on the part of the Health Department.

**24.14.020 Adoption by Reference of Chapter 70.160 RCW.**

Chapter 70.160 RCW known as Smoking in Public Places is adopted and incorporated in this Chapter by reference.

**24.14.030 Definitions and Local Supplemental Definitions Relative to Chapter 70.160 RCW.**

Pursuant to the authority provided by Chapter 70.160 RCW and for the sake of clarity in the application of Chapter 70.160 RCW, the following local supplemental definitions relative to certain terminology found in Chapter 70.160 RCW are adopted and the following specific definitions shall apply:

- A. “Chapter” means a chapter in Whatcom County Code.
- B. “County” means Whatcom County.
- C. “Employee” means any individual who is employed by an employer in return for the payment of direct or indirect monetary wages, benefit, or profit, any individual who volunteers his or her services to an employer for no monetary compensation or any individual who performs work or renders services, for any period of time, at the explicit or implicit direction of an owner, shareholder, member, lessee or other person in charge of a place that is subject to the provisions of this ordinance.
- D. “Employer” means any person, sole proprietorship, partnership, corporation, association, nonprofit organization, or other entity of any kind that pays another person direct or indirect monetary wages, profit or provides any other benefit in consideration for such other person’s providing services on the premises of the employer. “Employer” shall also mean the owner(s), shareholders or member(s) respectively of a sole proprietorship, corporation or Limited Liability Corporation, association, nonprofit organization, or other business entity.
- E. “Health Officer” means the Health Officer of Whatcom County, or the Health Officer’s designee.
- F. “Indoor public place” means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or

entities, the state of Washington, or other public entity, and includes a presumptively reasonable minimum distance, as set forth in Section 24.14.050 of this Chapter, of twenty-five (25) feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. Public places include, but are not limited to: Schools, elevators, public conveyances or transportation facilities, taxis, buses, for hire conveyances, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, clubs, taverns, bowling alleys, skating rinks, casinos, reception areas, and no less than seventy-five (75) percent of the sleeping quarters within a hotel or motel that are rented to guests. "Indoor Public Place" also means any public or private place that is open to the general public regardless of whether dues, cover charges or a fee is charged or there are restrictions such as an age requirement for the privilege of admission, and includes any place used by a membership association or club at which non-member guests are present or permitted. This Chapter is not intended to restrict smoking in private facilities, which are occasionally open to the public except upon the occasions when the facility is open to the public. An indoor public place does not include a private residence unless the private residence is used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises.

- G. "Place of employment" means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: Entrances and exits to the places of employment, and including a presumptively reasonable minimum distance, as set forth in Section 24.14.050 of this Chapter, of twenty-five (25) feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. "Place of employment" also means an outdoor venue or workspace that is adjacent to or enjoined with a business enterprise or work environment where employees are required to pass through during the course of employment; including but not limited to food/drink service areas such as on decks or outdoor areas. A private residence or home-based business, unless used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises, is not a place of employment.
- H. "Retail outlet" means a place of business in Whatcom County from which vapor products are sold to customers, but does not include any business licensed or endorsed for the sale of recreational or medical marijuana by the state of Washington and/or the Washington State Liquor and Cannabis Board.
- I. "Smoke" or "smoking" means the carrying, use or smoking of any kind of lighted, combustible, smoldering, or burning cigarette, pipe, cigar or other lighted smoking equipment including but not limited to tobacco, flavored tobacco products such as shisha, or marijuana.

- J. "Tasting" means to try or taste a vapor product in a retail outlet where entry is restricted to persons eighteen years of age or older.
- K. "Vape" or "Vaping" means the use of a vapor product, or the act of inhaling/exhaling the vapor or aerosol from a vapor product.
- L. "Vapor product" means any: (a) device that employs a battery or other mechanism to heat a solution or substance to produce a vapor or aerosol intended for inhalation; (b) cartridge or container of a solution or substance intended to be used with or in such a device or to refill such a device; or (c) solution or substance intended for use in such a device, including, but not limited to, concentrated nicotine. "Vapor product" includes any electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic cigarillos, electronic pipes, vape pens, steam stones, or similar products or devices, as well as any parts that can be used to build such products or devices. "Vapor product" does not include any drug, device, or combination product that has been approved by the United States Food and Drug Administration for legal sales for use as a smoking cessation product or other medical purposes, and is marketed and sold for such approved purpose.

