

PUBLIC INFORMATION

ITEM NO. 3.

DATE OF MEETING: February 1, 2010

REQUESTED BY: Jack Griffith, Ph.D., Director, Pender County Health Department

SHORT TITLE: Board of Health Resolution Recommending an Ordinance Prohibiting Tobacco Use on County Owned Property

BACKGROUND: At the January 19, 2010 meeting of the Board of Health, the BOH voted to request that the Board of County Commissioners adopt an ordinance in support of North Carolina House Bill 2 Section 1 Article 23 130A-491a-b which states the following: "The General Assembly finds that secondhand smoke has been proven to cause cancer, heart disease and asthma attacks in both smokers and non-smokers. In 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there are no risk free levels of exposure to secondhand smoke. It is the intent of the General Assembly to protect the health of individuals in public places and places of employment and riding in State government vehicles from the risks related to secondhand smoke. It is further the intent of the General Assembly to all local governments to adopt local laws governing smoking within their jurisdictions that are more restrictive than the State law." On May 14, 2009 House Bill 2 was passed by the North Carolina General Assembly and signed by Governor Perdue on May 19, 2009."

**RESOLUTION TO SUPPORT AN ORDINANCE
PROHIBITING TOBACCO USE ON COUNTY OWNED PROPERTY**

WHEREAS tobacco use is responsible, each year, for the death of more than 440,000 smokers in the U.S.¹; and

WHEREAS secondhand smoke is a public health hazard, especially to children and causes heart disease, cancer and respiratory disease, and is responsible, each year, for the deaths of 35,000-62,000 nonsmokers in the U.S.²; and

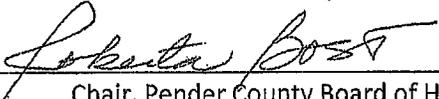
WHEREAS thirty minutes of exposure to secondhand smoke three times per week doubles the risk of heart attack³; and

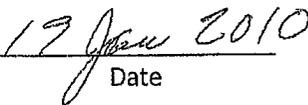
WHEREAS smoke free air policies protect health and safety, and encourage everyone, especially children, to live healthy, smoke free lives and reduce costs⁴; and

WHEREAS smoke free policies do not have a negative economic impact on businesses⁵; and

WHEREAS Health Departments are centers for the prevention and treatment of illness and the promotion of health and play a role in the community for modeling healthy behavior.

NOW THEREFORE BE IT RESOLVED that the Pender County Board of Health recommends an ordinance prohibiting tobacco use in Pender County buildings, on Pender County grounds, or in Pender County owner or leased vehicles.

Signed 
Chair, Pender County Board of Health


Date

¹ Center for Disease Control, Tobacco Information and Prevention Source, 2005

² National Cancer Institute, Monograph 10. 1999

³ Journal of the American Medical Association, 2001

⁴ American Journal of Preventive Medicine, 2001

⁵ M. Scollo, A Lal, A Hyland, S Clantz, Tobacco Control, 2003

ORDINANCE

Smoking prohibited in Pender County buildings, on Pender County grounds, or in Pender County vehicles.

(a) Authority. This section is enacted pursuant to authority granted in NC G.S. 153A-121, entitled "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment." Pursuant to this Act, local governments are entitled to exercise police power to protect, promote and preserve the public health, welfare and safety of individuals in their area of jurisdiction. Therefore, pursuant to this authority, the Pender County, NC, Board of County Commissioners has determined to prohibit smoking in all Pender County buildings; and on all Pender County property, including county owned or leased vehicles.

(b) Definitions. The following definitions apply to this section:

(1) "Employee"... A person who is employed by Pender County, or who contracts with Pender County to perform services for Pender County, with or without compensation shall not smoke in Pender County buildings, on Pender County grounds, or in Pender County vehicles.

(2) "Grounds"... An unenclosed area owned, leased, or occupied by Pender County.

(3) "Pender County Government Building"... A building owned, leased as lessor, or the area leased as lessee and occupied by Pender County.

(4) "Pender County Government Vehicle"... A passenger-carrying vehicle owned, leased, or otherwise controlled by Pender County and assigned permanently or temporarily by Pender County to Pender County employees, agencies, institutions, or facilities for official Pender County business.

(5) "Private vehicle"... A privately owned vehicle that is not used for commercial or employment purposes.

(6) "Smoking"... The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

(c) Smoking prohibited. No person shall smoke, carry or possess a lighted cigar, cigarette, pipe or other lighted smoking equipment or paraphernalia in any Pender County buildings, on Pender County grounds, or in Pender County vehicles.

(d) No smoking signs and instructions. The individual in charge of Pender County buildings, Pender County grounds, or Pender County vehicles or the individual's designee shall post signs in conspicuous areas of the building. The signs shall state that "smoking is prohibited" and may include the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it. In addition, the individual in charge of the building or the individual's designee shall direct a person who is smoking inside the building, or on the grounds, or in a vehicle, or in public places to extinguish the lighted smoking product.

(e) Exceptions. This ordinance does not restrict or prohibit smoking in the following places:

(1) A private vehicle.

(f) Penalty for violation of section. Any person violating the provisions of this section shall be responsible for an infraction, and the person committing the infraction may be punished by a fine of not more than fifty dollars (\$50.00). Conviction of an infraction under this section has no consequence other than payment of a penalty. A person smoking in violation of a local ordinance or other rules, laws, or policies adopted under this section may not be assessed court costs.