

Staff Report

E-CIGARETTE ORDINANCE OPTIONS

December 8, 2015

BACKGROUND:

In the fall of 2014, Council requested staff assessment of enforcement and constitutional issues potentially associated with enacting a new ordinance banning the use of electronic nicotine delivery devices in public places.

Recently, there have been actions being considered at local, state, and federal levels that would regulate alternative nicotine products or vapor products. While none of the considered state or federal actions would prohibit public use of these devices, there does seem to be an effort to better define the risk associated with nicotine vapors, additives, and the consequences of exposure. With broader discussion of this information, it seems likely there will be greater public acceptance of reasonable regulations.

At the April 14, 2015 City Council meeting, staff reported on the enforcement and potential constitutional issues related to adopting an ordinance regulating the use of e-cigarettes. The main constitutional concern in enacting local regulation prohibiting the use of these products in public places is possible preemption by State law. The State recently adopted Chapter 453A which includes the same provision on uniform application as the former Chapter 142B, Smoking Prohibitions. Therefore, a court would likely find, as in a previous Supreme Court case, that the City is preempted from enacting local regulations on alternative nicotine products and vapor products, at least to the extent the regulation pertains to (1) age restrictions; (2) permitting requirements; (3) taxation; and (4) product placement. However, since Chapter 453A does not address regulations related to prohibiting the use of these products in public places and The Smokefree Air Act, Chapter 142D, does not include a provision on uniform application, the City is likely not preempted from enacting local regulation on this specific issue.

At the May 26, 2015 City Council meeting, staff reported on the primary, secondhand, and other health risks of e-cigarettes or other alternative vaping products. Staff gave a status update at the June 19, 2015 City Council meeting reporting that the City of Iowa City had passed on first reading an ordinance restricting the use of e-cigarettes in the same places that tobacco cigarettes are restricted. Staff also reported that the University of Iowa had taken action regarding e-cigarettes. Staff had yet to obtain information from Iowa State University to determine whether the University planned to take any action regarding the use of these products.

At the June 19, 2015 City Council meeting, the City Council requested the City Attorney prepare options as to how and where the use of e-cigarettes could be regulated. The following options were explored: (1) adopt an ordinance prohibiting the use of these products in the same places as are prohibited under The Smokefree Air Act; (2) adopt a policy similar to the City of Iowa City; (3) adopt an ordinance prohibiting the use of these products similar to the prohibitions proposed by Iowa State University; and (4) not prohibit the use of these products in any particular areas.

Option #1 - Adopt an ordinance prohibiting the use of e-cigarettes in the same places as smoking is prohibited under The Smokefree Air Act.

The City Council can choose to prohibit the use of e-cigarettes and other alternative nicotine products in the same places as smoking is prohibited under The Smokefree Air Act. This would prohibit the use of e-cigarettes in all public places and some private areas including: (1) all enclosed areas within places of employment; the seating areas of outdoor sports arenas, stadiums, amphitheaters, and other entertainment venues where members of the general public assemble to witness entertainment events; (2) outdoor seating or serving areas of restaurants; (3) public transit stations, platforms, and shelters; (4) school grounds; (5) the grounds of any public buildings owned, leased or operated by or under the control of the state government or its political subdivisions. IA Code §142D.3. A “public place” is further defined as an enclosed area to which the public is invited or in which the public is permitted, including common areas, and includes a non-exhaustive list of approximately twenty-two (22) places that fall under the definition of public place. IA Code §142D.2(16). A notice in the form of a posted sign is required under The Smokefree Air Act.

The areas that e-cigarettes would not be prohibited include (a) private residences, unless used as a child care facility, child care home, or a health care provider location; (b) hotel and motel rooms that are rented to guests and are designated smoking rooms; (c) retail tobacco stores; (d) private and semi-private long-term care facilities; (e) private clubs that have no employees; (f) outdoor areas that are places of employment except those areas where smoking is prohibited under section 142D.3; (g) limousines under private hire or vehicles owned, leased, or provided by a private employer that are for the sole use of the driver; (h) an enclosed area within a place of employment or public place that provides a smoking cessation program for a medical or scientific research or therapy program; (i) farm tractors and trucks; (j) certain areas of a gaming floor; and (k) the Iowa Veterans Home.

Option #2 - Adopt an ordinance similar to the City of Iowa City.