**24.14.040 Smoking and Vaping Prohibited in Public Places and Places of Employment.**

No person may smoke or use a vapor product in an indoor public place or in any place of employment except for the purpose of tastings within the premises of a vapor product retail outlet pursuant to amendments to Title 70 RCW set forth in 2016 Washington Laws, 64th Leg., 1st Special Session, Chapter 38, Vapor Products.

**24.14.050 Vaping Prohibited Within Twenty-five Feet of Public Places or Places of Employment - Application to Modify Presumptively Reasonable Minimum Distance.**

Use of vapor products is prohibited within a presumptively reasonable minimum distance of twenty-five (25) feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where use of vapor products is prohibited so as to ensure that vapor does not enter the area through entrances, exits, open windows, or other means. Owners, operators, managers, employers, or other persons who own or control a public place or place of employment may seek to rebut the presumption that twenty-five (25) feet is a reasonable minimum distance by making application to the director of the local health department or district in which the public place or place of employment is located. The presumption will be rebutted if the applicant can show by clear and convincing evidence that, given the unique circumstances presented by the location of entrances, exits, windows that open, ventilation intakes, or other factors, vapor will not infiltrate or reach the entrances, exits, open windows, or ventilation intakes or enter into such public place or place of employment and, therefore, the public health and safety will be adequately protected by a lesser distance.



**24.14.060 Required Signage.**

In addition to requirements for signs prohibiting smoking as adopted by reference from Chapter 70.160 RCW, owners, or in the case of leased or rented space the lessee or other person in charge, of a place regulated under these regulations shall post signs prohibiting the use of vapor products. Signs shall be posted conspicuously at each building entrance. Signs prohibiting the use of vapor products may be combined with signs prohibiting smoking, such as “No Smoking. No Vaping.” or “No Smoking or Vaping Allowed.” or “No Smoking or Vaping Allowed within 25 Feet of Doorway or Entrance.”

**24.14.070 Tastings.**

No retail outlet may offer a tasting of vapor products unless all of the following conditions are met.

- A. The retail outlet is licensed by the state of Washington as a vapor product retailer pursuant to amendments to Title 70 RCW set forth in 2016 Washington Laws, 64th Leg., 1st Special Session, Chapter 38, Vapor Products, or is a vapor product retailer already in existence as of the effective date of this ordinance that has applied to the state for a license within thirty days of the Washington State Liquor and Cannabis Board prescribing the form for an application for a license, is in the process of being so licensed, and whose application has not been denied.
- B. Pursuant to amendments to Title 70 RCW set forth in 2016 Washington Laws, 64th Leg., 1st Special Session, Chapter 38, Vapor Products, the retail outlet restricts entry to its premises to persons eighteen years or older, products are tasted only within the retail outlet’s premises and are not removed from within the premises by the customer, and a disposable mouthpiece tip or a disposable device is used if the customer is tasting from a vapor device owned and maintained by the retailer.
- C. Except for the limited and immediate purpose of tasting a vapor product solution or testing a device, the retail outlet does not allow the consumption or use of any vapor products within its premises, including vapor products purchased for personal use from the retail outlet or brought into the retail outlet premises by any person, including employees.

**24.14.080 Enforcement Procedures.**

- A. The Health Officer is authorized to enforce the restrictions and requirements of this Chapter, including the imposition of Civil Penalties, in accordance with Chapter 24.07 of the Health Code and the following subsections.
- B. The Health Officer or his/her duly authorized inspector shall have the authority to seek entry and inspect any building, structure, property, or portion thereof, at reasonable times for the purposes of determining compliance with or enforcing the provisions of this Chapter. The Whatcom County Health Department may work with the Washington State Liquor and Cannabis Board to conduct inspections

to assure compliance.

**24.14.090 Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this Chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this regulation.

**24.14.100 References to State Law.**

Any and all reference to state statues are in effect as referenced above or as hereinafter amended by state authority.

**24.14.110 Effective Date.**

This Ordinance shall take effect and be in force thirty (30) days after its passage.

## E-Cigarettes & Vaping

May 10, 2016



**Background:** Youth e-cigarette and vaporizer use has risen significantly in Whatcom County over the past few years. The Health Department collected public feedback from Whatcom County residents about potential policy options that could help to protect youth and the larger community.

