

Clean Indoor Air Ordinance: Adding E-Cigarettes

Health, Environment and
Community Engagement Committee

November 17, 2014

E-Cigarettes



- Battery-powered devices that allow users to inhale vaporized liquid (e-liquid)
- Come in a range of flavors and may contain nicotine.
- Come in disposable and reusable varieties and in forms that resemble conventional cigarettes, pens, USB memory sticks.
- Create a vapor that is inhaled and emitted by the user.

Clean Indoor Air Chronology

- 2004: Minneapolis passes clean indoor air ordinance banning smoking in its licensed establishments (bars, restaurants, bowling alleys, pool halls).
- 2007: Minnesota passes Freedom to Breathe banning smoking in all public indoor places and indoor worksites
- 2014: **January:** City Council votes to include updating state law to include e-cigarettes in the City's state legislative agenda
- May:** Minnesota passes law prohibiting use of e-cigarettes in a few venues: schools, health care facilities, licensed child cares, government buildings and U of M and MNSCU schools.
- July:** Minneapolis Youth Congress recommends laws to prohibit e-cigarette use where cigarette smoking is banned.
- October :** Minneapolis City Council passes policy prohibiting e-cigarette use in City-owned facilities and vehicles.

Proposed Ordinance

- Re-writes the Minneapolis ordinance to mirror the state's Freedom to Breathe law and its applicability to all indoor public places and places of employment.
- Prohibits the use of e-cigarettes in all indoor public places and indoor places of employment.

Rationale

- Protect people from potentially harmful exposure
- Protect youth
- Businesses and residents support clean air



Protect people from potentially harmful exposure

- E-cigarettes have not been proven safe. The effects and risks to both the smoker and those exposed to their vapor are unknown.
- E-cigarettes are not regulated by the Food and Drug Administration so there is no way to know what types or concentrations of chemicals are found in them.
- Studies have shown that e-cigarettes and their vapor contain toxicants and nanoparticles that may increase the risk of cardiovascular and respiratory disease.
- Despite their marketing, e-cigarettes are not a proven smoking cessation device.

Protect Youth

- Nationwide, e-cigarette use among youth who have never smoked a cigarette has tripled since 2011.
- In Minnesota, 28% of high school students and 8% of middle school students have tried an e-cigarette. -- 13% of high school students used them in the last 30 days.
- New pathway into nicotine addiction.
- Flavors are appealing to youth.
- Use of e-cigarettes for other drugs.
- E-cigarettes have the potential to “re-normalize” smoking, making it socially acceptable again and potentially reversing significant declines in tobacco use initiation among youth.

Business and residents support change

- Minneapolis Businesses
 - 58% of Minneapolis food establishments support a prohibition on indoor use of e-cigarettes. (Minneapolis Health Department, February 2014)
- Residents:
 - Statewide, 79% percent of Minnesotans support prohibiting e-cigarette use in indoor public places (Blue Cross and ClearWay Minnesota, February 2014)
- Youth Congress made e-cigarette recommendation based on:
 - Increasing popularity of e-cigarettes among teens
 - Concerns about addictive nicotine
 - Input from youth throughout Minneapolis

Enforcement

- Complaint-based like the Freedom to Breathe.
- For Mpls-licensed entities, Business Licensing will enforce.
- For non-licensed entities, the Health Department will enforce.
- Sanction = \$200 for the first violation, doubling up to \$2000.

Ordinance Limitations

What it doesn't do:

- Does not change current “sampling” provisions.
- Does not prohibit people from using e-cigarettes in private places or outdoor public places.
- Does not prohibit indoor use of cessation devices that are approved the by FDA.

Getting the Word Out

- Pre Public Hearing

- Attended Downtown/First Precinct LINC meeting
- Sent notices via email to Environmental Health and Business Licensing listservs
- Received fewer than 10 comments

- Post passage

- Press releases to major media
- Notices to Health and Business Licensing listservs
- Implementation materials on our website and through listservs





Questions?