

DAVIS COUNTY BOARD OF HEALTH

ELECTRONIC CIGARETTE PRODUCT REGULATION



Davis

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Table of Contents

1.0	PURPOSE	1
2.0	SCOPE	1
3.0	AUTHORITY AND APPLICABLE LAWS	1
4.0	DEFINITIONS	1
5.0	REGULATION	2
6.0	PENALTY	4
7.0	SEVERABILITY	4
8.0	FEEES	4

1.0 PURPOSE

The purpose of this regulation is to protect the public health, safety, and welfare of residents and employees by establishing practices and provisions for the sale of Electronic Cigarette Products; and the safe preparation and handling of Electronic Cigarette Substances in Davis County.

2.0 SCOPE

This regulation applies to Electronic Cigarette Product sold and/or manufactured in incorporated and unincorporated areas of Davis County. Requirements for Electronic Cigarette Products are consistent with and support all applicable state and federal laws.

3.0 AUTHORITY AND APPLICABLE LAWS

- 3.1 This regulation is adopted under the authority of the Davis County Board of Health in accordance with Section 26A-1-121 of the Utah Code Annotated.
- 3.2 Title 26 Section 38: Utah Indoor Clean Air Act of the Utah Code Annotated, is hereby adopted and incorporated by reference subject to the additions, modifications and exceptions set forth in this regulation.
- 3.3 R392-510: Utah Indoor Clean Air Act is hereby adopted and incorporated by reference.
- 3.4 R384-415: Electronic Cigarette Substance Standards is hereby adopted and incorporated by reference.
- 3.5 Title 76 Section 10-104: Providing cigar, cigarette, electronic cigarette, or tobacco to a minor of the Utah Code Annotated, is hereby adopted and incorporated by reference.
- 3.6 Title 76 Section 10-105: Buying or possessing a cigar, cigarette, electronic cigarette, or tobacco by a minor of the Utah Code Annotated, is hereby adopted and incorporated by reference.

4.0 DEFINITIONS

- 4.1 DEPARTMENT: The Davis County Health Department.
- 4.2 ELECTRONIC CIGARETTE PRODUCT: an electronic cigarette or an electronic cigarette substance.
- 4.3 ELECTRONIC CIGARETTE SUBSTANCE: any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.
- 4.4 ELECTRONIC CIGARETTE SUBSTANCE COMPONENTS: The ingredients used in making Electronic Cigarette Substances including, but not limited to propylene glycol (PG), vegetable glycerin (VG), nicotine, and flavorings.

- 4.5 **GOOD HYGIENIC PRACTICES:** General activities that include, but are not limited to, washing hands, covering open wounds or abrasions, not working when experiencing signs or symptoms of an illness, keeping work areas clean and free from food and drink, etc.
- 4.6 **MANUFACTURING:** Process that includes, but is not limited to, mixing, re-packaging and/or re-sizing Electronic Cigarette Substances.
- 4.7 **MANUFACTURING FACILITY:** Any business within Davis County that manufactures, repackages, or resizes Electronic Cigarette Substances for sale or for resale.
- 4.8 **NICOTINE:** An alkaloid derived of tobacco and other plants, or produced synthetically which has addictive and other physiological effects when ingested or inhaled.
- 4.9 **PREPARATION AREA:** Physical location in which Electronic Cigarette Substances and Electronic Cigarette Substance Components are mixed, repackaged, or resized for sale to the consumer.
- 4.10 **SAFETY PRECAUTIONS:** General activities that include, but are not limited to, wearing gloves, wearing eye protection, using equipment that is in good repair, cleaning up spills, access to a first aid kit, etc.

5.0 REGULATION

5.1 ELECTRONIC CIGARETTE PRODUCTS FOR SALE IN DAVIS COUNTY

- 5.1.1 All Electronic Cigarette Products for sale in Davis County must meet the requirements set forth in State Rule 384-415.
- 5.1.2 Electronic Cigarette Products may be subject to testing by the Department.
- 5.1.3 Retailer websites, social media pages, or in-store advertisements shall not make any health or therapeutic claims such as Electronic Cigarette Products are a healthy alternative to smoking.
- 5.1.4 Retailer websites, social media pages, or in-store advertisements shall not make any claims that Electronic Cigarette Products are a smoking cessation product.

5.2 YOUTH ACCESS IN DAVIS COUNTY

- 5.2.1 The selling of Electronic Cigarette Products to any person under 19 years of age is prohibited.
- 5.2.2 The possession of Electronic Cigarette Products by any person under 19 years of age is prohibited.

5.2.3 Electronic Cigarette Products shall not be directly accessible to persons under 19 years of age.

5.3 ELECTRONIC CIGARETTE SUBSTANCE MANUFACTURING FACILITIES IN DAVIS COUNTY

5.3.1 All Electronic Cigarette Substances for sale in Davis County must meet the requirements set forth in State Rule 384-415.

5.3.2 Electronic Cigarette Substance Manufacturing Facilities within Davis County must obtain an Electronic Cigarette Substance Operating Permit from the Department.

5.3.2 Sanitation and Safety

5.3.2.1 Electronic Cigarette Substance preparation areas must be smooth, non-absorbent and easily cleanable.

5.3.2.3 All Electronic Cigarette Substance preparation equipment shall be easily cleanable and in good repair.

5.3.2.4 Individuals preparing Electronic Cigarette Substance shall use Good Hygienic Practices and take proper Safety Precautions.

5.3.2.5 Drinking, eating, vaping or smoking is not permitted in the Preparation Area.

5.3.2.6 No animals shall be permitted in the Preparation Area.

5.3.2.7 Electronic Cigarette Substance and Electronic Cigarette Substance Components shall be stored to prevent contamination and/or spillage.

5.3.2.7.1 Nicotine shall be stored in a manner to prevent contamination of Preparation Areas, equipment, supplies and other Electronic Cigarette Substance Components.

5.3.2.8 Chemicals not involved in the preparation of Electronic Cigarette Substances shall not be stored in preparation or ingredient storage areas.

5.3.3 Operating Procedures

5.3.3.1 Standard Operating Procedures (SOPs) for manufacturing Electronic Cigarette Substances shall be written and must incorporate Good Hygienic Practices and Safety Precautions. SOPs shall be made available to the Department upon request.

5.3.3.2 Employees shall be trained on all SOPs and training logs shall be maintained. Logs shall be made available to the Department upon request.

6.0 PENALTY

6.1 Criminal Penalties

6.1.1 Any Person who is found guilty of violating the provisions of this regulation is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated. A Person found guilty of a subsequent violation within two years is guilty of a Class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated.

6.2 Civil and Administrative Penalties

6.2.1 The exercise of civil and administrative penalties shall be subject to the Board of Health's Adjudicative Hearing Procedures regulation.

6.2.2 Electronic Cigarette Substance Operating Permits may be subject to suspension or revocation.

7.0 SEVERABILITY

In the event any court of competent jurisdiction should declare any particular clause or sentence of this regulation invalid or unconstitutional, the remaining portions shall remain in full force and effect. Toward that end, the provisions of these regulations are declared to be severable.

8.0 FEES

Electronic Cigarette Substance Operating Permit (Annual) \$200

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 25th day of November, 2014.

Effective date: 25th day of November, 2014.

Revised and Amended: July 1, 2016.

Signed: 

Scott Zgich
Board Chairman

Witness: 

Brian Hatch, MPH
Director of Health