

Resolution No. 01-20

Resolution Amending the Polk County Smoke-Free Air Ordinance

TO THE HONORABLE CHAIRPERSON AND SUPERVISORS OF THE COUNTY BOARD OF THE COUNTY OF POLK:

Ladies and Gentlemen:

1 WHEREAS, the Polk County Board of Supervisors has adopted a Smoke-Free Air Ordinance
2 67-10 in 2010; and

3 WHEREAS, Electronic nicotine delivery systems and electronic smoking devices provide an
4 alternative smoking experience to tobacco cigarettes, but are not subject to regulation by the
5 Federal Food and Drug Administration (FDA) and have not been proven safe for either users
6 or bystanders. The contents of cartridges vary widely and may contain nicotine, traces of
7 nicotine, carcinogens, formaldehyde, antifreeze and other toxic substances which may pose
8 health risks for users and bystanders. Electronic smoking devices do not produce a gas or
9 vapor but rather a dense visible aerosol of liquid submicron droplets consisting of glycols,
10 nicotine, and other chemicals, some of which are carcinogenic. Packaging does not
11 consistently include health warnings as required for conventional cigarettes and does not
12 provide notice of harmful effects, nicotine concentration levels, or the existence or content
13 levels of toxic substances; and

14
15 WHEREAS, Electronic smoking devices have been proven to emit nicotine, ultra-fine
16 particles, volatile organic compounds and other toxins. Nicotine has been found to cause
17 adverse health effects, particularly in children and adolescents. Exposure to ultrafine
18 particles are distressing and harmful and may exacerbate respiratory illnesses, such as
19 asthma and may constrict arteries which could trigger a heart attack. The volatile organic
20 compounds, such as formaldehyde and benzene, found in electronic smoking device
21 aerosols, as well as conventional cigarette smoke, are proven carcinogens. Inhalation of
22 vaporized nicotine in propylene glycol is not FDA approved. Short term exposure to
23 propylene glycol causes eye, throat, and airway irritation and long term inhalation can result
24 in developing asthma. Some studies show that heating propylene glycol changes its chemical
25 composition, producing small amounts of propylene oxide, a known carcinogen. There are
26 metals in electronic smoking device aerosol, including chromium, nickel and tiny
27 nanoparticles;

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29 NOW, THEREFORE, BE IT RESOLVED the Polk County Board of Supervisors amends the
30 Polk County Smoke-Free Air Ordinance as follows:

- 31
32 1. Under Section 2. Definitions, after the definition of Cigarette add:

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34 **Electronic Delivery Device.** "Electronic smoking device" means any device that may be
35 used to deliver any aerosolized or vaporized substance to the person inhaling from the
36 device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-
37 hookah.

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2. Under Section 2. Definitions, replace the Definition of Smoking with the following:

Smoking. "Smoking" shall mean inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" shall include the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Ordinance.

BY: _____

Brad Olson, Supervisor, District #1

Doug Route, Supervisor, District #2

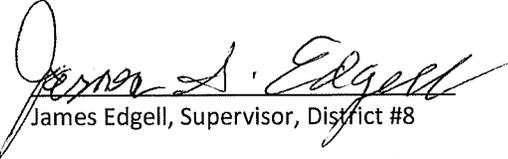
Dean Johansen, Chair,
Supervisor, District #3,

Chris Nelson, Supervisor, District #4

Tracy LaBlanc, Supervisor, District #5

Brian Masters, Supervisor, District #6

Michael Prichard, Supervisor, District #7


James Edgell, Supervisor, District #8

Kim O'Connell, Supervisor, District #9

Larry Jepsen, Supervisor, District #10

Jay Luke, 1st Vice Chair,
Supervisor, District #11

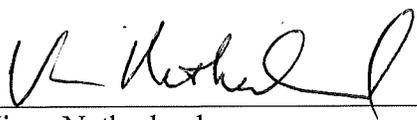
Michael Larsen, Supervisor, District #12

Russell Arcand, Supervisor, District #13

John Bonneprise, 2nd Vice Chair,
Supervisor, District #14

Joe Demulling, Supervisor, District #15

County Administrator's Note:
Matter of policy.



Vince Netherland
Interim County Administrator

Fiscal Impact Note: none


Maggie Wickre, Finance Director

Approved as to Form and Execution:

Malia J. Malone (Electronically signed 01/06/2020)

Malia Malone Corporation Counsel

Legal Impact Note:

This Resolution would add vaping and electronic cigarettes to the restrictions that currently exist in Polk County's Smoke-Free Air Ordinance. This Resolution effectuates the policy decision made at the December 2019 County Board Meeting.

Excerpt of Minutes

50 At its regular business meeting on the 21 of January 2020, the Polk County
51 Board of Supervisors acted upon Resolution No. 01-20: Resolution
52 Amending the Polk County Smoke-Free Air Ordinance
53 _____
54 _____

- Adopted by a majority of the members present by a vote of _____ in favor and _____ against.
- Adopted by unanimous voice vote.
- Adopted as amended. See Below.
- Defeated
- Other:

Insert amendment to resolution according to minutes:

SIGNED BY:



Dean Johansen, County Board Chairperson

ATTEST:



Sharon Jorgenson, County Clerk

Executive Summary

This Resolution restricts vaping and electronic cigarettes in the same way as other "smoking" methods within our Smoke-Free Air Ordinance.

CERTIFIED COPY OF POLK COUNTY RESOLUTION

STATE OF WISCONSIN

COUNTY OF POLK

I, Lisa R. Ross, Polk County Clerk do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Resolution No. 01-20: Resolution Amending the Polk County Smoke Free Air Ordinance adopted by the Polk County Board of Supervisors at its regular business meeting held on January 21, 2020.

 1/21/2020

Lisa R. Ross, Polk County Clerk

Date