

ORDINANCE NO. 2015.9

**AN ORDINANCE REGULATING THE USE OF ELECTRONIC DELIVERY DEVICES
WITHIN CLAY COUNTY, MINNESOTA**

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLAY, STATE OF MINNESOTA
HEREBY ORDAINS AS FOLLOWS:

The following shall be incorporated in the appropriate chapter and section of the Clay County Code and known as the Clay County Electronic Delivery Device Ordinance:

SECTION 1. PURPOSE AND INTENT

Unregulated electronic delivery devices, commonly referred to as electronic cigarettes, or e-cigarettes, closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine or other substances created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that quality control processes used to manufacture these products are inconsistent or non-existent. ("Summary of results: Laboratory analysis of electronic cigarettes conducted by FDA, "Food and Drug Administration (FDA), July 22, 2009; <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm>)

Electronic delivery devices produce a vapor of undetermined and potentially harmful substances, which may appear similar to smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

SECTION 2. JURISDICTION

Pursuant to Minnesota Statutes § 145A.05, this Ordinance applies all throughout Clay County, including the municipalities therein.

SECTION 3. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this Ordinance, the following definitions shall apply:

Electronic Delivery Device. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. The term includes any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

Use. The inhaling or exhaling of aerosol or vapor from any electronic delivery device. Use shall also mean being in possession of an electronic delivery device that is turned on or otherwise activated.

SECTION 4. PROHIBITION

The use of any electronic delivery device is prohibited anywhere smoking is prohibited by the Minnesota Clean Indoor Air Act, as it may be amended from time to time.

SECTION 5. OTHER APPLICABLE LAWS

This Ordinance is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statutes sections 144.411 to 144.417, as it may be amended from time to time. Nothing in this Ordinance authorizes smoking or the use of an electronic delivery device in any location that is regulated by other applicable laws or regulations.

SECTION 6. VIOLATION AND PENALTIES

Subd. 1. Use Where Prohibited. It is a violation of this Ordinance for any person to use an electronic delivery device in an area where prohibited by this Ordinance, or to use an electronic delivery device in an area where prohibited by a private policy established by the proprietor or other person in charge of the area.

Subd. 2. Proprietors. It is a violation of this Ordinance for the proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which the use of an electronic delivery device is prohibited under this Ordinance to knowingly fail to comply with the provisions of this Ordinance.

Subd. 3. Penalties. A person who violates any provision of this Ordinance is guilty of a petty misdemeanor. Each day of violation constitutes a separate offense.

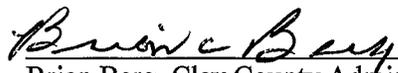
This Ordinance shall be effective upon enactment.

Adopted by the Clay County Board of Commissioners November 3, 2015.



Grant Weyland
Chairman, Clay County Board of Commissioners

ATTEST:



Brian Berg, Clay County Administrator