

ORDINANCE NO. 2015

INTRODUCED BY: AMADOR, BENSON, BULLOCK, CARSON, DOUGLAS, ELLIOTT, FORD, MCELDFOWNEY, TETER

AN ORDINANCE AMENDING CHAPTER 12 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO PROHIBIT THE USE OF ELECTRONIC SMOKING DEVICES IN CITY BUILDINGS.

WHEREAS, the Colorado Clean Indoor Air Act, C.R.S. § 25-14-201, *et seq.*, prohibits the smoking of tobacco inside most buildings within the state of Colorado, including those owned and operated by the City; and

WHEREAS, the use of electronic smoking devices, a recent trend proliferating in the United States that does not fall within the definition of “smoking” contained in the Clean Indoor Air Act, undermines the State’s effort to provide smoke-free buildings to nonsmokers and exposes the public to secondhand electronic smoking device vapors which have not been scientifically proven as safe; and

WHEREAS, a recent scientific study confirmed that electronic smoking devices that contain nicotine also emit nicotine in the released vapor and involuntarily expose nonsmokers to nicotine;¹

WHEREAS, nicotine is a highly addictive neurotoxin and is known to cause birth defects and is particularly dangerous for vulnerable populations including children, pregnant women, and people with cardiovascular disease; and

WHEREAS, a recent study found a total of 22 elements in vapors produced by electronic smoking devices, and three of these elements (lead, nickel, and chromium) appear on the FDA’s “Harmful and Potentially Harmful List”;²

WHEREAS, a study published in the American Journal of Public Health that the electronic smoking devices tested demonstrated poor quality control, toxic contaminants, misrepresentation of the nicotine delivered and insufficient evidence of the overall public health benefit;³ and

WHEREAS, manufacturers of electronic smoking devices have not submitted clinical studies about the safety and efficacy of these products to the FDA and, therefore, consumers

¹ Czogala, Goniewicz, Fidelus, Zielinksa-Danch, Travers, Sobczak. “*Secondhand exposure to Vapors from Electronic Cigarettes.*” Nicotine and Tobacco Research, December 2013.

² Williams, Villareal, Bozhilov, Lin, Talbot. “*Metal and Silicate Particles Including Nanoparticles Are Present in Electronic Cigarette Cartomizer Fluid and Aerosol.*” PLoS ONE 2013; 8(3): e5798, June 2013.

³ Cobb, Byron, Abrams. “*Novel Nicotine Delivery Systems and Public Health: The Rise of the E-Cigarette.*” American Journal of Public Health, 100(12):2340-2342, 2010.

currently have no way of knowing what types or concentrations of potentially harmful chemicals they are inhaling and exhaling when they use these products;⁴ and

WHEREAS, prohibiting the use of electronic smoking devices in City buildings will prevent people, including children, from involuntarily inhaling nicotine and potentially harmful chemicals scientifically proven to exist in the secondhand vapor of electronic smoking devices; and

WHEREAS, in order to protect the public health, safety and welfare of City residents and visitors by protecting them from exposure to the secondhand byproducts of electronic smoking devices, the City Council has decided to amend Chapter 12 of the Commerce City Revised Municipal Code to prohibit the use of electronic smoking devices in City buildings.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

SECTION 1. The Commerce City Revised Municipal Code is hereby amended by the addition of Section 12-6011 which shall read as follows:

Sec. 12-6011 Use of Electronic Smoking Devices Prohibited.

(1) Definitions. As used in this section, the following terms shall have the meanings ascribed to them herein:

Electronic Smoking Device shall mean an electronic or battery-operated device that delivers vapors for inhalation. The term shall include every variation and type of such devices regardless of the product name or descriptor by which they are manufactured, distributed, marketed, or sold.

Smoke shall mean the gases, particles, or vapors released into the air as a result of combustion, electrical ignition, or vaporization, including from an electronic smoking device, when the purpose of the combustion, electrical ignition, or vaporization is human inhalation of the gases, particles, or vapors.

Smoking shall mean engaging in an act that generates smoke.

(2) Prohibition. It shall be unlawful for any person to smoke in any building that is owned and operated by the city.

SECTION 2. This Ordinance shall be effective on September 1, 2014.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE
ORDERED THIS 4th DAY OF AUGUST, 2014.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED
THIS 15th DAY OF SEPTEMBER, 2014.

⁴ U.S. Food and Drug Administration, *FDA warns of Health Risks Posed by E-Cigarettes*. (2009/2013)
<http://www.fda.gov/forconsumers/consumerupdates/ucm173401.htm>

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk