



BOARD OF HEALTH

The Thurston County Board of Health has responsibility
and authority for public health in both incorporated
and unincorporated areas of the County.

Minutes for October 13, 2020

Public Hearing

Public Hearing on the proposed ordinance prohibiting smoking and vaping in indoor public places, places of employment and certain youth-oriented outdoor public places

CALL PUBLIC HEARING TO ORDER

Chair Tye Menser called the public hearing to order at 5:10 P.M.

Chair Menser explained the purpose of the hearing is to accept and consider public comment on the proposed ordinance adopting a new article VIII of the Sanitary Code for Thurston County prohibiting smoking and vaping in indoor public places, places of employment and certain youth-oriented outdoor public places; requiring signs to be posted where smoking and vaping are prohibited; establishing enforcement provisions of the new article, and adopting a fee for administrative review of applications to reduce the 25 foot setback where smoking and vaping are prohibited.

In Attendance:

Tye Menser, Chair; John Hutchings, Vice Chair; Gary Edwards, Commissioner; Ramiro Chavez, County Manager; Robin Campbell, Assistant County Manager; Schelli Slaughter, Public Health and Social Services Department (PHSS) Director; Dr. Dimyana Abdelmalek, Health Officer; Jane Futterman, Senior Deputy Prosecuting Attorney; Kateri Wimsett, PHSS Education and Outreach Specialist; Chris Hawkins, PHSS Program Manager; Sammy Berg, PHSS Senior Environmental Health Specialist and Lydia Hodgkinson, Clerk of the Board of Health.

Chair Menser provided information and format for the hybrid public hearing. Those wishing to testify may join in-person, by Zoom or phone, email comments, or mail comments. If anyone wishes to testify, they are to visit the Thurston County homepage online and select Announcements of Public Hearings on the left-hand side. The information to join the public hearing remotely has been posted there. Those who did not wish to testify, but want to listen and follow along, can watch the livestream through the Thurston County YouTube channel.

- Schelli Slaughter, Director of Public Health and Social Services (PHSS), will introduce staff who would provide information on the topic.
- Anyone on Zoom wishing to testify, will be called on by the Chair.
- Anyone on the phone who wishes to testify will then be given an opportunity to speak.
- Names on the in person sign-up sheet will be read three at a time, so those in Room 152 have a chance to come upstairs for testimony.
- Individuals have three (3) minutes to testify.
- Time may not be given to another person.
- When called on, speakers are to state their name and address for the record.
- The Clerk of the Board will review the timer.

Chair Menser called upon Ms. Slaughter to provide an overview of the proposal and introduce the presenters.

Ms. Slaughter provided information and a background for the proposed ordinance:

- July 2020 Board considered the first draft of the ordinance
- September 16, 2020 – The Board of Health scheduled this public hearing.
- Required media notice was sent out to the media and newspapers, including the Nisqually Valley News
- State Environmental Policy Act (SEPA) Review – the Thurston County Community Planning and Economic Development Department (CPED) also put in the legal notice for a separate SEPA process about this ordinance; public comment closed yesterday (10/12/20); we did not receive any public comment, nor appeals, with regard to the SEPA Determination of Nonsignificance (DNS)
- Public Comment on proposed ordinance – one public comment was received:
 - Erica Guttman – email in support of expanding regulations governing smoking and vaping
- Local news media – The Olympian ran an article on the topic; KOMO news ran a story.

She then introduced Kateri Wimsett and Sammy Berg.

Ms. Wimsett explained the purpose of the proposed local ordinance is to restrict vaping in public places to help Thurston County reduce exposures to secondhand smoke and vape emissions; and to curb youth vaping.

Sammy Berg explained the proposal is to adopt rules consistent with the Washington State Smoking in Public Places law (RCW 70.160) into the Thurston County Sanitary Code, via a new Article VIII, to restrict smoking and vaping consistently. He discussed the proposed smoking and vaping restrictions:

- Indoor Public Places - with the exception of tastings in licensed retail outlets per state law.
- Places of employment - including outdoor spaces (patios/decks) where employees are expected to go as part of their work.
- Smoking and vaping also prohibited within 25' of doors/windows/air intakes.
- Youth Oriented Outdoor Places – such as school grounds and parks
- Requires signage

Mr. Berg then discussed implementation of the restrictions if the Ordinance is adopted:

- Effective January 1, 2021 with a 6-month educational phase, before enforcement
- Enforcement would start July 1, 2021 with a standard approach of enforcement of the Sanitary Code (\$100 for first day; increasing with added days)
- The plan is to work closely with food service managers to educate them and help them implement the restrictions before enforcing with penalties.

At Vice Chair Hutchings' request, Mr. Berg discussed the proposed fees and process for administrative review of applications to reduce the 25-foot setback where smoking and vaping are prohibited; and confirmed the effective date would be January 1, 2021 with enforcement beginning on July 1, 2021. Mr. Berg then explained enforcement for first violation will begin by working with managers to educate them and their employees, provide technical assistance and then provide time for them to comply. Second violations will be issued a written violation with additional time to comply; and third violations will receive a civil penalty. Thurston County Senior Deputy Prosecuting Attorney Jane Futterman provided information on civil

infractions and provided clarification on how the ordinance was drafted. She also explained for the last ten years the County has been enforcing the Washington State Law, noting this ordinance is at the local level. She then explained there are a variety of violations and levels of enforcement.

At Chair Menser's request, Ms. Slaughter shared Ms. Erica Guttman's email comments in support of expanding regulations governing smoking and vaping.

Chair Menser requested public testimony for those wishing to speak. County Manager Ramiro Chavez confirmed no one in the room, on Zoom, or on the phone had requested or registered to speak.

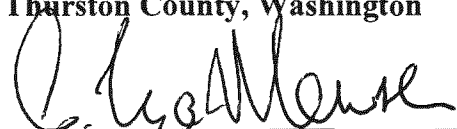
Vice Chair Hutchings moved to close the public hearing. Commissioner Edwards seconded the motion. The Board voted unanimously. Motion carried.

Vice Chair Hutchings moved to approve Ordinance H-08-2020 adopting a new article to the Thurston County Sanitary Code prohibiting smoking and vaping in indoor public places, places of employment and certain youth-oriented outdoor public places. Commissioner Edwards seconded the motion. Chair Menser commented on the concerning statistics provided by our Health Officer regarding youth vaping on the rise. He stated he is always mindful of people's civil rights as long as they are not harming others and feels this ordinance is appropriately tailored to manage that. He expressed his support of addressing smoking and vaping being handled in a similar matter under the Sanitary Code. The Board voted unanimously. Motion carried.

Chair Menser thanked Chris Hawkins, Kateri Wimsett, Sammy Berg and Jane Futterman for the work they have put into this ordinance to protect our youth and the community.

Adjournment – Chair Menser adjourned the public hearing at 5:41 P.M.

BOARD OF HEALTH
Thurston County, Washington



TYE MENSER, Chair

ATTEST:

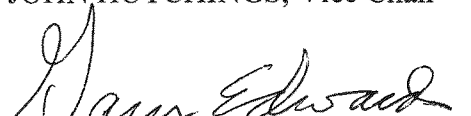


Lydia Hodgkinson, Clerk of the Board



JOHN HUTCHINGS, Vice Chair

Date: November 10, 2020



GARY EDWARDS, Commissioner

Thurston Community Television (TCTV) - The Board of Health meetings are aired on TCTV each week on Sundays at 3:30 p.m., Mondays at 8:00 p.m., Tuesdays at 12:30 p.m., Wednesdays at 10:00 a.m., and Fridays at 6:30 a.m. and at 5:00 p.m.