

# DISCUSSION DRAFT:

# Regulations Restricting the Use, Sale, and Availability of Vapor Products

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KITSAP PUBLIC HEALTH DISTRICT

- DISCUSSION DRAFT ONLY
- Following process outlined by Health Board in October 2015
- Modeled after Snohomish Health District's Vapor Product Code (Adopted November 2015)
- Public involvement process to follow preceding a formal public hearing



# Primer:

- “Vaping” – the act of inhaling aerosols produced by heating chemical solutions; i.e., using e-cigarettes or similar devices.
- Vapor Products – electronic cigarettes, vaporizers, vape pens, electronic hookahs, “e-liquid”, “e-juice”, etc.



# Screenshot from GOOGLE February 1, 2016

x Google e-cigarette Search Share More >>

GOOGLE e-cigarette

All News Shopping **Images** Maps More Search tools



Flavors



Brands



Ads



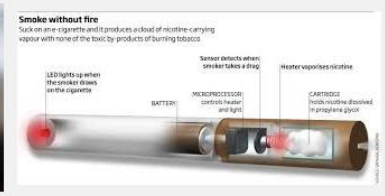
Blu



Vapor



Diagram



# Primer (con't):

- Not regulated by federal government like tobacco products; no manufacturing, testing, or labelling requirements.
- State laws: RCW 26.28.080 – Prohibits selling or giving tobacco or vapor products to minors.



# Primer (con't):

## Pending State Bills:

- HB 1645/SB 5573: Youth substance abuse prevention (Governor's request bill)
- HB 2211: Vapor product, e-cigarette, and nicotine tax
- HB 2313/SB6157: Concerning age of individuals allowed to purchase tobacco and vapor products (Attorney General request bill)
- HB 2588/SB 6328: Vapor product provisions



# Primer (con't):

- Not approved by FDA as a smoking cessation aid.
- Short and long term health effects not known (primary or secondary exposure).
- Some of the chemicals detected in e-liquids: nicotine, formaldehyde, propylene glycol, diacetyl, acetypropionyl, 2,3-pentanedione.



# Primer (con't):

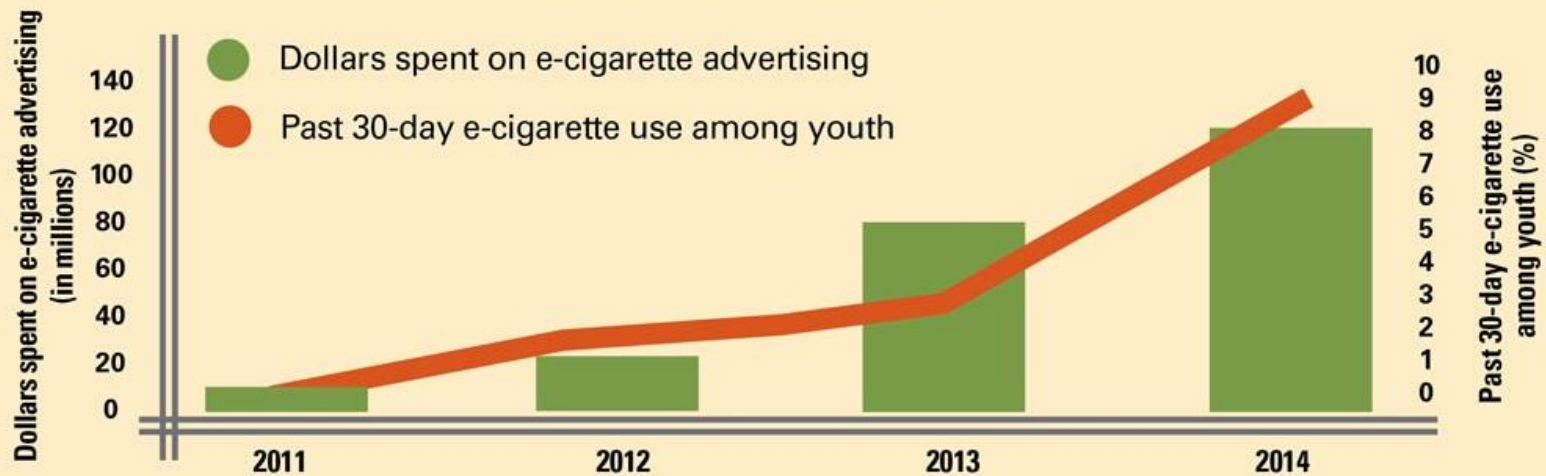
- High appeal to youth (flavors & technology)
- Nationally, use among high schoolers within past 30 days increased >600% from 2011 to 2014 (1-in-50 to 1-in-8)
- In Kitsap, use among high schoolers within past 30 days tripled from 2011 to 2014 (1-in-12 to 1-in-4).