The City of Iowa City adopted an ordinance on July 15, 2015 which prohibits the use of an e-cigarette in any smoke free place listed in Iowa City Municipal Code section 6-10-1 or in any place where The Smokefree Air Act prohibits smoking a tobacco product. In addition to The Smokefree Air Act, section 6-10-1 prohibits smoking in seventeen (17) other areas under the custody or control of the city. A violation of this prohibition is punishable as a simple misdemeanor by a fine of fifty dollars (\$50.00). Prior to adopting

the ordinance, Iowa City adopted a policy in 2014 which prohibited the use of alternative nicotine products and vapor products on all property owned or controlled by the city on which smoking was prohibited by either The Smokefree Air Act or classified as a smoke free place in city code. These products were defined as are defined in Section 453A.1 of the Iowa Code.

Option #3 - Adopt an ordinance prohibiting the use of these products similar to the prohibitions adopted by Iowa State University.

Iowa State University has proposed amendments to the Smoke-Free Campus policy to extend the policy to include e-cigarette (personal vaporizers). The University proposes to amend the definition of smoking materials to also include electronic smoking devices. "Electronic smoking devices" is defined as "any product containing or delivering nicotine (e.g. Electronic Nicotine Delivery System or ENDS) or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes 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." The use of these products would be prohibited on the entire grounds of the university; in any enclosed area within places of employment; vehicles owned, lease or provided by the university; privately owned vehicles when operated or parked on the grounds of the university; the seating and parking areas of outdoor sports arenas, stadiums, amphitheaters and other entertainment venues; the ISU farms; and Veenker golf course. ISU Department of Public Safety is responsible for the enforcement of the policy, which is anticipated to become effective on January 1, 2016.

Option #4 – Do not prohibit the use of these products.

The City can choose to take no action and choose not to prohibit these products.

Attachments:

A - Iowa Code §142D.2(16)

B - Iowa State University Smoke-Free Policy

C - Iowa City Chapter 10, "Smoke Free Places"

142D.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. *"Bar"* means an establishment where one may purchase alcoholic beverages, as defined in section 123.3, for consumption on the premises and in which the serving of food is only incidental to the consumption of those beverages.
2. *"Business"* means a sole proprietorship, partnership, joint venture, corporation, association, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
3. *"Common area"* means a reception area, waiting room, lobby, hallway, restroom, elevator, stairway or stairwell, the common use area of a multiunit residential property, or other area to which the public is invited or in which the public is permitted.
4. *"Employee"* means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, or a person who provides services to an employer on a voluntary basis.
5. *"Employer"* means a person including a sole proprietorship, partnership, joint venture, corporation, association, or other business entity whether for-profit or not-for-profit, including state government and its political subdivisions, that employs the services of one or more individuals as employees.
6. *"Enclosed area"* means all space between a floor and ceiling that is contained on all sides by solid walls or windows, exclusive of doorways, which extend from the floor to the ceiling.
7. *"Farm tractor"* means farm tractor as defined in section 321.1.
8. *"Farm truck"* means a single-unit truck, truck-tractor, tractor, semitrailer, or trailer used by a farmer to transport agricultural, horticultural, dairy, or other farm products, including livestock, produced or finished by the farmer, or to transport any other personal property owned by the farmer, from the farm to market, and to transport property and supplies to the farm of the farmer.
9. *a. "Farmer"* means any of the following:
 - (1) A person who files schedule F as part of the person's annual form 1040 or form 1041 filing with the United States internal revenue service, or an employee of such person while the employee is actively engaged in farming.
 - (2) A person who holds an equity position in or who is employed by a business association holding agricultural land where the business association is any of the following:
 - (a) A family farm corporation, authorized farm corporation, family farm limited partnership, limited partnership, family farm limited liability company, authorized limited liability company, family trust, or authorized trust, as provided in chapter 9H.
 - (b) A limited liability partnership as defined in section 486A.101.
 - (3) A natural person related to the person actively engaged in farming as provided in subparagraph (1) or (2) when the person is actively engaged in farming. The natural person must be related as spouse, parent, grandparent, lineal ascendant of a grandparent or a grandparent's spouse, other lineal descendant of a grandparent or a grandparent's spouse, or a person acting in a fiduciary capacity for persons so related.
- b. For purposes of this subsection, "actively engaged in farming"* means participating in physical labor on a regular, continuous, and substantial basis, or making day-to-day management decisions, where such participation or decision making is directly

related to raising and harvesting crops for feed, food, seed, or fiber, or to the care and feeding of livestock.