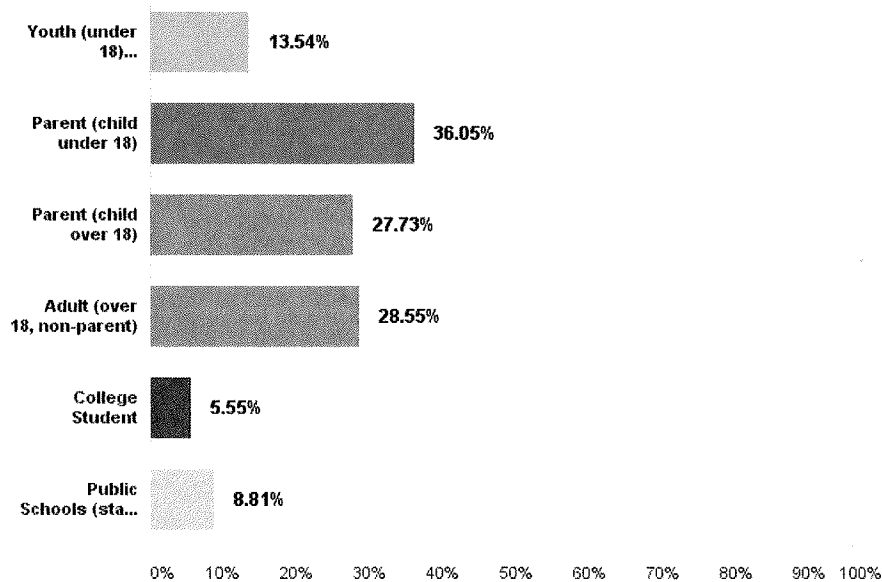
A community survey was disseminated to collect public feedback during the month of April, 2016. A total of 613 responses were collected during that time. A summary of those results is included in this report, including these highlights:

- *More than 7 in 10 (72%) supported expanding the Smoking in Public Places (SIPP) law to include e-cigarettes and vaping*
- *91% supported other types of regulation*

### PROFILE OF PARTICIPANTS

#### Q3 Please identify areas that describe you (check all that apply):

Answered: 613 Skipped: 0



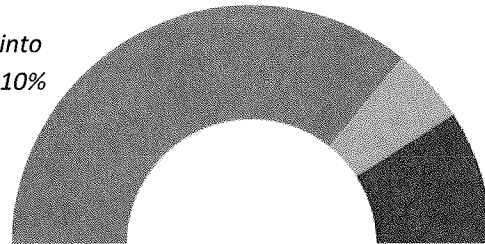
Participation also came from local businesses, including 29 retailers, 16 restaurants, 4 vape shops, 3 bars, and 1 marijuana retailer.

**SUPPORT FOR EXPANDING SIPP TO PROHIBIT VAPING**

The Smoking in Public Places (SIPP) law prohibits smoking in all restaurants, bars, and indoor workplaces, among other locations. Local support for expanding SIPP to include vaping and vapor products was gauged in the survey, and found that a majority of community members supported its' inclusion.

**Support for expanding the Smoking in Public Places (SIPP) law to prohibit vaping?**

- *More than 7 in 10 (72%) support including e-cigarettes and vaping into existing SIPP, with an additional 10% reporting a neutral position*



■ Support (72%) ■ Neutral (10%) ■ Do Not Support (18%)

Although 18% indicated they were not in favor, some comments from those respondents either reflected inaccurate information “they are just water vapors,” or actually cited a positive health benefit for regulations, such as clean air.

**SUPPORT FOR EXPANDING SIPP TO PROHIBIT VAPING (BY POPULATION)**

Although the simple majority of each population was supportive of expanding SIPP to including vaping, strong support was demonstrated by schools representatives (staff), youth, parents of children under 18, and parents of children over 18. Even though college students showed the lowest direct support, the difference fell largely to “not sure,” and not as opposed.

