

# Proposed Strengthening of Wake County's Tobacco-Free Ordinance

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# Objectives

- Review the current Wake County Tobacco-Free Ordinance compared to the proposed Tobacco-Free Ordinance
- Provide policy comparisons
- Define a public place and provide examples
- Review expanded definition of “Tobacco Product”
- Seek Board feedback on policy approach
- Seek “thumbs up” from Board to prepare an agenda item to update the ordinance

# The Existing Ordinance

## 19. Smoking and Use of Tobacco Products, including Vapor Products

All smoking, as defined in NCGS § 130A-492 (16), and any use of tobacco products, including vapor products as defined in NCGS § 14-313 (3a), (4), and (5), is hereby prohibited in all of the following places:

- County buildings, as defined in NCGS § 130A-492 (8)
- County vehicles, as defined in NCGS § 130A-492 (9)
- County grounds, as defined in NCGS § 130A-492 (6) including, but not limited to:

County Parks Systems, including playgrounds and athletic fields; County Greenways, Trails and Parks

# The Proposed Ordinance

**Strengthen the existing ordinance to include indoor public places within unincorporated Wake County**

**“An enclosed area to which the public is invited or in which the public is permitted” G.S. §130A-492(14)**

# Why the policy change?

- Health in All Policies
- Tobacco use continues to be the leading cause of preventable death, disease, and disability
- Youth vaping continues to be a public health epidemic
- Health equity

# Tobacco-Free Policy Comparisons

## NORTH CAROLINA COUNTYWIDE 100% TOBACCO-FREE OR SMOKE-FREE WRITTEN REGULATIONS

**LEGEND:**

100% Tobacco Free Policy



100% Smoke Free Policy

No Written Regulation or Less  
than 100% Written  
Regulation

		Local Health Dept. Region	Government Buildings	Government Vehicles	Government Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
DURHAM	5	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
GASTON	4	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
NEW HANOVER	8	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ORANGE	5	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTAL # OF PLACES STATEWIDE</b>		84	64	25	33	36	4	

## NORTH CAROLINA MUNICIPALITY 100% TOBACCO-FREE OR SMOKE-FREE WRITTEN REGULATIONS

**LEGEND:**

- 100% Tobacco Free Policy
- 100% Smoke Free Policy
- No Written Regulation or Less than 100% Written Regulation

	County		Local Health Dept. Region	Gov't Buildings	Gov't Vehicles	Gov't Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
Rolesville	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wendell	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Morrisville	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wake Forest	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Holly Springs	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Garner	WAKE	7	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Apex	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Knightdale	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cary	WAKE	7	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raleigh	WAKE	7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Zebulon	WAKE	7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fuquay-Varina	WAKE	7	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTAL # OF PLACES STATEWIDE</b>			<b>241</b>	<b>170</b>	<b>84</b>	<b>118</b>	<b>116</b>	<b>116</b>	<b>29</b>



# Local Governments Have Authority to Regulate Smoking in Public Places

“An enclosed area to which the public is invited or in which the public is permitted” G.S. §130A-492(14)

- Grocery stores
- Shopping centers
- Banks
- Gaming facilities
- Bowling centers
- Movie theaters
- Other places where the public is permitted



# What areas may NOT be covered by a local regulation?

- ▶ Private residence
- ▶ Private vehicle
- ▶ Tobacco shop (*as defined by State Law*)
- ▶ All premises, facilities and vehicles owned, operated or leased by any tobacco products processor or manufacturer, or any tobacco leaf grower, processor, or dealer
- ▶ Cigar bar, (*as exempted and approved under State law*)
- ▶ Private club, (*non-profit, as defined by State Law*)
- ▶ Designated smoking guest room in a lodging establishment
- ▶ Motion picture, television, theater, or other live production set

# Tobacco Product Expanded Definition

- “Tobacco product”: Any product that contains tobacco or nicotine, irrespective of whether the nicotine is tobacco-derived or synthetic, and is intended for human consumption, as defined by G.S. § 14-313(4).
- “Tobacco product” includes but is not limited to: cigarettes, cigars, pipe tobacco, electronic cigarettes, hookah, smoked or vaped tobacco substitutes, chewing tobacco, snuff, snus, dissolvable tobacco products, and heated tobacco products.
- “Tobacco product” does not include nicotine replacement products approved by the USFDA for treatment of tobacco use and dependence.

# Educational Enforcement

- Approaching enforcement in an educational manner with non-compliant establishments
- Not focusing on individual people who use tobacco
- 1.0 FTE Tobacco Prevention Position dedicated to Wake County

# Timeline

- ✓ Sought recommendations from:
  - Wake County Public Health Committee
    - July 15, 2022
  - Wake County Health and Human Services Board
    - July 28, 2022
- ✓ Presented to Municipal Managers Meeting
  - August 10, 2022
- ☐ Wake County Board of County Commissioners Work Session
  - September 12, 2022

# Action Items & Next Steps

- Board provides feedback on policy approach
- Board decides to “thumbs up” the proposal
- Public Health prepares an agenda item to update the ordinance



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