# Primer (con't):

## E-cigarette use among youth is rising as e-cigarette advertising grows



SOURCE: National Youth Tobacco Survey, 2011-2014; Kim et al (2014), Truth Initiative (2015).

E-cigarette use among youth is rising as e-cigarette advertising grows

Centers for Disease Control and Prevention, National Centers for Chronic Disease Prevention and Health Promotion, January 5, 2016



# Primer (con't):

- Easy to buy online
- Sharp increase in retailers
- Rough estimate: up to 200 (15) retailers in Kitsap County
- No specific Department of Revenue endorsement



# Major Regulatory Concepts in Draft:

**Prohibits vaping in public places or places of employment.**

[newsworks.org](http://newsworks.org)



# Major Regulatory Concepts in Draft:

Requires “No Smoking or Vaping Allowed” signs to be posted in public places or places of employment.

**Snohomish County is a  
Clean Air Zone**



**NO  
SMOKING**



**NO  
VAPING**

**in public places or within 25 feet of  
entryways, doors or windows.**

(Snohomish Health District Sanitary Code 13.2 and 14.6)

**To report violations or for information on quitting:  
425.339.5250 | [www.snohd.org](http://www.snohd.org) | [www.quitline.com](http://www.quitline.com)**



**PUBLIC HEALTH**  
*always working for a safer & healthier*  
**SNOHOMISH COUNTY**



# Major Regulatory Concepts in Draft:

**Prohibits giving or selling vapor products to minors (RCW 26.28.080), and prohibits minors from purchasing, possessing, or using vapor products.\***



# Major Regulatory Concepts in Draft:

**Restricts the use of coupons to in-person transactions with age verification.**

**Prohibits the use of vending machines for vapor product sales unless located within a place where minors are legally excluded.**

[ehp.niehs.nih.gov](http://ehp.niehs.nih.gov)



KITSAP PUBLIC HEALTH DISTRICT

# Major Regulatory Concepts in Draft:

**Requires vapor product retailers (fixed locations only) to obtain an annual permit from the Health Officer:**

- **Category 1 – Retail sales only**
- **Category 2 – Retail sales and limited sampling**



# Major Regulatory Concepts in Draft:

## **Category 1 – Retail sales only**

### Requirements:

- **Post signage**
- **Keep all vapor products in a secure display that is not accessible to the public without the intervention of an employee**





# Major Regulatory Concepts in Draft:

Requires vapor product retailers to perform age verification checks and to post signs stating no sales to minors, nicotine is toxic, and to keep away from children.



# Major Regulatory Concepts in Draft:

## **Category 2 – Retail sales and limited sampling**

### Requirements:

- **Exclusively sell vapor products**
- **Exclude minors at all times**
- **Limit seating to 5 spaces at a sales counter**
- **Use a certified independent ventilation system** (by a state registered HVAC/R contractor)
- **Provide samples free of charge, prohibit use of private devices, prohibit employee vaping**



# Independent Ventilation System:

- Stand-alone building with ventilation system exhaust, entrance/exit doors, window that open and ventilation intakes from other neighboring buildings >25 feet separation (presumptive reasonable minimum distance);

OR



# Independent Ventilation System:

- In multi-tenant buildings: have a separate ventilation system that prevents vapors, odors, etc., from being drawn into other areas of the building, not share attic space with drop ceilings + meet presumptive reasonable minimum distance.



# Major Regulatory Concepts in Draft:

## Permitting Timelines:

- Existing vapor product retailers shall submit application within 60 days of effective date
- Existing vapor product retailers obtain permit within 150 days of effective date or close.
- “Existing Category 2” Retailers shall have one (1) year from effective date to meet ventilation requirements
- Health Officer to respond to permit applications within 30 days of receipt.



# Major Regulatory Concepts in Draft:

**Health Officer authorized to administer and enforce the ordinance.**

## **Enforcement Tools:**

- **Written orders**
- **Permit suspension or revocation**
- **Civil infraction notices (tickets)**



# Next Steps:

- 1. Revise draft with Board suggestions.**
- 2. Identify and contact local industry/retailers.**
- 3. Notify local industry/retailers and the public.**
- 4. Sponsor public workshop(s) with Board to get public comment.**
- 5. Amend draft ordinance as directed by Board.**
- 6. Schedule formal public hearing with Board.**