	“Yes”	“No”	“Not Sure”	Respondents per Category*
Schools	85%	2%	13%	54
Youth (under 18)	77%	13%	10%	83
Parent (child <18)	75%	15%	10%	221
Parent (child >18)	72%	18%	10%	170
Adult (non-parent)	63%	24%	13%	175
College Student	56%	21%	23%	34

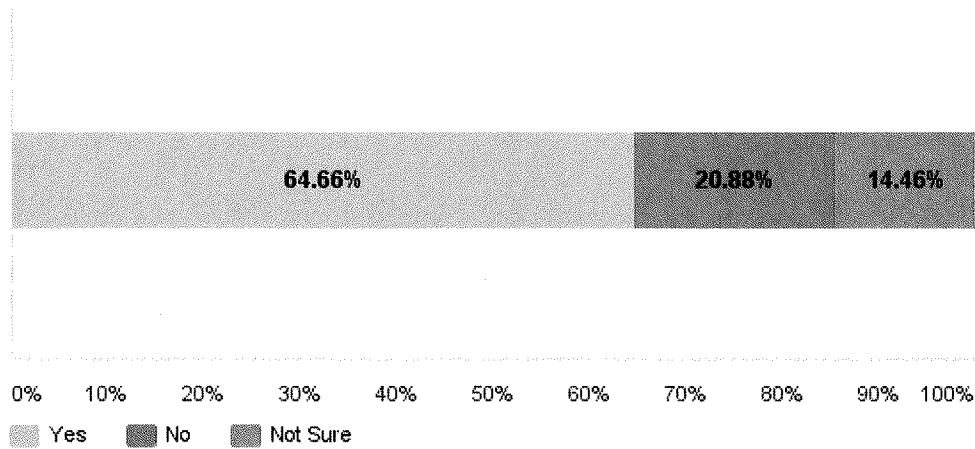
\*respondents could identify more than one category, allowing for some duplication (613 total surveys collected; 737 categories selected for this question)

**SUPPORT FOR VAPE FREE PARKS**

Support for vape free parks quantitatively amounted to less than expansion of SIPP, but it still left roughly 80% of the population as either supportive (65%) or neutral/not sure (15%).

## Q5 Do you support vape-free parks?

Answered: 498 Skipped: 115

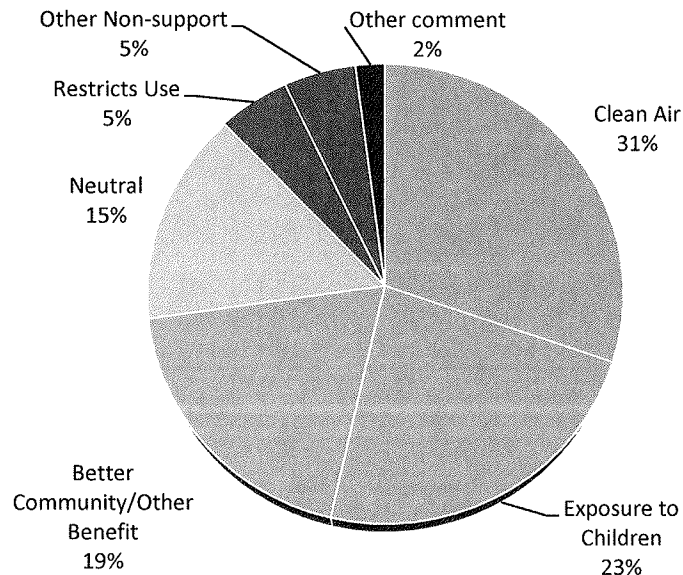


### FEEDACK FOR SUPPORTING VAPING REGULATIONS (BY TOPIC AREAS)

Respondents answered the question “**How would prohibiting vaping in public places impact you?**” 613 total surveys were collected of which 230 individuals provided comments that were categorized below. A small portion of comments addressed more than one topic area (i.e. benefits of clean air as well as reduced exposure to children), in which case their response was counted in more than one topic category.

