

JONES COUNTY

**AN ORDINANCE TO PROHIBIT
TOBACCO PRODUCTS ON HEALTH DEPARTMENT PROPERTY
AND IN COUNTY VEHICLES**

WHEREAS, Jones County may, by ordinance, prohibit the use of tobacco products in county buildings and vehicles pursuant to N.C. Gen. Stat. §§ 153A-121 and 130A-498; and

WHEREAS, Jones County wishes to prohibit the use of tobacco products on the campus of the Jones County Health Department facilities and in Jones County vehicles in order to protect the health, safety, and welfare of the clients of the Jones County Health Department and County employees.

NOW THEREFORE, BE IT ORDAINED that the Jones County Health Department rule entitled “Regulation of Tobacco Products in Local Government Buildings” attached as “Exhibit A” is incorporated herein by reference and is hereby adopted as an Ordinance of Jones County.

This Ordinance shall become effective December 1, 2022 and is enacted this the 21st day of November, 2022.

BY:

Frank Emory, Chair
Jones County Board of Commissioners

ATTESTED:

Angelica Hall, Clerk
Jones County Board of Commissioners

-seal-

EXHIBIT A

Jones County Amended Board of Health Rule

Regulation of Tobacco Products in Local Government Buildings

Section I. Title

This regulation shall be entitled tobacco control rules in County/Municipal Buildings.

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,

WHEREAS, the County of Jones provides 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 the county 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 JONES COUNTY BOARD OF HEALTH ADOPTS THE FOLLOWING RULES:

Section III. Definitions

"Grounds" - All property owned, leased, or controlled by Jones County wherein a local health department or a local emergency medical services is housed.

"Smoker" - A person who is smoking.

"Smoking" - The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other heated tobacco product.

"Vaping"- The act of inhaling from a vaporizer or e-cigarette.

"Tobacco products" – Any product containing tobacco or nicotine, irrespective of whether the nicotine is tobacco-derived or synthetic, that is intended for human consumption, including but not limited to: cigarettes, cigars, pipe tobacco, electronic cigarettes, hookah, smoked or vaped tobacco substitutes (e.g. clove cigarettes, dab pens), chewing tobacco, snuff, snus, dissolvable tobacco products, and heated tobacco products and/or nicotine products that are not approved by the FDA as tobacco treatment medications. Tobacco products that are not approved by the FDA as tobacco treatment medications. Tobacco products do not include nicotine replacement products approved by the FDA for treatment of tobacco use and dependence.

Section IV. Use of Tobacco Products (including e-cigarettes and vaporizers) 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 the County or any municipality within the County.
- (b) Buildings that are leased as lessor by the County or any municipality within the county.
- (c) Buildings or areas of buildings that are leased as lessee and occupied by the County or any municipality within the county.
- (d) Vehicles that are owned or leased by the county and used by any county staff for county business.
- (e) Public transportation vehicles used by the public and owned or leased by the County or any municipality within the County.
- (f) The outdoor grounds and walkways of any building housing one or more components of Jones County Health Department or Jones County Emergency Medical Services.
- (g) Parking lots, including in private vehicles while parked in the parking lots of any building housing one or more components of Jones County Health Department or Jones County Emergency Medical Services, as per attached maps.

Section V. Tobacco Use (including e-cigarettes and vaporizers) Permitted Outside Buildings

Use of tobacco products is permitted outside the buildings identified in Section IV, provided that the persons who are smoking or vaping do not stand 25 feet from a public entrance or air intake vent with exception of buildings that house a Health Department and/or Emergency Medical Services function where the use of tobacco products are prohibited on all outdoor grounds of the building.

Section VI. Signage

(a) Persons in charge of buildings identified in Section IV shall post signs at all entrances and exits 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 (d) 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 use 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 the building or grounds.

(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 2 or his or her designee who sees an individual using a tobacco product (including e-cigarettes and vaporizers) (other than an employee) in violation of this ordinance must ask that individual to stop using the tobacco product. If, after having been asked to stop using the tobacco product, the individual continues to use the tobacco product, the person in charge shall issue a formal warning and must ask the individual to leave the building.

The second and subsequent violations are Class 1 misdemeanors pursuant to G.S. 130A-25.

Section VIII. Effective Date

These rules shall become effective December 1st, 2022 upon adoption by the Jones County Board of Health.

Board of Health Chair:


STEVEN A. STELMA, DVM
11-15-2022



