

## Legislation Text

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**File #:** 2019-3188, **Version:** 1

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**Public Hearing:** Amend the Clean Indoor Air ordinance to modify various sections and to enact a new Article XI Vapor Products all in Chapter 17 of the Lee's Summit Code of Ordinances.

Issue/Request:

Amend the Clean Indoor Air ordinance to modify various sections and to enact a new Article XI Vapor Products all in Chapter 17 of the Lee's Summit Code of Ordinances.

Background:

Earlier this year while creating regulations related to the approval of Constitutional Amendment 2 legalizing medical marijuana in the State, discussion was held concerning the desire to consider and research the possibility of prohibiting the activity commonly known as vaping from public spaces and places of employment. Research was completed by the law department and in consultation with the Health Education Advisory Board, an ordinance has been drafted to prohibit vaping in public places and places of employment. These rules specifically do not apply to medical marijuana facilities since the use of medical marijuana is prohibited in those locations by the Constitution and in some instances by the City Fire Code.

The proposed ordinance covers vaping in public places and reinforces the prohibition on the public consumption of marijuana found in the Missouri Constitution.

The Lee's Summit Health Education Advisory Board (HEAB) has provided additional research and information regarding the health impacts of vaping, the use of electronic cigarettes, electronic nicotine delivery systems, or other vaping related devices in public places and places of employment. The following information has been provided by HEAB: (a full packet of exhibits 1 - 16 is attached).

**Lee's Summit Citizens:** Survey by Jackson County Health Department, 2017

<https://insight.livestories.com/s/v2/lee-s-summit-report-card/3c52d9b9-e953-49dd-b5e6-18fa84bf80e0/>

Approximately 77% of Lee's Summit residents say electronic cigarette use should not be allowed inside all public places.

**WHO (World Health Organization)**

<http://content.ebscohost.com/ContentServer.asp?>

[EbscoContent=dGJyMMTo50Seqa84y9f3OLCmr1Gep7RSsaa4SLGWxWXS&ContentCustomer=dGJyMK6ttkW2qK5T69fnhrnt8Xnu3wAA&T=P&P=AN&S=R&D=eih&K=124078978](http://content.ebscohost.com/ContentServer.asp?EbscoContent=dGJyMMTo50Seqa84y9f3OLCmr1Gep7RSsaa4SLGWxWXS&ContentCustomer=dGJyMK6ttkW2qK5T69fnhrnt8Xnu3wAA&T=P&P=AN&S=R&D=eih&K=124078978)

Passive exposure to e-cigarette vapor might lead to adverse health effects according to a systematic review of 16 studies. A 2016 report from the World Health Organization (WHO) also concluded that second-hand aerosols from e-cigarettes are a new air contamination source for hazardous particulate matter (PM). The levels of some metals, such as nickel and chromium, in second-hand aerosols are not only higher than background air, but also higher than second-hand smoke. Vaping is being banned in enclosed public spaces, such as bars, restaurants and other workplaces, in 25 countries. This approach is also recommended in the 2016 WHO report to the Parties of the FCTC (Framework Convention on Tobacco Control).

**American Public Health Association**

<https://www.apha.org/policies-and-advocacy/public-health-policy-statements/policy-database/2015/01/05/12/58/supporting-regulation-of-electronic-cigarettes>

The APHA urges States and municipalities to enact and enforce laws restricting sales of e-cigarettes to minors, prohibiting the distribution of all free samples of and coupons for e-cigarettes, and prohibiting the use of e-cigarettes in all enclosed areas of public access and places of employment.

#### **American College of Physicians**

<https://annals.org/aim/fullarticle/2275390/electronic-nicotine-delivery-systems-executive-summary-policy-position-paper-from>

“The American College of Physicians recommends that federal, state, and local regulators should take action to extend indoor and public place clean air laws that prohibit smoking in public places, places of employment, commercial aircraft, and other areas to ENDS products.”(Vaping products)

#### **American Academy of Family Physicians**

<https://www.aafp.org/dam/AAFP/documents/advocacy/prevention/tobacco/LT-CDC-Tobacco-020619.pdf>

The AAFP recognizes preventing youth tobacco use is crucial to arresting the leading cause of preventable death in the United States and we acknowledge there are many evidence-based strategies to prevent youth tobacco use... The AAFP strongly supports the prohibition of the use of all tobacco products, including ENDS, in all public places, both indoors and outdoors.

#### **Regional legislative precedents [https://en.wikipedia.org/wiki/List\\_of\\_vaping\\_bans\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/List_of_vaping_bans_in_the_United_States)**

##### Missouri

- 1) Columbia, MO
- 2) Jefferson City, MO
- 3) Kansas City, MO
- 4) St. Joseph, MO
- 5) Branson, MO

##### Kansas City Metro

- 1) Kansas City, MO
- 2) Wyandotte County, KS
- 3) Olathe, KS
- 4) Overland Park, KS
- 5) Topeka, KS

Finally, on November 7, 2019 a draft ordinance was presented to the Health Education Advisory Board who recommended consideration by the City Council. Thereafter it was presented on December 11, 2019 the Community and Economic Development Committee of the City Council recommended approval of the ordinance that is the subject of this hearing by a vote of 3-0

Brian Head, City Attorney

Josh Johnson, AICP, Assistant Director of Development Services

David Bushek, Chief Counsel of Economic Dev. & Planning

The Community and Economic Development Committee voted unanimously 3-0 (Councilmember Faith absent) to recommend to City Council approval of an Ordinance amending Sections 17-4, 17-303 and 17-307 of Article I. General. of Chapter 17 - Offenses of the Code of ordinances of the City of Lee's Summit, Missouri by amending the definition of

the term Vapor Product; by amending the definition of Smoking; by amending certain provisions related to who may be present in places where smoking is allowed; and, enacting a new Article XI. Vapor Products of Chapter 17 - Offenses., of the Code of Ordinances of the City of Lee's Summit, Missouri dealing generally with the regulation of the use of vapor products in certain locations.