

City of Maryville, Blount County, Tennessee.
Blount County
Blount County Board of Health
Ordinance No.0001 (FY 2013-14)

An Ordinance relating to Smoking; Containing Findings and other provisions relating to the foregoing subject; according to the Non-smoker protection act is TCA 39-17-1801 state law.
Under definitions 39-17-1802
Number 16

A. Statement of Purpose:

Whereas TCA 39-17-1503 regarding definition is about preventing youth access and the Prevention of Youth Access to Tobacco and Electronic Cigarettes Act.

Whereas there exists conclusive evidence that tobacco smoke causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat, and whereas the harmful effects of tobacco smoke are not confined to smokers but also cause severe discomfort and illness to nonsmokers; and whereas environmental tobacco smoke (hereinafter ETS), which includes both exhaled smoke and the side stream smoke from burning cigarettes, causes the death of 53,000 Americans each year (McGinnis JM, Foege W, "Actual Causes of Death in the United States," JAMA 1993 270:2207-2212); and whereas in 2000, the Public Health Service's National Toxicology Program listed environmental tobacco smoke as a known human carcinogen (U.S. DHHS, 2000, citing Cal. IPA, 1997),

Whereas the non-smoker protection act is TCA 39-17-1801 under state law. Under definitions 39-17-1802 Number 16 which Reads "smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or lighted tobacco product in any manner or in any form will be outside the state law.

Whereas, the Board of Health of Blount County recognizes the right of those who wish to breathe smoke-free air in accordance with Smoke Free Non-Smokers Protection Act, Tennessee Code Annotated, Title 39, Chapter 17; Title 50 and Title 68, to enact the "Non-Smoker Protection Act"; and establishes this regulation to protect and improve the public health and welfare, now and prohibits unregulated electronic nicotine delivery systems by this ordinance, will be outside the law.

B. Authority: This regulation is promulgated under the authority granted to the Blount County Board of Health under Tennessee Code Annotated General Laws Chapter 68, Section 2 – County Boards of Health Members Powers and Duties that "Boards

of Health may make reasonable health regulations and rules; Regulations of a County Board of Health supersede less stringent or conflicting local ordinances.”

C. Definitions: For the purposes of this regulation, the following words shall have the meanings respectively ascribed to them by this paragraph:

Board: Board of Health of the County of Blount in Maryville, Tennessee.

Person: means an individual, partnership, committee, association, corporation or any other organization or group of persons;

Youth Access: TCA 39-17-1503 regarding definition. This is about preventing youth access.

Electronic cigarette: "Electronic cigarette" means an electronic device that converts nicotine into a vapor that is inhaled by the user;

Place of employment: means an enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a "place of employment" unless it is used as a child care, adult day care, or health care facility;

Smoking: Inhaling, exhaling, burning or carrying any lighted cigar, cigarette, electronic cigarette, or other tobacco product in any form.

County: Blount County The City of Maryville county seat.

D. Smoking Prohibited:

No person shall smoke or use.

an electronic cigarette or electronic nicotine delivery systems in any public places as defined within the non-smoker protection act is TCA 39-17-1801 under state law.

No person shall remove a sign posted under the authority of this regulation.

E. Conflict with Other Laws or Regulations:

Notwithstanding the provisions of this regulation, nothing in this regulation shall be deemed to amend or repeal applicable fire, health or other regulations so as to permit smoking in areas where it is prohibited by such fire, health or other regulations.

F. Violations:

Any person who violates this regulation shall be subject to a fine of fifty dollars (\$50.00). With subsequent infractions deeming penalties as described consistent with the Non-Smokers Protection act.

Enforcing Persons:

Blount County Board of Health designee or County Health Director and Department of Labor consistent with the non-smokers protection Act.

G. Severability:

If any paragraph or provision of this regulation is found to be illegal or against public policy or unconstitutional, it shall not affect the legality of any remaining paragraphs or provisions.

H. Effective Date:

The amendments to this regulation shall be effective as of June 01, 2014.

Blount County Board of Health Member:

County Mayor

Blount County
Director of Schools

Physician

Physician

Dentist

Pharmacist

Registered Nurse

Veterinarian

Regional Health Officer

County Health Director