

ORDINANCE No. 14

ELECTRONIC DELIVERY DEVICES

THE COUNTY COMMISSIONERS OF HOUSTON COUNTY, MINNESOTA DOES ORDAIN:

SECTION 1. PURPOSE AND INTENT

Unregulated electronic delivery devices, commonly referred to as electronic cigarettes, or e-cigarettes, closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine or other substances created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested 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. The FDA's testing also suggested that quality control processes used to manufacture these products are inconsistent or non-existent. ("Summary of results: Laboratory analysis of electronic cigarettes conducted by FDA, "Food and Drug Administration (FDA), July 22, 2009; <http://www.fda.gov/NewEvents/PublicHealthFocus/ucm173146.htm>)

E-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

SECTION 2. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply:

Electronic Delivery Device. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

Use. The inhaling or exhaling of vapor from any electronic delivery device. Use shall also mean carrying an electronic delivery device that is turned on or otherwise activated.

SECTION 3. PROHIBITION

The use of any electronic delivery device is prohibited anywhere smoking is prohibited by the Minnesota Clean Indoor Air Act.

SECTION 4 – OTHER APPLICABLE LAWS

This ordinance is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statute Sec. 144.411 to 144.417, as amended from time to time. Nothing in this ordinance authorizes smoking in any location where smoking is restricted by other applicable laws.

SECTION 5 – VIOLATION AND PENALTIES

Subd. 1. Use Where Prohibited. It is a violation of this Ordinance for any person to smoke in an area where smoking is prohibited by this Ordinance, or to smoke in an area where smoking is prohibited by a private policy established by the proprietor or other person in charge of the area, as authorized by section 6 of this Ordinance.

Subd. 2. Proprietors. It is a violation of this Ordinance for the proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which smoking is prohibited under this Ordinance to knowingly fail to comply with the provisions of this Ordinance.

Subd. 3. Penalties. A person who violates any provision of this Ordinance shall be guilty of a petty misdemeanor. Each day of violation constitutes a separate offense.

Approved by the Houston County Board of Commissioners this 5th day of August, 2014.

By: _____
Teresa Walter, Chairperson

Attest: _____
Charlene Meiners,
Houston County Auditor