

**AMENDMENT NO. 1 TO ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF RIDGELAND, MISSISSIPPI AMENDING THE ORDINANCE  
ELIMINATING SMOKING IN ALL WORKPLACES AND PUBLIC PLACES**

WHEREAS, on June 19, 2007, the Mayor and Board of Aldermen of the City of Ridgeland, Mississippi did adopt an Ordinance Eliminating Smoking in All Workplaces and Public Places, hereinafter referred to as the "Smoking Ban Ordinance"; and,

WHEREAS, the Mayor and Board of Aldermen reaffirm the findings and intent made in the June 19, 2007 Ordinance; and,

WHEREAS, the Mayor and Board of Aldermen also find that the American College of Physicians issued a policy position paper (which was published in the April 21, 2015 *Annals of Internal Medicine*) calling for greater regulation and oversight of electronic nicotine delivery systems including e-cigarettes, and

WHEREAS, the Mayor and Board of Aldermen concur with the American College of Physicians position that the clean air laws prohibiting smoking should be extended to include electronic nicotine delivery systems, and

WHEREAS, the Mayor and Board of Aldermen further find that unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or "e-cigarettes," closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. After testing a number of electronic cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that "quality control processes used to manufacture these products are inconsistent or non-existent."<sup>1</sup> According to a more recent study, electronic cigarette emissions are made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.<sup>2</sup> Electronic cigarettes produce an aerosol or vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions. The World Health Organization (WHO) recommends that electronic smoking devices not be used indoors, especially in smoke-free environments, in order to minimize the risk to bystanders of breathing in the aerosol emitted by the devices and to avoid undermining the enforcement of smoke-free laws.<sup>3</sup>; and,

WHEREAS, the Mayor and Board of Aldermen find and declare that the purposes of this ordinance are to protect the public health and welfare of its citizens by adding electronic cigarettes to the existing prohibition of smoking in public places and places of employment;

<sup>1</sup> [n.a.], "Summary of results: laboratory analysis of electronic cigarettes conducted by FDA," *Food and Drug Administration (FDA)*, July 22, 2009; <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm> Accessed on October 22, 2009.

<sup>2</sup> Fuoco, F. C.; Buonanno, G.; Stabile, L.; Vigo, P., "Influential parameters on particle concentration and size distribution in the mainstream of e-cigarettes," *Environmental Pollution* 184:523-529, January 2014.

<sup>3</sup> World Health Organization (WHO), "Electronic nicotine delivery systems," *World Health Organization (WHO)*, 2014.

**EXHIBIT "A"**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF RIDGELAND, MISSISSIPPI as follows, to-wit:

**SECTION I - DEFINITIONS**

Replace the following Definition in Section 3 of the Smoking Ban Ordinance:

- M. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in areas defined in the Smoking Ban Ordinance.

Add the following Definition to Section 3 of the Smoking Ban Ordinance:

- O. "Electronic Smoking Device" means an electronic or battery-operated device that delivers vapor for inhalation. The term includes every variation and type of such devices including electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs or any other similar product.

**SECTION II – OTHER PROVISIONS**

All other provisions of the ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF RIDGELAND, MISSISSIPPI ELIMINATING SMOKING IN ALL WORKPLACES AND PUBLIC PLACES apply.

**SECTION III – EFFECTIVE DATE**

This Article shall be effective thirty (30) days from and after the date of its adoption.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting of the governing authorities of the City of Ridgeland Mississippi on

Motion of Alderman BRIAN RAMSEY, seconded by Alderman

D. I. SMITH, and the roll being called, the same by the following votes:

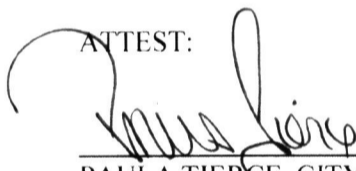
**EXHIBIT "A"**

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Alderman D.I. Smith	voted	<u>  AYE  </u>
Alderman Ken Heard	voted	<u>  AYE  </u>
Alderman Chuck Gautier	voted	<u>  AYE  </u>
Alderman Kevin Holder	voted	<u>  AYE  </u>
Alderman Brian Ramsey	voted	<u>  AYE  </u>
Alderman Bill Lee	voted	<u>  AYE  </u>
Alderman Wes Hamlin	voted	<u>  AYE  </u>

APPROVED, this day the   15TH   of   AUGUST  , 2017.

  
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GENE F. MCGEE, MAYOR

ATTEST:  
  
\_\_\_\_\_  
PAULA TIERCE, CITY CLERK

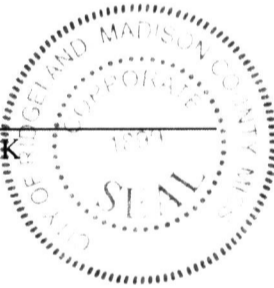


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