10. "Health care provider location" means an office or institution providing care or treatment of disease, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to a hospital as defined in section 135B.1, a long-term care facility, an adult day services program as defined in section 231D.1, clinics, laboratories, and the locations of professionals regulated pursuant to Title IV, subtitle III, and includes all enclosed areas of the location including waiting rooms, hallways, other common areas, private rooms, semiprivate rooms, and wards within the location.

11. "Implement of husbandry" means implement of husbandry as defined in section 321.1.

12. "Long-term care facility" means a health care facility as defined in section 135C.1, an elder group home as defined in section 231B.1, or an assisted living program as defined in section 231C.2.

13. "Place of employment" means an area under the control of an employer and includes all areas that an employee frequents during the course of employment or volunteering, including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairways and stairwells, and vehicles owned, leased, or provided by the employer unless otherwise provided under this chapter. "Place of employment" does not include a private residence, unless the private residence is used as a child care facility, a child care home, or as a health care provider location.

14. "Political subdivision" means a city, county, township, or school district.

15. "Private club" means an organization, whether or not incorporated, that is the owner, lessee, or occupant of a location used exclusively for club purposes at all times and that meets all of the following criteria:

a. Is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain.

b. Sells alcoholic beverages only as incidental to its operation.

c. Is managed by a board of directors, executive committee, or similar body chosen by the members.

d. Has established bylaws or another document to govern its activities.

e. Has been granted an exemption from the payment of federal income tax as a club pursuant to 26 U.S.C. § 501.

16. "Public place" means an enclosed area to which the public is invited or in which the public is permitted, including common areas, and including but not limited to all of the following:

a. Financial institutions.

b. Restaurants.

c. Bars.

d. Public and private educational facilities.

e. Health care provider locations.

f. Hotels and motels.

g. Laundromats.

h. Public transportation facilities and conveyances under the authority of the state or its political subdivisions, including buses and taxicabs, and including the ticketing, boarding, and waiting areas of these facilities.

i. Aquariums, galleries, libraries, and museums.

j. Retail food production and marketing establishments.

- k. Retail service establishments.
- l. Retail stores.
- m. Shopping malls.
- n. Entertainment venues including but not limited to theaters; concert halls; auditoriums and other facilities primarily used for exhibiting motion pictures, stage performances, lectures, musical recitals, and other similar performances; bingo facilities; and indoor arenas including sports arenas.
- o. Polling places.
- p. Convention facilities and meeting rooms.
- q. Public buildings and vehicles owned, leased, or operated by or under the control of the state government or its political subdivisions and including the entirety of the private residence of any state employee any portion of which is open to the public.
- r. Service lines.
- s. Private clubs only when being used for a function to which the general public is invited.
- t. Private residences only when used as a child care facility, a child care home, or health care provider location.
- u. Child care facilities and child care homes.
- v. Gambling structures, excursion gambling boats, and racetrack enclosures.

17. "Restaurant" means eating establishments, including private and public school cafeterias, which offer food to the public, guests, or employees, including the kitchen and catering facilities in which food is prepared on the premises for serving elsewhere, and including a bar area within a restaurant.

18. "Retail tobacco store" means a retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is incidental to the sale of tobacco products.

19. "Service line" means an indoor line in which one or more individuals are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

20. "Shopping mall" means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

21. "Smoking" means inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, or other tobacco product in any manner or in any form. "Smoking" does not include smoking that is associated with a recognized religious ceremony, ritual, or activity, including but not limited to burning of incense.

22. "Sports arena" means a sports pavilion, stadium, gymnasium, health spa, boxing arena, swimming pool, roller or ice rink, bowling alley, or other similar place where members of the general public assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events.

DRAFT REVISION, December 2, 2015

Smoke-Free Campus Policy

Effective: November 1, 2012

Updated/Revised: January 1, 2016Contact: ISU ~~Police~~ Department of Public Safety

Introduction

The Smokefree Air Act, effective July 1, 2008, applies to Iowa State University. The purpose of this legislation is "to reduce the level of exposure by the general public and employees to environmental tobacco smoke" and is designed to "regulate smoking in public places, places of employment, and outdoor areas" and "to improve the public health of Iowans."