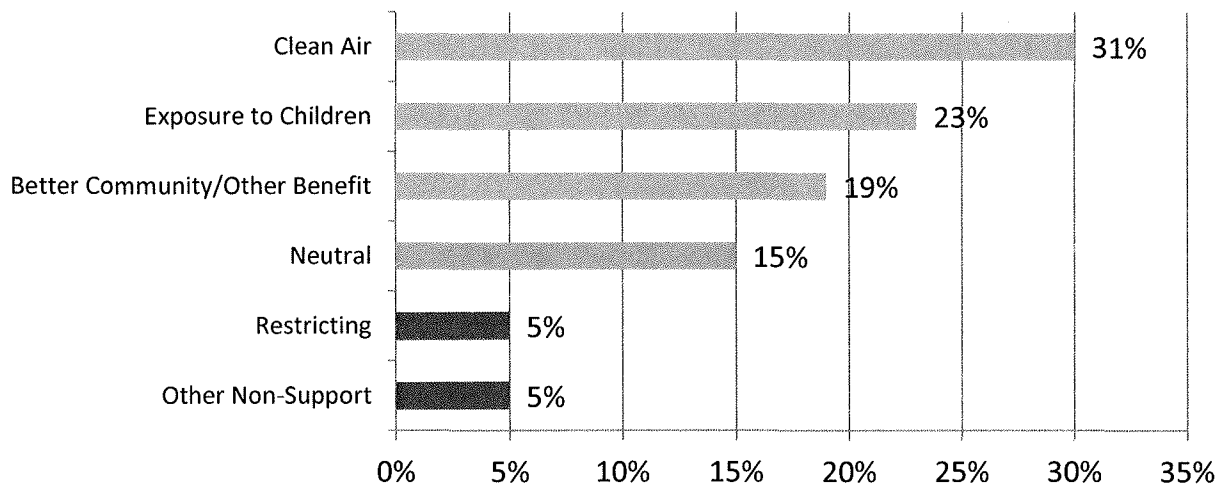
## Feedback by Topic Areas

- 88% of the comments were either favorable (73%) or neutral (15%) about including e-cigarettes and vaping into existing SIPP



## Topic Areas Ranked

(by frequency of comments)



While responses were categorized into themes that emerged, examples of feedback received are provided. Comments supporting regulation, and comments not supporting regulation, are both included.

### In Favor:

- "I would love to see this happen as soon as possible and I know that our community would support this. Let's do it!"
- "I would be glad to keep it away from my kids"
- "It would allow me to use public spaces knowing that the air will be clean and free of harmful chemicals"
- "It would help protect air quality for all public space users"
- "Improves the health of the community by limiting exposure to chemicals in second-hand vapor. I think it should be treated just like smoking cigarettes"
- "My kids wouldn't need to worry about walking through a smoke cloud"
- "The smoke and steam from vaping irritates my throat and lungs. It would make it more comfortable for me to use those spaces. I also understand that second hand vaping is harmful to my health"
- "We don't always know what is being vaped"
- "It would minimize the risk of my three young children getting exposed to potentially dangerous metals and other hazardous chemicals in the air"
- "I think it would help with social norming and setting a positive example for young people, because they would have less exposure to it"
- "My son was five when he was diagnosed with cancer. It nearly killed him. He should be allowed to enjoy parks without being affected by second hand smoke"
- "As an asthmatic person, I like being able to breathe without any vaping or smoke nearby"

### Not In Favor:

- "As an occasional smoker myself, I would be forced to limit my use in particular places"
- "Restricts my rights"
- "It would make it harder for me to vape when and where I would like to vape"
- "I vape and go a lot of places with my children. I avoid smoking as much as possible and vaping is something I find is safer for my children"
- "It would restrict my ability to enjoy public places"
- "It would make it so that a lot of places can't be vaped in or around that are specifically there for that purpose"
- "There'd be more people smoking and tossing butts"

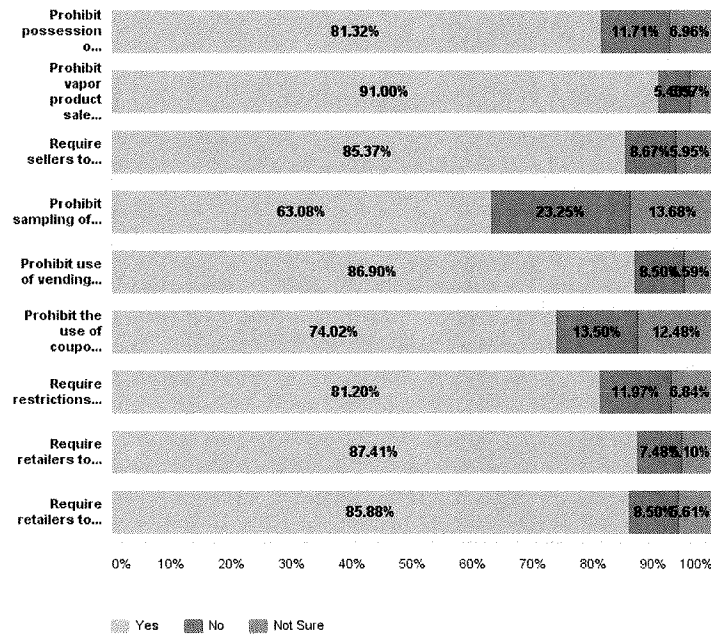
- “I would have to reconsider cigarettes at that point. They're more convenient and vaping would be just as restricted so at that point I might as well go back to them”

