

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

797



FROM: Human Resources Department

SUBMITTAL DATE:
August 14, 2012

SUBJECT: Revision to Board of Supervisors Policy A-23, Non-Smoking Policy

RECOMMENDED MOTION: That the Board of Supervisors adopt the revision of Policy A-23, Non-Smoking Policy (Attachment A) which describes smoking in or around County facilities.

BACKGROUND: In order to serve public health, safety and welfare, this policy is intended to protect non-smokers to the maximum extent possible from second hand smoke, nicotine and other unhealthy by-products in public places. Inquiries have been made regarding the use of devices that aerosolize nicotine, which are classified by the World Health Organization as electronic nicotine delivery systems, within County facilities. Currently Policy A-23 does not address the use of electronic nicotine delivery systems.

Departmental Concurrence

Barbara A. Olivier
Barbara A. Olivier
Asst. County Executive Officer/Human Resources Dir.

FINANCIAL DATA	Current F.Y. Total Cost:	\$ 0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$ 0	Budget Adjustment:	No
	Annual Net County Cost:	\$ 0	For Fiscal Year:	2012/13

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION:

APPROVE
Ivan M. Chand 8/16/2012
BY: Ivan M. Chand

County Executive Office Signature

- Consent
- Policy
- Consent
- Policy

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Benoit and duly carried, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Benoit and Ashley
Nays: None
Absent: Stone
Date: August 28, 2012
xc: H.R., COB

Kecia Harper-Ihem
Clerk of the Board
By: *Kecia Harper-Ihem*
Deputy

Dept's Recomm.:
Per Exec. Ofc.:

Prev. Agn. Ref.: 11/07/06; 3.7 | **District:** ALL | **Agenda Number:**

3.65

BACKGROUND continued:

Electronic nicotine delivery systems aerosolize nicotine so that it is readily dispersed into the respiratory tract. Once the aerosolized nicotine is in the respiratory tract it enters the bloodstream, resulting in a near instantaneous nicotine reward in the central nervous system for the user.

The vapors from electronic nicotine delivery systems are complex mixtures of chemicals, not pure nicotine. It is unknown if the inhalation of the complex mixture of chemicals in electronic cigarette vapors are safe.

The questions about the impact of electronic nicotine delivery systems on public health, safety and welfare, have raised important concerns about their use. Electronic nicotine delivery systems are not regulated by the Food and Drug Administration (FDA) as medical devices and little is known about their quality control, aerosol delivery, and long-term health effects. Additionally, it should be noted that there is no evidence that electronic nicotine delivery systems help smokers quit smoking.

A study conducted by the FDA reached the conclusion that electronic nicotine delivery systems contain carcinogens which are defined as a substance or agent that can cause cells to become cancerous by altering their genetic structure so that they multiply continuously and become malignant. A second analytic study, funded by a leading electronic nicotine delivery system manufacturer, concluded that electronic nicotine delivery systems were safer than conventional brands mainly because the levels of carcinogens in electronic cigarettes are reduced. The limited evaluations of electronic nicotine delivery systems demonstrate that there is insufficient data to assess the health effects associated with their use.

Finally, there is increasing resistance to the use of electronic nicotine delivery systems in public places. In December 2011, the City of Boston specifically banned the use of electronic cigarettes (which are a type of electronic nicotine delivery system) within the workplace. The US Department of Transportation has proposed to explicitly ban the use of electronic cigarettes on flights. Amtrak has banned the use of electronic smoking devices on trains and in any area where smoking is prohibited.

Therefore, it is requested that the Board of Supervisors amend Policy A-23, Non-Smoking Policy to include the recommended language (Attachment A) that prohibits the use of electronic nicotine delivery systems within county facilities.

All source reference documentation can be found on Attachment B.

**COUNTY OF RIVERSIDE, CALIFORNIA
BOARD OF SUPERVISORS POLICY**

<u>Subject:</u>	<u>Policy Number</u>	<u>Page</u>
NON-SMOKING POLICY	A-23	1 of 1

Policy:

Smoking in or around county facilities is prohibited by law.

The smoking of tobacco and/or the use of electronic nicotine delivery systems is ~~a positive danger to health, is a positive danger to health and~~ a material annoyance, inconvenience, discomfort and a health hazard to all those who are in the vicinity of tobacco use and/or the aerosolization of nicotine. In order to serve public health, safety and welfare, this policy is intended to protect non-smokers to the maximum extent possible from second hand smoke, nicotine and other unhealthy by-products in public places.


It is the responsibility of the department head and departmental supervisors to enforce the non-smoking policy of the County.

The Riverside County Department of Public Health's Tobacco Control Project ~~In order to assist employees, the County's Health Education program offers~~ Smoking Cessation Program literature, strategies and classes to assist for employees in their efforts to quit tobacco use. Cessation classes are offered periodically, as funding and staffing permits. Employees are authorized to attend the program without charge and on County time. Free phone-based cessation counseling is available through the California Smokers' Helpline at 1-800-NO-BUTTS.

Employees who continue to smoke or use electronic nicotine delivery systems in non-designated areas may be subject to discipline under the County disciplinary procedure up to and including discharge.

Reference:

- Minute Order dated 12/3/1974
- Minute Order dated 10/21/1975
- Minute Order 3.13 of 11/21/1989
- Minute Order 3.62 of 10/01/1991
- Minute Order 3.15 of 08/29/2000
- Minute Order 3.3 of 10/31/2000
- Minute Order 3.7 of 11/07/2006



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A-23

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Source Reference Documentation

Kuschner, W.G., Reddy, S., Mehrotra, N., Paintal, H.S., 2011, Electronic Cigarettes and third hand tobacco smoke: two emerging health care challenges for the primary care provider. *International Journal of General Medicine* v. 2011:4, p. 115-120

Williams, M., Talbot, P., 2011, Variability Among Electronic Cigarettes in the Pressure Drop, Airflow Rate, and Aerosol Production. *Nicotine & Tobacco Research*, v. 13(12), p. 1276-1283.

Trtchounian, A., Williams, M., Talbot, P., 2010, Conventional and electronic cigarettes (e-cigarettes) have different smoking characteristics. *Nicotine & Tobacco Research*, v. 12(9), p. 905-912.

U.S Department of Transportation, 2011, U.S. Department of Proposes to Ban the Use of Electronic Cigarettes on Aircraft, <http://www.dot.gov/affairs/2011/dot11911.html> (April 29, 2012)

Boston.com, 2011, E-cigarettes banned in workplaces in Boston, and city prohibits sales to minors, <http://www.boston.com/Boston/whitecoatnotes/2011/12/cigarettes-banned-workplaces-boston-and-city-prohibits-sales-minors/el6HXuVTwWDRgDAEZMB5yM/index.html> (April 29, 2012)