



Buncombe County Health and Human Services

Public Assistance & Work Support Strategies ~ Public Health ~ Social Work Services ~ Veterans Services

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Health and Human Services Director

Proposed changes to County Ordinances regarding vaping/ e-cigarettes for BOCC consideration

1. At the recommendation of the Buncombe County HHS board, amend County Ordinance 50.1 to add section 50.1.1 as follows:

Sec. 50-1.1

- (a) Authority. This section is enacted pursuant to authority granted the provisions of G.S. 153A-121 as an exercise of the police power to protect, promote and preserve the public health, welfare and safety of individuals in county buildings, on county grounds, or in local vehicles and G.S. 153A-169, care and use of county property; sites of county buildings
- (b) Definitions.
 1. E-cigarette. 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, or under any other product name or descriptor.
- (c) E-Cigarettes prohibited
 1. The use of e-cigarettes is prohibited in any vehicle or building owned, occupied or leased to the County where the use of tobacco products is prohibited or within 50 feet of any public entrance to such building.
 2. Implementation Requirements
 - a. The person in charge of the County buildings, and vehicles shall post signs indicating that use of E-Cigarettes are restricted.
 - b. The person in charge of the County buildings and vehicles or his or her designee, shall direct a person who is using an e-cigarette, in a prohibited area to cease and, if the person does not comply, shall have authority to issue a civil citation.
- (d) Civil citation
 1. Violations of the e-cigarette prohibition are subject to a civil citation of \$100.00 per offense. The penalty may be recovered by the county in a civil action in the nature of debt if the offender does not pay the penalty within 20 days after

being cited. Violations of this article shall result in civil penalties and not entail criminal sanctions. In addition, County employee who violate this ordinance may be subject to discipline up to and including termination.

2. At the recommendation of the Buncombe County HHS Board, amend the personnel ordinance section 13. A Tobacco Product Policy as follows (changes in red):

A. No person shall use any tobacco product, including but not limited to: snuff, chewing tobacco, smokeless tobacco, **e-cigarette or vaping tool**, smoking, carrying or possessing a lighted cigar, cigarette, pipe or other lighted smoking equipment/paraphernalia while in any Buncombe County buildings, on Buncombe County grounds, or in Buncombe County vehicles.