

**SNOHOMISH HEALTH DISTRICT BOARD OF HEALTH
ORDINANCE NO. 2015-001**

**ADOPTING A NEW CHAPTER 13 TO THE SNOHOMISH HEALTH DISTRICT SANITARY CODE
ENTITLED "SMOKING IN PUBLIC PLACES, PLACES OF EMPLOYMENT, AND OTHER RELATED
MATTERS."**

WHEREAS, extensive medical and scientific research confirms that secondhand smoke is harmful to individuals who smoke and to non-smoking adults and children, causing eye, nose and throat irritation, aggravating lung and heart diseases including emphysema, and is linked to variety of cancers; and

WHEREAS, additional medical and scientific research concludes that carbon monoxide levels in rooms and vehicles where smoking occurs generally exceeds maximum permissible safety levels and that other hazardous compounds are released into the environment by tobacco smoke including but not limited to: tar, nicotine, nitrogen dioxide, ammonia, benzene, formaldehyde, hydrogen sulfide, hydrogen cyanide, and arsenic; and

WHEREAS, the Washington State Legislature has recognized the increasing evidence posed by environmental smoke in public and in the workplace and have therefore enacted Chapter 70.160 RCW, "Smoking in Public Places" (SIPP); and

WHEREAS, the People of Washington State have recognized the increasing evidence posed by environmental smoke in public places and have therefore revised Chapter 70.160 RCW through Initiative No. 901, which passed by voter approval and became effective December 8, 2006 further protecting the public from hazardous smoke; and

WHEREAS, the Snohomish Health District, as the local health jurisdiction for Snohomish County has diligently implemented and enforced Chapter 70.160 RCW as it pertains to the duties and responsibilities of Public Health; and

WHEREAS, pursuant to Chapter 70.160 RCW local jurisdictions are authorized to supplement the same to facilitate its implementation; and

WHEREAS, pursuant to Chapter 70.160 RCW local jurisdictions are not only responsible to enforce the public health statutes of the state but are also charged with the duty and empowered to enact such local rules and regulations as are necessary in order to prepare, promote and improve the public health within its jurisdiction; and

WHEREAS, the Snohomish Health District Board of Health finds that providing further specificity and clarity to certain terms found in Chapter 70.160 RCW would aid in the application and implementation of the same by further facilitating the understanding of the law at the local level; and

WHEREAS, the Snohomish Health District Board of Health finds that changes in laws and technology regarding smoking practices and products necessitate clarification to sections of Chapter 70.160 RCW in order to further facilitate understanding and implementation of the law at the local level; and

WHEREAS, the public provided comment via a the Snohomish Health District website regarding the purpose and scope of the proposed language during two 15-day comment periods September 1-15 and October 15-30 in addition to the proposed language having been read and open to comment at the September 9, 2014 Board of Health meeting and a second reading and open to comment at this Board of Health meeting January 13th, 2015.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF HEALTH OF THE SNOHOMISH HEALTH DISTRICT THAT THE SNOHOMISH HEALTH DISTRICT SANITARY CODE BE HEREBY AMENDED AS FOLLOWS:

Section 1. **Adoption of New Chapter 13, Smoking In Public Places, Places of Employment, and Other Related Matters.** The Snohomish Health District Sanitary Code is amended to include a new Chapter 13, Smoking In Public Places, Places of Employment, and Other Related Matters as follows:

**SNOHOMISH HEALTH DISTRICT SANITARY CODE
CHAPTER 13**

TITLE: **SMOKING IN PUBLIC PLACES, PLACES OF EMPLOYMENT, AND OTHER RELATED MATTERS**

Chapter 13.1 Adoption by Reference: Smoking in Public Places - Chapter 70.160 Revised Code of Washington (formerly Washington Clean Indoor Air Act)

Chapter 13.2 Local Supplemental Definitions Provisions Relative to Chapter 70.160 RCW

Chapter 13.1 Adoption by Reference of Chapter 70.160 RCW

Pursuant to and by the authority of Chapter 70.05 RCW, the Snohomish Health District Board of Health hereby adopts and incorporates by reference herein Chapter 70.160 RCW known as Smoking in Public Places (SIPP) as currently exists or as hereafter may be amended.

Chapter 13.2 Local Supplemental Definition Provisions Relative to Chapter 70.160 RCW

13.2.1 Authority and Purpose. Pursuant to the authority provided by Chapter 70.160 RCW and Chapter 70.05 RCW, and for the sake of clarity in the application of Chapter 70.160 RCW, the Snohomish Health District Board of Health adopts and incorporates local supplemental definitions relative to certain terminology found in Chapter 70.160 RCW. "Smoke" or "smoking", "public place" and "place of employment" shall be defined as supplemented and provided in paragraphs 13.2.1, 13.2.2 and 13.2.3 respectively, while "employer" and "employee" shall be defined as provided in paragraphs 13.2.4 and 13.2.5 respectively.

13.2.2 Definitions.

"Employee" shall mean any individual who is employed by an employer in return for the payment of direct or indirect monetary wages, benefit, or profit, any individual who volunteers his or her services to an employer for no monetary compensation or any individual who performs work or renders services, for any period of time, at the explicit or implicit direction of an owner, shareholder, member, lessee or other person in charge of a place that is subject to the provisions of this ordinance.

"Employer" shall mean any person, sole proprietorship, partnership, corporation, association, nonprofit organization, or other entity of any kind that pays another person direct or indirect monetary wages, profit or provides any other benefit in consideration for such other person's providing services on the premises of the employer. "Employer" shall also mean the owner(s), shareholders or member(s) respectively of a sole

proprietorship, corporation or Limited Liability Corporation, association, nonprofit organization, or other business entity.

"Place of employment" means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: Entrances and exits to the places of employment, and including a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. "Place of employment" also means an outdoor venue or workspace that is adjacent to or enjoined with a business enterprise or work environment where employees are required to pass through during the course of employment; including but not limited to food/drink service areas such as on decks or outdoor areas. A private residence or home-based business, unless used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises, is not a place of employment.

"Public place" shall mean that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and includes a presumptively reasonable minimum distance, as set forth in RCW 70.160.075, of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. Public places include, but are not limited to: Schools, elevators, public conveyances or transportation facilities, taxis, buses, for hire conveyances, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, clubs, taverns, bowling alleys, skating rinks, casinos, reception areas, and no less than seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests. A public place does not include a private residence. "Public Place" also means any public or private place that is open to the general public regardless of whether dues, cover charges or a fee is charged or there are restrictions such as an age requirement for the privilege of admission, and includes any place used by a membership association or club at which non-member guests are present or permitted. This chapter is not intended to restrict smoking in private facilities, which are occasionally open to the public except upon the occasions when the facility is open to the public. A public place does not include a private residence unless the private residence is used to provide licensed childcare, foster care, adult care, or other similar social service care on the premises.

"Smoke" or "smoking" shall mean the carrying, use or smoking of any kind of lighted, combustible, smoldering, or burning cigarette, pipe, cigar or other lighted smoking equipment including but not limited to tobacco, flavored tobacco products such as shisha (used with hookah smoking), or marijuana.

Section 2. **Severability.** If any section, sentence, clause or phrase of this ordinance or any code section amended hereby should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other section, sentence, clause or phrase of this ordinance or the amended code section.

Section 4: **Effective Date.** This Ordinance shall take effect and be in force 30 days after its passage.

Adopted this 13th day of January 2015.

Stephanie Wright, Chair
Board of Health

Attest:

Gary Goldbaum, MD, MPH
Director