

**BOCC WORK SESSION**  
**August 15, 2019**  
**TOBACCO RULE COMPARISON 2019 VS 2009**

<b>PROPOSED RULE</b>	<b>CURRENT RULE</b>
<p><b><u>Section I. Title</u></b></p> <p>This regulation shall be entitled <i>Tobacco</i> Control Rules for County, Municipal or other <i>Local Government Buildings, Vehicles and Grounds in Guilford County</i>.</p>	<p><b><u>Section I. Title</u></b></p> <p>This regulation shall be entitled Smoking Control Rules for County, Municipal or other Government Buildings in Guilford County.</p>
<p><b><u>Section II. Findings and Purpose</u></b></p> <p><i>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;</i></p> <p><i>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;</i></p> <p><i>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;</i></p> <p><i>WHEREAS, the use of e-cigarettes in places where smoking traditional tobacco products is prohibited could lead to difficulties in enforcing smoke-free policies;</i></p>	<p><b><u>Section II. Findings and Purpose</u></b></p> <p><del>WHEREAS, the 2006 Surgeon General's Report documents that eliminating indoor smoking fully protects nonsmokers from exposure to secondhand smoke; and,</del></p> <p><del>WHEREAS, Guilford County and its municipalities are encouraged to provide support to employees who want to quit the use of tobacco products. These employees are also encouraged to talk to their health care provider about quitting; ask about appropriate pharmacotherapy available through their respective health insurance plan; and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and,</del></p>

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<p><i>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;</i></p> <p><i>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;</i></p> <p><i>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,</i></p> <p><i>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;</i></p>	
<p><b><u>Section III. Definitions</u></b></p> <p><i>"City/Town building". – A building owned, leased as lessor, or the area leased as lessee and occupied by the City/Town</i></p> <p><i>"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.</i></p> <p><i>"County building". – A building owned, leased as lessor, or the area leased as lessee and occupied by the County.</i></p>	<p><b><u>Section III. Definitions</u></b></p> <p><i>"Smoker" – A person who is smoking</i></p>

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*“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.*

*“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.*

*“Grounds” – an unenclosed area owned, leased or occupied by Local Government.*

*“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.*

*“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.*

*“Universal ‘No Smoking and Use of Tobacco Products Prohibited’ Symbol”. – Symbol consisting of a pictorial representation of a burning*

~~“Grounds” – An area located within 50 linear feet of a building wherein a local health department or a local department of social services is housed~~

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<p><i>cigarette and a tobacco product enclosed in a red circle with a red bar across it.</i></p>	
<p><b><u>Section IV. Smoking, <i>and the use of E-cigarettes and Tobacco Products</i> Prohibited in Local Government Buildings, Local Government Vehicles, and <i>On Local Government Grounds</i></u></b></p> <p>Smoking <i>and the use of Tobacco Products, including E-Cigarettes</i> is prohibited in/on all of the following:</p> <p>(a) Buildings that are owned by Guilford County or any municipality or local government within the County, to include the airport authority.</p> <p>(b) Buildings that are leased as lessor by Guilford County or any municipality or local government within the County, to include the airport authority.</p> <p>(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.</p> <p>(d) Local vehicles owned or leased by Guilford County or any municipality or local government within the County, to include the airport authority.</p> <p>(e) <i>The grounds that are owned, leased or occupied by Guilford County or any municipality or local government within the County, to include the airport authority.</i></p>	<p><b><u>Section IV. Smoking Prohibited in Local Government Buildings, Local Vehicles, and On <del>Certain</del> Local Government Grounds</u></b></p> <p>Smoking is prohibited in/on all of the following:</p> <p>(a) Buildings that are owned by Guilford County or any municipality or local government within the County, to include the airport authority.</p> <p>(b) Buildings that are leased as lessor by Guilford County or any municipality or local government within the County, to include the airport authority.</p> <p>(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.</p> <p>(d) Local vehicles owned or leased by Guilford County or any municipality or local government within the County, to include the airport authority.</p> <p>(e) <del>The grounds of any building housing one or more components of Guilford County Department of Public Health or the Guilford County Department of Social Services</del></p>
	<p><b><u>Section V. Smoking Permitted Outside Buildings</u></b></p> <p>Smoking is permitted outside the buildings identified in Section IV except that smoking is prohibited within 50 feet of buildings when they house a Health Department or Social Services function, but this prohibition shall not extend</p>

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	past the property line for such Health Department or Social Services buildings.
<p><b><u>Section V. Signage</u></b></p> <p>(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.</p> <p>(b) Persons in charge of vehicles identified in Section IV shall post signs in the vehicle <i>conveying</i> the prohibition. <i>The signs must be in plain sight of the drivers and passengers.</i></p> <p>(e) Persons in charge of buildings and vehicles identified in Section IV must determine whether signs should be posted in languages other than English. <i>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.</i></p>	<p><b><u>Section VI. Signage</u></b></p> <p>(a) Persons in charge of buildings and grounds identified in Section IV shall post signs at all entrances and exits explaining the prohibition of smoking. Signs may be posted in other areas of the buildings as well. <del>For example, signs may be posted in other areas in the building where smoking is likely, such as bathrooms, dining areas, and areas where smoking has previously been permitted.</del></p> <p>(b) Persons in charge of vehicles identified in Section IV shall post signs in the vehicles <i>explaining</i> the prohibition. <del>The signs must be displayed in areas where passengers will be able to see the signs, but the placement of the signs must not interfere with the safe operation of the vehicle.</del></p> <p>(e) Persons in charge of buildings and vehicles identified in Section IV must determine whether signs should be posted in languages other than English.</p>
<p><b><u>Section VI. Compliance and Penalties</u></b></p> <p>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 <i>discontinue the use of the product.</i></p>	<p><b><u>Section VII. Compliance and Penalties</u></b></p> <p>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 <del>smoking (other than an employee)</del> in violation of these rules shall direct the individual to <del>extinguish the lighted smoking product.</del> If, <del>after having been asked to extinguish the lighted smoking product,</del> the individual fails to do so, the individual in charge shall issue a formal warning and must ask the individual to leave the place where smoking is prohibited.</p>

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<p>The second and subsequent violations are Class 1 misdemeanors pursuant to G.S. 130A-25. <i>[Note: G.S. 14-3 provides that all unclassified misdemeanors are Class 1 misdemeanors.]</i></p> <p>Employees of the Guilford County or any municipality or local government unit within the county, including the airport authority, are also subject to sanctions <i>for violations of this rule.</i></p>	<p>The second and subsequent violations are Class 1 misdemeanors pursuant to G.S. 130A-25. <i>[Note: G.S. 14-3 provides that all unclassified misdemeanors are Class 1 misdemeanors.]</i></p> <p>Employees of the Guilford County or any municipality or local government unit within the county, including the airport authority, are also subject to sanctions <del>consistent with human resource policies of that local government entity.</del></p> <p><del>Nothing in these rules is intended to prevent the application of the laws of trespass or any other laws that may apply to conduct which also violates these rules.</del></p>
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