Included in this policy statement are the applicable sections of the Smokefree Air Act, Iowa Code Chapter 142D, and the rules and regulations of the Iowa Department of Public Health found at Iowa Administrative Code Section 641, Chapter 153, that relate to the campus community.

To protect the health and environment of the campus community, Iowa State University has extended this policy to include electronic smoking devices.

Scope

This policy applies to all university employees, students and visitors. This policy covers all university owned, leased or operated buildings, property and grounds under the control of the university.

Definitions

For the purpose of ~~the Smokefree Air Act~~, this policy:

- The **university** is a "school" and "public educational facility" governed by the Board of Regents, State of Iowa, pursuant to Iowa Code section 262.7.
- The **grounds of the university** include parking lots, athletic fields, playgrounds, tennis courts, and any other outdoor areas under the control of the university, including inside any vehicle located on university grounds.
- **Smoking materials** include lighted cigars, cigarettes, pipes, or other tobacco products in any manner or form including ash, cigarette butts or filters, or cigar stubs. Smoking materials also include electronic smoking devices.
- **Electronic smoking device** means any product containing or delivering nicotine (e.g., Electronic Nicotine Delivery System or ENDS) or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term 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.

Policy Statement

It is the policy of Iowa State University to comply with the Smokefree Air Act by declaring the entire university grounds and properties as a Smoke-Free Campus. Therefore, smoking is prohibited in "public buildings and vehicles owned, leased, or operated by or under the control of" the university as well as on the entire "grounds of the university."

Smoking is prohibited and a person shall not smoke in any of the following enclosed areas:

- Enclosed areas within places of employment including but not limited to work areas, private offices, conference and meeting rooms, classrooms, auditoriums, employee lounges and cafeterias, hallways, medical facilities, restrooms, elevators, stairs and stairwells.
- Vehicles owned, leased or provided by the university.
- Privately owned vehicles when operated or parked on the grounds of the university.

Smoking is prohibited and a person shall not smoke in or on any of the following outdoor areas:

- The entire grounds of the university.
- The seating and parking areas of outdoor sports arenas, stadiums, amphitheaters and other entertainment venues where members of the general public assemble to witness entertainment events.

DRAFT REVISION, December 2, 2015

- The ISU Farms.
- Veenker Golf Course.

When a university employee, student, or visitor enters the grounds of the university any smoking material shall be extinguished and disposed of in an appropriate receptacle at the perimeter of the grounds of the university.

The sale, sampling or advertisement of all tobacco products is prohibited on university property or at university sponsored events in accordance with university Trademark Management policy.

Exceptions

- ~~Smoking will be allowed in designated private apartments in university housing in accordance with Department of Residence policy.~~

Exception

Smoking will be allowed in an enclosed area within the university that conducts a medical or scientific research or therapy program, if smoking is an integral part of the program.

Responsibilities and Enforcement

All members of the ISU community are responsible for observing the provisions of this policy and share responsibility for compliance.

The Smokefree Air Act designates the Iowa Department of Public Health as responsible for enforcement ~~with respect to tobacco products~~. ISU Department of Public Safety will coordinate compliance with the law on campus.

The Iowa Department of Public Health designates law enforcement authorities of the state and of each political subdivision of the state to assist with the enforcement of ~~this law~~ the Smokefree Air Act. ISU Department of Public Safety ~~officers may issue citations against a person who smokes in an area where smoking is prohibited~~ responsible for enforcement of this policy and the Smokefree Air Act on the grounds of the university.

Complaints

Concerns or complaints regarding this policy that involve ISU property should be directed to the ISU Department of Public Safety by calling 294-4428 or by visiting their website, www.police.iastate.edu.

Any person may also register a complaint regarding a violation of the Smokefree Air Act with the Iowa Department of Public Health by:

- Calling the toll-free number, 1-888- 944-2247, or
- Registering a complaint on the department's website, www.IowaSmokefreeAir.gov, or
- Downloading a complaint form from the department's website and mailing it to the department at:

Department of Public Health
Division of Tobacco Use Prevention and Control
Lucas State Office Building
321 East 12th Street
Des Moines, IA 50319.

