

BEFORE THE BOARD OF NORTHEAST TRI COUNTY HEALTH DISTRICT

IN THE MATTER OF ADOPTING
A VAPING RESOLUTION

)
)
)

RESOLUTION 01-2020

ADOPTING A VAPING RESOLUTION

RESOLUTION ADOPTING RCW 70.160 BY REFERENCE AND PROHIBITING SMOKING, INCLUDING SMOKING OF TOBACCO, FLAVORED TOBACCO PRODUCTS AND MARIJUANA, AND VAPING OF ANY SUBSTANCE IN PUBLIC PLACES AND PLACES OF EMPLOYMENT IN FERRY, PEND OREILLE AND STEVENS COUNTIES, EXCEPT AS AUTHORIZED BY RCW 70.345 AND PROVIDING FOR ENFORCEMENT PURSUANT TO RCW 70.160.

WHEREAS, Article 11, Section 11 of the Washington State Constitution empowers local governing bodies to make and enforce, within their limits, local laws and regulations not in conflict with the general laws of the state; **AND**

WHEREAS, RCW 70.05.060(1) provides that local boards of health shall enforce the public health statutes of the state and rules promulgated by the state board of health and the secretary of health; **AND**

WHEREAS, RCW 70.05.060(3) authorizes local boards of health to enact such local rules and regulations as are necessary to preserve, promote and improve the public health and provide for the enforcement thereof; **AND**

WHEREAS, the Washington State Legislature has recognized the public health impact of secondhand smoke and prohibited smoking in a public place or in any place of employment through the Smoking in Public Places Law, codified at chapter 70.160 RCW; **AND**

WHEREAS, Chapter 70.160 RCW empowers local health jurisdictions 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 authorizes local health jurisdictions to adopt regulations as required to implement the chapter; **AND**

WHEREAS, Northeast Tri County Health District has requested and received public comment regarding the public health impacts of secondhand smoke and/or vapor from (1) tobacco and flavored tobacco products, (2) marijuana, and (3) vaping devices; **AND**

WHEREAS, evidence from multiple studies, including those conducted by the United States Food and Drug Administration, indicate that the vapor produced by vaping devices is not safe, and research on the long-term health impacts from second-hand inhalation of vaping products is still on-going. However, current studies have demonstrated that vaping products contain nicotine, propylene glycol (causes respiratory irritation and linked to asthma development in children), ultrafine particles (which travel deep into the respiratory system, damage tissue and can worsen asthma or other respiratory illnesses), cancer-causing chemicals, heavy metals (such as nickel, tin, and lead), and flavoring such as diacetyl (a chemical linked to serious lung disease); **AND**

WHEREAS, vaping devices may contain nicotine and present a substantial risk of nicotine and other substance addiction; **AND**

WHEREAS, vaping/e-cigarette use among United States youth and young adults is now a major public health concern, as reported by the Surgeon General, and the Washington State Healthy Youth Survey which show e-cigarette usage increased dramatically between 2016 and 2018; **AND**

WHEREAS, vaping devices have not been successfully tested as a proven method to quit smoking and the United States Food and Drug Administration has not approved vaping devices for smoking cessation; **AND**

WHEREAS, the use of vaping devices in public places and places of employment complicated enforcement of the state and county laws prohibiting smoking in public places and places of employment; **AND**

WHEREAS, Northeast Tri County Health District has received calls from concerned citizens and business owners regarding the safety of vaping devices and has heard from business owners interested in banning the use of vaping devices in public places and places of employment; **AND**

WHEREAS, the use of vaping devices in public places and places of employment represents a renormalization of smoking, increases social acceptance of smoking and vaping, and provides models of unhealthy behavior that are contrary to public health efforts of the last fifty (50) years; **AND**

WHEREAS, the Board of Health of Northeast Tri County Health District finds that secondhand vapor and/or aerosol emitted by the use of vaping devices contains chemicals and other substances that present a threat to the public health of the citizens of Ferry, Pend Oreille, and Stevens County and an elevated risk to pregnant women, children and people with cardiovascular conditions; **AND**

WHEREAS, RCW 70.160 provides an effective enforcement mechanism to ensure that business owners and those in charge of establishments regulate smoking and vaping activity within their establishments;

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD OF HEALTH OF NORTHEAST TRI COUNTY HEALTH DISTRICT as follows:

1. Chapter 70.160 RCW is adopted by reference
2. Smoking, including smoking of tobacco, flavored tobacco products and marijuana, and vaping of any substance is prohibited in public places and places of employment in Ferry, Pend Oreille, and Stevens County, except as authorized by RCW 70.345 Vapor Products.
3. Northeast Tri County Health District adopts the following additional language added to RCW 70.160.020:
 - a. "Vaping" means the use of a vaping device or inhaling of vapor or aerosol from a vaping device.
 - b. "Vaping device" means any device that employs a battery or other means to heat or aerosolize a solution, steam stones or substance to produce a vapor or aerosol intended for inhalation: including any electronic cigarettes, electronic nicotine delivery systems, electronic cigars, electronic cigarillos, electronic pipes, vape pens, hookah pipes, or similar products or devices.
4. The following additional language is added to RCW 70.160.030:
 - a. No person may smoke in a public place or place of employment.

b. No person shall use a vaping device in any public place or place of employment, except as authorized by RCW 70.345.

5. The following additional language is added to RCW 70.160.050:

Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place regulated under this Chapter shall prohibit smoking and vaping in public places and places of employment, except as authorized by RCW 70.345, and shall post signs prohibiting smoking and vaping as appropriate under this chapter. Signs shall be posted conspicuously at each building entrance. In the case of retail stores and retail services establishments, signs shall be posted conspicuously at each entrance and in prominent locations throughout the place.

6. The following additional language is added to RCW 70.160.070:

When violations of this Resolution occur, a warning shall first be given to the owner or other person in charge. Any subsequent violation is subject to a civil penalty of up to one hundred dollars.

Done this 15th day of January 2020 in Colville, Washington and effective immediately upon signatures as of this date.

Board Member, Ferry County

Board Member, Ferry County

Board Member, Pend Oreille County

Board Member, Pend Oreille County

Board Member, Stevens County

Board Member, Stevens County

Health Officer

Board Member, City of Kettle Falls

Board Member, Town of Metaline Falls

Board Member, City of Republic