

Regulation of Tobacco Products for Local Government Buildings in Cabarrus County

Section I. Title

This regulation shall be entitled tobacco control rules for County, Municipal, or other local government buildings in Cabarrus County.

Section II. Findings and Purpose

WHEREAS, tobacco use is the number one preventable cause of premature death in North Carolina and the nation; and,

WHEREAS, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and nonsmokers; and,

WHEREAS, the 2006 Surgeon General's Report documents that eliminating indoor smoking fully protects nonsmokers from exposure to secondhand smoke and separate smoking areas within buildings does not; and,

WHEREAS, Cabarrus 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 or employee's insurer and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and,

WHEREAS, local governments are granted broad authority under SL 2007-0193 (H 24) to adopt local ordinances, laws, or rules restricting smoking in local government buildings and public transportation vehicles; and,

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;

NOW, THEREFORE, THE CABARRUS HEALTH ALLIANCE BOARD ADOPTS THE FOLLOWING RULES:

Section III. Definitions

“Grounds” – The area located within **50 linear feet** of a building wherein the local health department or local department of social services is housed, or up to the property line if less than 50 feet is available, or within 50 feet of entrances and air intakes if 50 linear feet from buildings is impractical or unsafe.

“Smoker” – A person who is smoking.

“Smoking” – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

“Tobacco products” – 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.

“Person in Charge” – County, City, or Town Managers, (Mayor if no manager position), heads of other local governmental agencies; or their designees

“Formal warning” – A verbal statement asking for compliance and stating that security or law enforcement will be called if necessary

“E-cigarettes” - 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, e-hookah or under any other product name or descriptor.

Section IV. Use of Tobacco Products Prohibited in Local Government Buildings and Transportation Vehicles

Use of tobacco products is prohibited in all of the following:

- (a) Buildings that are owned by Cabarrus County or any municipality or local government unit within Cabarrus County.
- (b) Buildings that are leased as lessor by Cabarrus County or any municipality or local government unit within Cabarrus County.
- (c) Buildings or areas of buildings that are leased as lessee and occupied by Cabarrus County or any municipality or local government unit within Cabarrus County.
- (d) Transportation vehicles owned, or leased, or controlled by Cabarrus County or any municipality or local government unit within Cabarrus County.
- (e) The grounds as defined in Section III of any building housing one or more components of Cabarrus Health Alliance or the Cabarrus County Department of Social Services.

Section V. Tobacco Use Permitted Outside Buildings

Use of tobacco products is permitted outside the buildings identified in Section IV, provided that the persons who are using tobacco do not stand adjacent to a public entrance or air intake vent.

When buildings house a Health Department or Social Services function, tobacco use is prohibited on the grounds as defined in Section III.

Section VI. Signage

- (a) Persons in charge of buildings identified in Section IV shall post signs at all entrances, exits, and air intake vents explaining the prohibition of tobacco use. Signs may be posted in other areas of the buildings as well. For example, signs may be posted in other areas in the building where tobacco use is likely, such as bathrooms and dining areas.
- (b) Persons in charge of vehicles identified in Section IV shall post signs in the vehicles explaining the prohibition. 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.

- (c) The signs required by subsections (a) and (b) of this Section must be clear and unambiguous language to convey the prohibition.
- (d) Persons in charge of buildings or grounds where tobacco use is prohibited by this rule shall remove all publicly available ashtrays from within the buildings, adjacent to public entrances or air intake vents, and on grounds as defined in Section III.
- (e) Persons in charge of buildings and vehicles identified in Section IV must determine whether signs should be posted in languages other than English.

Section VII. Compliance and Penalties

The person in charge of a building or vehicle identified in Section IV or his or her designee who sees an individual using a tobacco product (other than an employee – employees are subject to sanctions consistent with human resources policies) who is in violation of this ordinance should ask that individual to stop using the tobacco product or move out of or away from the vehicle or building. If, after having been asked to stop using the tobacco product or move out or away, the individual continues to use the tobacco product, the person in charge shall issue a formal warning asking the individual to leave the building/vehicle or security or law enforcement will be called.

The second and subsequent violations may be prosecuted as Class 1 misdemeanors pursuant to G.S. 130A-25 with fines determined at the discretion of the court. [Note: GS 14-3 provides that all unclassified misdemeanors are Class 1 misdemeanors.]

Section VIII. Effective Date

These rules shall become effective January 1, 2009 upon adoption by the Cabarrus Health Alliance Board.

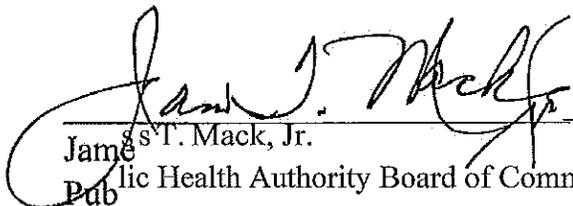
ADOPTED this: 12th day of August 2008

REVISED this: 12th day of January 2016

EFFECTIVE DATE: January 1, 2009

REVISION DATE: January 13, 2016

SIGNED:


James T. Mack, Jr.
Public Health Authority Board of Commissioners