



Skagit County Public Health

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Staff Report – Smoking and Vaping in Public Places

Background

RCW 70.160 empowers local health departments to adopt local regulations to ensure owners or persons in control of public places and places of employment are in compliance with the statewide Smoking in Public Places law. RCW 70.345 that regulates vapor products and e-cigarettes also empowers local jurisdictions to restrict vaping in indoor public places and in outdoor places where children may be exposed.

Smoking and vaping continues to be a community health concern. Since 2011, e-cigarette use by middle and high school students has tripled, surpassing use of conventional cigarettes. Nicotine is highly addictive and damaging to the developing brain. Early exposure to nicotine sets the stage for lifelong dependency and addiction.

Vaping exposes people nearby to an aerosol containing an unknown mixture of harmful and potentially harmful chemicals. Aerosols from nicotine-containing vapor products contain nicotine, solvents, particulates, and potentially harmful chemicals. Children, pregnant women, and individuals with compromised lungs are especially at risk. A comprehensive analysis by the U.S. Surgeon General of the health risks of e-cigarettes use by youth and young adults recommends including e-cigarettes in smoke-free policies.

The quality of individual citizen's health, access to clean air, and benefit to public health and safety are a priority of the Public Health Department. It is the goal of the Smoking and Vaping in Public Places ordinance to reduce access and exposure to smoking and vaping for children and youth, as well as promote a healthier environment for all residents.

Public Health staff conducted an online survey with school district superintendents, Behavioral Health Organizations, and Housing Authorities to gauge initial interest in an ordinance between May-June 2018. The ordinance was then proposed to the Board of Health during a work session in July 2018, and staff was given approval to begin acquiring feedback from city councils, Parks and Recreation, and other community stakeholders. Staff presented the proposal to the follow city councils between August-October, 2018; Anacortes (8/20); Concrete (9/24); La Conner (9/25); Sedro-Woolley (10/10); and Burlington (10/11). We were unable to present the information to the Mount Vernon City Council due to the Council schedule being full with end-of year budgeting items that eclipsed the council meetings at the time.

We incorporated the feedback received between May-October 2018 into the development of our materials.

Findings and Conclusions

Skagit County has experienced a significant increase in youth usage of e-cigarettes and other vapor products, with local Healthy Youth Survey data showing that 18% of Skagit County twelfth grade students reported past e-cigarette use, and Skagit County twelfth graders reported using nicotine in their e-cigarettes 53% of the time, while 21% of twelfth graders reported using THC in their e-cigarettes.

Scientific evidence continues to accumulate that vaping increases airborne concentrations of chemicals that are harmful to the public's health, as documented in recent definitive research reviews by the U.S. Surgeon General and the National Academies of Sciences, Engineering, and Medicine. Concentrated liquid nicotine solutions used in vapor products pose a

serious poisoning risk to children. Vaping devices are also commonly used to consume marijuana products, and public use of marijuana is prohibited under state law.

Due to the alarming rate of e-cigarette use among Skagit County youth, and the emergence of scientific studies reporting the presence of harmful and potentially harmful chemicals in vapor products, the majority of public feedback received in Skagit County supports adopting a local Smoking and Vaping in Public Places law to regulate public use of e-cigarettes and vaping.

Overview of Proposed Ordinance

The proposed ordinance would officially adopt the state Smoking in Public Places law (RCW 70.160) and prohibit vaping in specific types of public places as allowed under the state Vapor Products law (RCW 70.345).

The proposed ordinance would make it so that no person may smoke or vape in an indoor public place or in any place of employment, as well as within a minimum distance of twenty-five (25) feet from entrances, exits, windows, and ventilation intakes that serve an enclosed area where smoking and vaping is prohibited. Furthermore, no person may smoke or vape in any outdoor public place that is on the grounds of a child care facility or school, and outdoor public places where children congregate, including, but not limited to: playgrounds, parks, beaches, athletic field, and stadiums. The ordinance requires posting of signs stating no smoking and no vaping at appropriate locations in these buildings and outdoor areas. The proposed ordinance is aligned with exceptions to vaping restrictions that are specifically allowed under state law, including allowing for tastings of vapor products in licensed retail outlets.

Implementation and Timeline

If approved, the ordinance will take effect ninety days after adoption. The time between adoption and effective date will be used to conduct community outreach and education with local city jurisdictions, local businesses, school districts, community groups, and county residents. Educational materials will be provided to ensure understanding of the ordinance, signage requirements, and enforcement procedures. The County intends to provide digital templates for signage (to be posted according to requirements within the proposed ordinance), and these templates would be made accessible via county website.

Next Steps

Pending other feedback or guidance from the Board of Health, a public presentation of the ordinance will occur on March 12, 2019, followed by a public hearing on April 9, 2019. Public comment will be taken from March 12, 2019 to April 9, 2019 and potential vote on a final ordinance is anticipated between April 9, 2019 and April 16, 2019.

Board Authority

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. Pursuant to RCW 70.05.060, local boards of health are charged with, among other things, the responsibility to enact such local rules and regulations that are necessary in order to preserve, promote, and improve the public health and provide for the enforcement thereof.

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