

BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA

AGENDA ITEM INFORMATION SHEET

DATE: June 6, 2023

AGENDA ITEM: **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS WITHIN THE COUNTY; AND CREATING SECTIONS 38-1 THROUGH 38-3 OF THE BRADFORD COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

DEPARTMENT: County Manager's Office

ORDINANCE 2023-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BRADFORD COUNTY, FLORIDA, PROHIBITING SMOKING AND VAPING IN PUBLIC PARKS WITHIN THE COUNTY; AND CREATING SECTIONS 38-1 THROUGH 38-3 OF THE BRADFORD COUNTY CODE OF ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, tobacco use causes death and disease and continues to be an urgent public health threat, as evidenced by the following:

- The World Health Organization estimates that tobacco kills up to half of its users, amounting to more than 8 million deaths each year worldwide, including nearly half a million people who die prematurely from smoking in the United States alone; and
- Tobacco use causes disease in nearly all organ systems and is responsible for an estimated 87% of lung cancer deaths, 32% of coronary heart disease deaths, and 79% of all chronic obstructive pulmonary disease deaths in the United States of America; and
- The estimated economic damage attributable to smoking and exposure to secondhand smoke in the United States of America is nearly \$300 billion annually; and
- Despite significant progress, tobacco use remains the leading cause of preventable death and disease in the United States; and
- Specifically, in Florida, 29.4% of cancer related deaths are attributable to smoking; and
- Electronic vapor products have been found to contain nicotine, lead, formaldehyde, and thousands of other chemicals. These products damage DNA and harm parts of the brain responsible for learning and mental health.

WHEREAS, secondhand smoke exposure is harmful and widespread, as evidenced by the following:

- Children exposed to secondhand tobacco smoke have an increased risk of sudden infant death syndrome, asthma, physical and cognitive developmental abnormalities, and cancer; and
- The 2006 U.S. Surgeon General's report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," concluded that there is no safe level of exposure to secondhand smoke; and
- In Florida, 59% of children between ages 11 and 17 report being exposed to secondhand smoke from cigarettes or electronic vapor products; and

WHEREAS, there is emerging evidence that exposure to the aerosol produced by a vapor-generating electronic device may be harmful, as evidenced by the following:

- E-cigarettes produce an aerosol that contains at least ten chemicals known to cause cancer, birth defects, or other reproductive harm; and

- Bystanders exposed to e-cigarette aerosol can also absorb its nicotine; and
- The aerosol is made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke; and
- Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma and constrict arteries which could trigger a heart attack.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Bradford County, Florida, in order to provide for the public health, safety, and welfare, reduce unwanted and unwelcome exposure to secondhand smoke and the secondhand aerosol produced by vapor-generating electronic devices, for its residents and visitors, to prohibit smoking and vaping in parks which are used by or open to the public and to prohibit smoking and vaping waste in those areas thereby affirming and promoting a healthy environment in Bradford County, as follows:

1. **ADOPTION AND INCORPORATION OF RECITALS.** The Board of County Commissioners of Bradford County, Florida hereby adopts the above recitals and incorporates them herein as a part of this ordinance.
2. **CODE CREATED.** The Bradford County Code of Ordinances is hereby amended to create within Chapter 38 – Health and Sanitation, Article I – In General, Sections 38-1 through 38-3, as follows:

Sec 38-1. - DEFINITIONS. The following words and phrases, used in this resolution shall have the meanings defined in this section unless the context clearly requires otherwise:

- (a) “Vapor-generating Electronic Device” means an electronic device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.
- (b) “Park” means all public property specifically designated as being used for outdoor recreational or park purposes and where children regularly congregate. “Outdoor recreational or park purposes” includes, but is not limited to, boating, golfing, camping, swimming, horseback riding, ball parks, and archaeological, scenic, or scientific sites and applies only to land which is open to the general public.
- (c) “Smoking” means inhaling, exhaling, burning, carrying, or possessing any lighted or heated tobacco product, including cigarettes, filtered cigars, pipe tobacco, and any other lighted or heated tobacco product whether natural or synthetic. For the purposes of this policy only, smoking does not include the use of unfiltered cigars (pursuant to Section 386.209, Florida Statute).

(d) “Tobacco Product” means:

- (1) any product containing, made, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;
- (2) any vapor-generating electronic device as defined in this resolution and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
- (3) any component, part, accessory, of (i) or (ii), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes.

“Tobacco Product” does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.

- (e) “Tobacco Product Waste” means any material that is left over and regularly intended to be discarded after the use or consumption of a tobacco product. Tobacco Product Waste includes, but is not limited to, discarded cigarette butt filters, cigar or cigarillo tips, cigarette packs, cigar or cigarillo wrappers, vapor-generating electronic devices of all types, vapor-generating electronic device cartridges or refill containers, plastic packaging, foil, or other disposable tobacco product remnants or tobacco product packaging in any form.
- (f) “Vape” or “vaping” means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance. The term does not include the mere possession of a vapor-generating electronic device.

Sec. 38-2. - PROHIBITION FROM SMOKING AND VAPING IN PUBLIC PARKS.

All people in Bradford County, Florida are prohibited from smoking and vaping in all parks within Bradford County, Florida.

- (a) People are encouraged to dispose properly of tobacco product waste in any park or public area.

- (b) Bradford County shall post at least one clear, conspicuous and unambiguous “No Smoking or Vaping” sign at each point of ingress to the area, and in at least one other conspicuous location where individuals congregate (such as restrooms, playgrounds, or buildings) within each recreational area.

Sec. 38-3. - COMPLIANCE AND ENFORCEMENT. The success of this ordinance depends on the consideration and cooperation of both tobacco-users and non-users. Individuals acting in violation of this policy will be reminded and asked to comply. Individuals who violate this policy may be asked to leave the park.

Secs. ~~38-1~~—38-4 - 38-30. - Reserved.

- 3. SEVERABILITY.** If any section, subsection or provision of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections or provisions of this ordinance or its application to any other person or circumstance.
- 4. DIRECTION TO CODIFIER.** It is the intention of the Board of County Commissioners of Bradford County, Florida that this ordinance shall become and be made a part of the Bradford County Code, and that when codified; the sections and paragraphs of this ordinance may be renumbered or re-lettered to accomplish such intention.
- 5. EFFECTIVE DATE.** The Ordinance shall take effect upon adoption by the Bradford County Board of County Commissioners.

PASSED AND ADOPTED in regular session of the Board of County Commissioners, with a quorum present this 18th day of May, 2023.

**BOARD OF COUNTY COMMISSIONERS
BRADFORD COUNTY, FLORIDA.**

By: _____
Diane Andrews, Chair

ATTEST:

Denny Thompson, Clerk of Court