Resources

Iowa State University Police (<http://www.police.iastate.edu/>)

Iowa Department of Public Health (<http://www.idph.state.ia.us/>)

[CDC Electronic Nicotine Delivery Systems Key Facts \[PDF\]](#)

Quit Line Iowa: <http://www.quitlineiowa.org/default.asp>

Smokefree Air Act website (<http://www.iowasmokefreeair.gov/>)

Smoking Cessation: [\(see Other Benefits\)](#); (<http://www.hrs.iastate.edu/benefits/homepage.shtml>)

Chapter 10

SMOKE FREE PLACES

6-10-1: SMOKE FREE PLACES ITEMIZED:

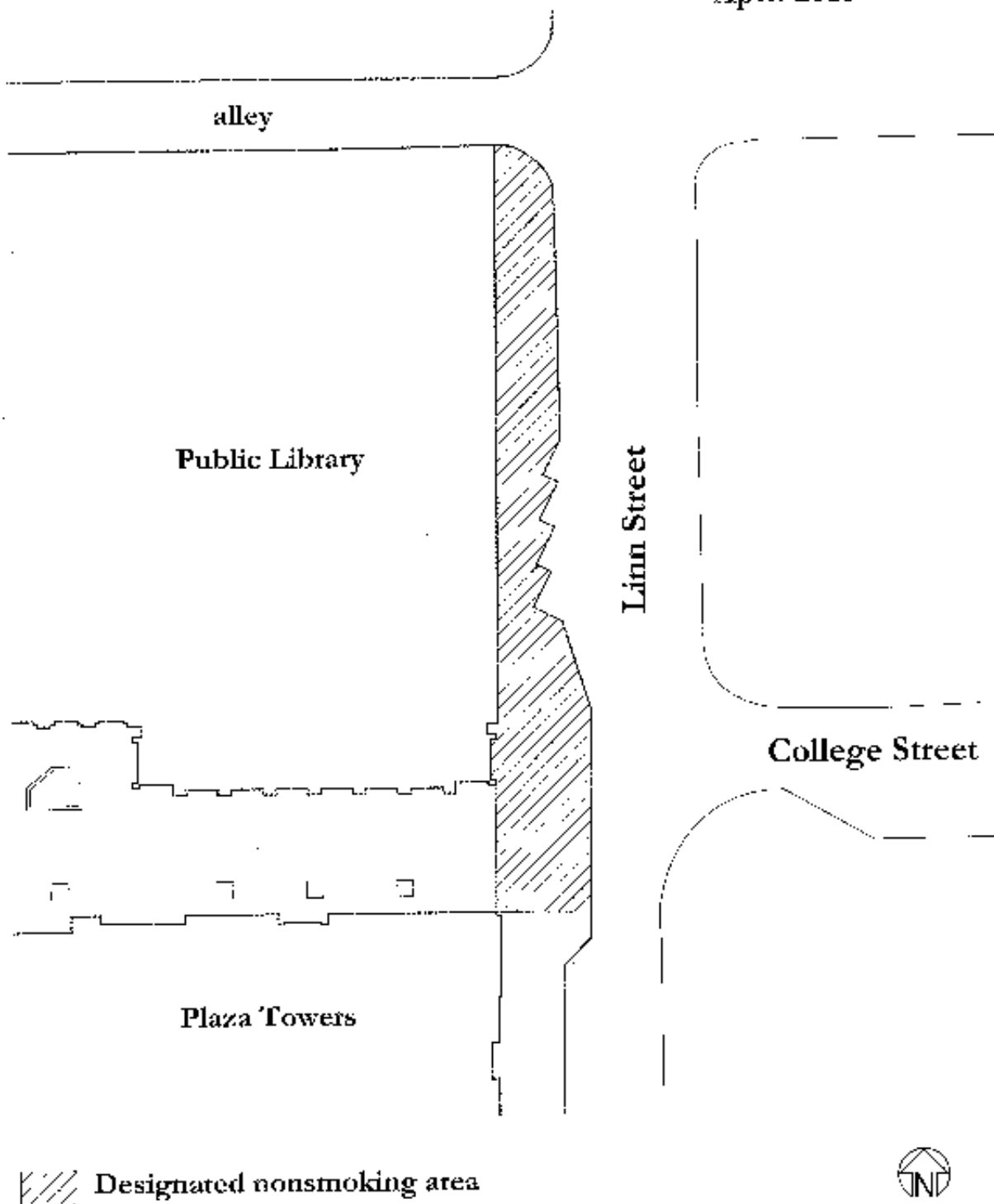
It is illegal to smoke in a smoke free place. Pursuant to HF 2212, section 5, to be codified at section 142D.5 of the Iowa Code, the city declares the following areas to be smoke free places:

