

2015 OA-004

AMENDING CHAPTER 34 OF THE DANE COUNTY CODE OF ORDINANCES, TO  
INCLUDE ELECTRONIC DELIVERY DEVICES WITHIN THE PROHIBITION OF  
SMOKING IN CERTAIN PLACES

The County Board of Supervisors of the County of Dane does ordain as follows:

ARTICLE 1. Unless otherwise expressly stated herein, all references to section and chapter numbers are to those of the Dane County Code of Ordinances.

ARTICLE 2. Section 34.07(1)(a)7. is created to read as follows:

7. Electronic delivery devices are currently unregulated and have been proven to emit nicotine, ultra-fine particles, volatile organic compounds and other toxins. Inhalation of nicotine is proven to be dangerous to everyone, especially children and pregnant women. Exposure to ultra-fine particles may exacerbate respiratory illnesses, such as asthma and may constrict arteries which could trigger a heart attack. The volatile organic compounds, such as formaldehyde and benzene, found in electronic smoking device aerosols, as well as conventional cigarette smoke, are proven carcinogens.

ARTICLE 3. Section 34.07(3)(gm) is created to read as follows:

(3)(gm) Electronic delivery device means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. This includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

ARTICLE 4. Section 34.07(3)(vm) is created to read as follows:

(3)(vm) Retail electronic delivery device store means a retail establishment that does not have a "Class B" or "Class A" intoxicating liquor license or a Class "B" or Class "A" fermented malt beverages license and that generates seventy-five percent (75%) or more of its gross annual income from the retail sale of electronic delivery devices and accessories.

ARTICLE 5. Section 34.07(3)(x) is amended to read as follows:

**(x)** *Smoke free* means absence from the ambient air of the smoke by-product from the burning, inhaling, exhaling, using or carrying of an electronic delivery device, lighted cigarette, cigar, pipe, weed, plant or other combustible substance, in any manner in any form.

ARTICLE 6. Section 34.07(3)(y) is amended to read as follows:

**(y)** *Smoking* means to smoke or carry a lighted pipe, cigar, cigarette or tobacco-related product in any form. Smoking also includes the use of an electronic delivery device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device.

50 ARTICLE 7. Section 34.07(8)(d) is created to read as follows:  
51 (d) Retail electronic delivery device stores subject to the following:  
52 1. The store may provide electronic delivery devices and accessories for the  
53 purposes of sampling;  
54 2. The store must have an entrance opening directly to the outside;  
55 3. Smoking of tobacco products is prohibited; and  
56 4. Service of food is not permitted.

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59 *[EXPLANATION: This amendment includes electronic delivery devices within the*  
60 *prohibition of smoking in certain places.]*  
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