### **FEEDACK FOR SUPPORTING VAPING REGULATIONS (BY TYPE OF REGULATION)**

The community survey included a list of potential policy options where respondents could identify their level of support. Following release of the survey, Senate Bill 6328 was passed, which either directly preempted local jurisdiction from taking action in these areas, or assigned regulatory authority of these items to a designated state agency. With these items acted upon at the state level, only two options are available for local action, including the expansion of SIPP to include vaping and vapor products, and restricting the use of vapor products at parks. The results of this local feedback, however, have been included below.

#### **Q6 Would you like to see a local vaping ordinance include any of the following:**

Answered: 692 Skipped: 21



	Yes	No	Not Sure	Total
Prohibit possession of vapor products (electronic smoking devices, e-liquids, and other unregulated nicotine delivery products) by minors	479	69	41	589
Prohibit vapor product sales to minors by requiring photo ID checks to verify age of purchaser	536	32	21	589
Require sellers to restrict youth access by placing vapor products behind counter	502	51	35	588
Prohibit sampling of vaping products	369	136	80	585
Prohibit use of vending machines for sales of vapor products unless located in area where minors are prohibited	511	50	27	588
Prohibit the use of coupons except when used in person and when ID is checked	433	79	73	585
Require restrictions that reduce advertising exposure to youth	475	70	40	585
Require retailers to display signs that state sales of vapor products are prohibited to persons under the age of 18	514	44	30	588
Require retailers to display signs about the harmful effects of nicotine and to keep away from children, at the point-of-sale	505	50	33	588

## **PUBLIC LISTENING SESSION RESULTS**

On May 16, 2016, a Public Listening Session was held to engage the public in discussions around potential policy options with vapor products. Twenty people attended the event and provided input. Four individuals represented businesses, including three that represented vape shops.

The following questions were asked:

1. Do you support expanding the Smoking in Public Places (SIPP) law to prohibit vaping? (The SIPP Law prohibits smoking in all restaurants, bars, and indoor workplaces, etc.). Why or why not?
2. How would prohibiting vaping in public places impact you?
3. The state will be required to regulate advertising for e-cigarettes and vaporizers. What would like them to consider?

Common themes followed much of what was collected during the community survey. General themes that demonstrated support included the benefits of clean air, reduced exposure to youth, positive impacts for businesses, protection of employee health, and a desire for vape use not to become a norm. One attendee mentioned that vape use outside of her business has already negatively impacted her customers and her business.

Some transcribed comments in favor of regulation included:

- Concerns about access and availability to youth
- Concerns as a parent of social norms messages to kids seeing use in public places
- Consistency of message/perception (bar/restaurant can give a consistent message without driving patrons elsewhere)
- That the device is also used for doing drugs/other substances
- It's a justice issue for workers who don't have choice to work around it or not
- Concern of children, elderly, low immune system
- Comfortable work environment

Similarly, themes that demonstrated a lack of support included inconvenience to users of vape products, potential negative impact on businesses, use of vapor products as a cessation tool, and the desire for sampling inside vape shops. Some transcribed comments not in favor of regulation included:

- Inconvenient for users
- I believe that owners of private businesses should determine the use of vapor products in their establishment
- I believe that the owners of private businesses to determine the appropriateness of the use of vapor in their private establishment
- Consider the economic impact on business
- I am directly opposed to limiting vaping in bars. All other private institutions (schools, government buildings, etc.) are appropriate locations to limit use
- Not supportive of limiting vaping inside vape shops
- Impact on vaping as a cessation tool for adults and teens
- Harm reduction tool (smoking cessation tool), but not something that should be promoted as something to start
- Equity to address other things that impact health of youth (sugary drinks in schools)
- Like to vape while recreating in parks
- Access in "adult only" spaces