- A. Iowa City Municipal Airport. (Ord. 08-4314, 9-9-2008)
- B. Municipal parking ramps except in privately owned vehicles that are not located in the Chauncey Swan Parking Ramp during the farmers' market as provided in this section.
- C. City Plaza except the public alleys. "City Plaza" is defined in section [10-5-2](#) of this code.
- D. The area between the public library and Linn Street including the sidewalk, as illustrated on the diagram below, and the area within ten feet (10') of a sidewalk cafe that is not in City Plaza. "Sidewalk cafe" is defined in section [10-3-1](#) of this code. (Ord. 10-4393, 6-1-2010)
- E. Napoleon Park except the parking lot and the Iowa River Corridor Trail.
- F. Baseball/softball complex at Mercer Park not including the parking lots.
- G. Iowa City Kickers Soccer Park including the parking lots.
- H. The area within fifty feet (50') of the City Park pool building and the fence that encompasses the City Park pool and the area inside the fence.
- I. Riverside Festival stage/seating area and the area within fifty feet (50') of Riverside Festival stage/seating area.

- J. Bobby Oldis baseball fields in lower City Park including the bleachers, sidewalk, and all other areas between the fields.
- K. The area within fifty feet (50') of the amusement rides in lower City Park.
- L. Skateboard Park.
- M. Tennis courts in all city parks.
- N. Dog parks. (Ord. 08-4314, 9-9-2008)
- O. Farmers' market beginning thirty (30) minutes prior to the opening of the farmers' market. "Farmers' market" is defined in section [10-11-1](#) of this code.
- P. The area within fifty feet (50') of any outdoor stage or location where musicians are performing during any outdoor entertainment venues where members of the general public assemble to witness entertainment events, such as, but not limited to, Arts Fest and Jazz Fest. (Ord. 10-4393, 6-1-2010)
- Q. The streets and adjacent sidewalks along the parade route of the University Of Iowa homecoming parade from five o'clock (5:00) P.M. to eight o'clock (8:00) P.M. on Friday evening of the homecoming parade. (Ord. 08-4314, 9-9-2008)
- R. Black Hawk Mini Park. (Ord. 13-4563, 12-3-2013)

Nonsmoking Places

April 2010



(Ord. 10-4393, 6-1-2010)

6-10-2: ELECTRONIC CIGARETTES:

It is illegal to use an electronic cigarette in any smoke free place listed in section [6-10-1](#) of this chapter or in any place where chapter 142D of the Iowa Code prohibits smoking a tobacco product. "Electronic cigarette" means vapor product as defined in section 453A.1 of the code of Iowa. (Ord. 15-4634, 7-15-2015)

6-10-3: VIOLATION; PENALTY:

Violation of this chapter shall be a simple misdemeanor punishable by a fine of fifty dollars (\$50.00). (Ord. 10-4410, 10-26-2010; amd. Ord. 15-4634, 7-15-2015)

December 3, 2015

To the Ames City Council,

As officers of the Iowa State Health Promotion Club we are writing on behalf of our many members who belong to this organization because of our vested interest in the field of public health. Last year we participated in a community outreach project surveying Iowa State students and other community members on their perceptions and opinions regarding the use of e-cigarettes/vaping devices. We spent countless hours collecting this data. The results were clear that the majority of the 600 participants involved have an unfavorable opinion of the devices and the use of them in public spaces.

In January of this year we took these findings to the ISU Government of the Student Body who passed a resolution to go forward with a ban of all vaping products on Iowa State property. That has recently been approved and is now waiting for final signatures. It is scheduled for adoption on January 1, 2016. We approached the Story County Board of Supervisors with the same findings. They approved a similar ban involving county property in July.

While electronic cigarettes do not contain tobacco, they do contain varying levels of nicotine; a poisonous and addictive compound that has been linked to birth defects. The aerosol vapor that is produced is known to contain other chemicals and toxins which are carcinogenic. Additionally, the vaping devices themselves have a history of leakage which can then lead to nicotine poisoning through exposure to the skin or eyes. This is of particular concern for children, as very small amounts of the concentrated nicotine found in these devices can be very toxic and potentially fatal.

As a club we have spent this year monitoring the growing body of research that supports what our survey participants already knew; the use of vaping devices, no matter what the contents, have no place in public spaces. We have recently contacted Senator Herman Quirmbach to ask for his assistance in banning the use of all vaping devices through the Smoke Free Air Act. However we do not wish to wait on legislation that could take years so we implore you to act now. The Health Promotion Club is asking you to join us in our commitment to public health by allowing Ames to join the other over 400 U.S. municipalities in creating a comprehensive ban on the use of all vaping devices in public spaces. Ames was recently named the healthiest place to live. Let's make that really true.

Sincerely,

Spencer Thomas Cain *President, ISU Health Promotion Club*

Darien Woods *Vice-President, ISU Health Promotion Club*

December 3, 2015

To the Members of the Ames City Council,

Last January the Ames Mayor's Youth Committee conducted a survey of Ames High staff and students seeking their opinions concerning e-cigarettes and other vaping devices. The results were clear that of the 631 respondents, approximately half of high school staff and students indicated they would feel uncomfortable and less likely to visit public spaces that allow e-cigarettes/vaping devices. The responses also showed that the Ames High community would support a county wide ordinance prohibiting e-cigarettes and vaping in public spaces.

We urge you to consider our survey results and encourage you to adopt the most stringent and comprehensive ordinance prohibiting e-cigarettes and vaping in public spaces in the City of Ames. Ames was recently named one of the healthiest cities in the United States. It has also been named one of the best places to live. Students and staff of Ames High are proud of our city and want to continue for this to be true. We feel that this ordinance could help make our "best" even better.

Ames Mayor's Youth Committee

Story County Prevention Policy Board

P.O. Box 1628, Ames, IA 50010-1628

The Prevention Policy Board is a community coalition working to address issues impacting youth substance use through prevention, education and social policy.

December 2, 2015

To Members of the Ames City Council,

The Story County Prevention Policy Board represents professionals and community members from throughout Story County. With the expressed mission of reducing the incidence of substance abuse this coalition works to promote local and state policies which support this goal. To that end we wish to revisit our February 24th request to the Council to create a policy that would prohibit the use of any electronic smoking devices in all public spaces in Ames. The research is clear that the emissions from e-cigarette aerosols and flavorings damage lung cells by creating harmful free radicals and inflammation in lung tissue. The nicotine released in this vapor is a toxic substance that is particularly damaging to developing brains and should for that reason alone be banned in any public spaces where children and adolescents are present. Leakage from these devices is also potentially hazardous when it contains nicotine which is itself a poison. The Iowa Poison Control Center has just released their most recent data which reflects an increase in calls involving poisoning from e-cigarettes from 5 calls in 2011 to 37 in 2014. In 2015 there have been 28 calls received from January 1 to October 31st. This is a seven times increase in only four years.

To date there are five states, 18 countries and over 400 U.S. municipalities which already have a policy banning the use of electronic smoking devices in public spaces. On July 28th the Story County Board of Supervisors voted to ban electronic smoking devices from being used in or on Story County property. Iowa State University is on track to “ban e-cigarettes from campus completely” (with the exception of medical or scientific research) by January 1, 2016. We see no reason why Ames cannot create a similar ordinance which would serve to protect the health and safety of its citizens. But there is one really good reason why they should. The research is clear that a major risk factor for adolescents being involved in substance abuse, delinquency and violence is not only the “availability of substances” but also a “favorable use of alcohol, tobacco and other drugs as evidenced by community’s norms and laws”. Recently the American Heart Association released a statement which acknowledged “the potential of e-cigarettes to renormalize smoking behavior.” A community’s “accepted” use of substances can lead to the impression of low perception of harm which also contributes to other adolescent problem behaviors including teen pregnancy and school drop-out. Recognized protective factors include clear rules and regulations which provide consistent messages which in turn increase perception of harm and pro health behavior. We urge the Ames City Council to adopt the most stringent of options so that it might come into alignment with both Story County and Iowa State University thus creating that consistent message that is so crucial for prevention.

Sincerely,

Karen Mills

Chair – Story County Prevention Policy Board