



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 20, 2018

R&R BOH18-02

Proposed No. BOH18-02.2

Sponsors

1 A RULE AND REGULATION relating to prohibiting
2 use of smokeless tobacco at event sites for professional
3 sporting events; adding a new chapter to Title 19 to the
4 BOH Code and prescribing penalties; enacted pursuant to
5 RCW 70.05.060, including the latest amendments or
6 revisions thereto.

7 BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

8 SECTION 1. Sections 2 through 8 of this rule and regulation should constitute a
9 new chapter in Title 19 to the BOH Code.

10 NEW SECTION. SECTION 2. **Citation and reference to chapter.** This
11 chapter may be cited and referred to as the "Regulation of Smokeless Tobacco at Event
12 Sites for Professional Sporting Events."

13 NEW SECTION. SECTION 3. **Adoption as exercise of powers - purposes.**

14 A. This chapter is adopted as an exercise of the board of health powers of King
15 County to protect and preserve the public peace, health, safety and welfare. Its
16 provisions shall be liberally construed for the accomplishment of these purposes.

17 B. It is expressly the purpose of this chapter to provide for and promote the
18 health, safety and welfare of the general public, and not to create or otherwise establish or
19 designate any particular class or group of persons who will or should be especially

protected or benefited by this chapter.

NEW SECTION. SECTION 4. Findings.

A. The King County Board of Health finds that evidence exists for the development of stronger smokeless tobacco control and prevention measures targeting children and youth and athletic activities with regards to the health risks associated with smokeless tobacco use. More specifically, such control and prevention measures should be focused on professional sporting events where children and youth frequently attend.

B. In 2016, according to the Centers for Disease Control and Prevention ("the CDC"), 5.8 percent of all high-school students used smokeless tobacco with a greater proportion of male students using smokeless tobacco at 8.3 percent. The CDC also reports that each day, more than one-thousand youths, from twelve through seventeen years of age, use smokeless tobacco for the first time.

C. The CDC's Morbidity and Mortality Weekly Report entitled "Combustible and Smokeless Tobacco Use Among High School Athletes - United States, 2001-2013" reported that use of tobacco, either combustible or smokeless, significantly declined from 33.9 percent in 2001 to 22.4 percent in 2013; however, smokeless tobacco use significantly increased from 10.0 percent to 11.1 percent among athletes. Furthermore, the report found that high school athletes used smokeless tobacco at nearly twice the rate of nonathletes, which is 11.1 percent versus 5.9 percent, in 2013, and among male high school athletes, smokeless tobacco use was particularly alarming at 17.4 percent. The report also found that higher level of sports team participation during high school was associated with higher rates of smokeless tobacco use. Lastly, the report found that smokeless tobacco use for high school athletes and non-athletes showed similar trends

43 across White, Black and Hispanic races and ethnicities.

44 D. The Surgeon General and the National Cancer Institute, have found that
45 smokeless tobacco use is hazardous to health and can lead to nicotine addiction.

46 E. The National Cancer Institute states that chewing tobacco and snuff contain
47 twenty-eight cancer-causing agents and the U.S. National Toxicology Program has
48 established smokeless tobacco as a "known human carcinogen." The National Cancer
49 Institute and the International Agency for Research on Cancer report that use of
50 smokeless tobacco causes oral, pancreatic and esophageal cancer.

51 F. The American Cancer Society associates smokeless tobacco with gum and
52 tooth disease, and various National Institute of Health studies have found that smokeless
53 tobacco is also associated with increased risk of peptic ulcers and coronary artery disease.

54 G. Smokeless tobacco products are heavily advertised and promoted where the
55 top five smokeless tobacco companies in the United States more than quadrupled their
56 total advertising and marketing expenditures from 1998 to 2015. Moreover, the Federal
57 Trade Commission reports that in 2015, the top five smokeless tobacco companies spent
58 \$684.9 million to advertise and promote their products.

59 H. In April 2010, Terry F. Pechacek, Ph.D., Associate Director for the Science
60 Office on Smoking and Health for the CDC testified before the U.S House of
61 Representatives Subcommittee on Energy and Commerce and stated that, "Athletes serve
62 as role models for youth, and smokeless tobacco manufacturers have used advertising,
63 images, and testimonials featuring athletes and sports to make smokeless tobacco
64 products appear attractive to youth," and also stated that "Children and teens closely
65 observe athletes' actions, including their use of tobacco products, and are influenced by

66 what they see. Adolescents tend to mimic the behaviors of those they look up to and
67 identify with, including baseball players and other athletes."

68 I. In a letter to baseball commissioner Bud Selig on June 2014, following the
69 death of Major League Baseball player Tony Gwynn, who died of salivary gland cancer
70 from addiction to smokeless tobacco, nine leading health care organizations, including
71 the American Medical Association and the American Dental Association, stated that "Use
72 of smokeless tobacco endangers the health of major league ballplayers. It also sets a
73 terrible example for the millions of young people who watch baseball at the ballpark or
74 on TV and often see players and managers using tobacco."

75 J. The use of smokeless tobacco has become part of the culture of baseball, not
76 only at the professional level, but at every level of the sport. The strong association of
77 baseball and smokeless tobacco is reinforced by the use of smokeless tobacco by players,
78 coaches and fans, both professional and amateur. However, progressive steps have been
79 taken by Major League Baseball to change this culture. The 2016 collective bargaining
80 agreement between players and owners prohibits new Major League Baseball players
81 from using smokeless tobacco. The agreement also makes violations of local tobacco-
82 free stadium laws also violations of the agreements.

83 K. The use of smokeless tobacco has also become part of the culture of other
84 professional sports including football, hockey, lacrosse and even wrestling. According to
85 the 2014 National Collegiate Athletic Association Substance Use Report, approximately
86 49.4 percent of male hockey players, 47.2 percent of male baseball players, 40.0 percent
87 of male lacrosse players, 36.9 percent of male wrestlers and 23.8 percent of male football
88 players use smokeless tobacco.

89 NEW SECTION. SECTION 5. Definitions. The definitions in this section apply
90 throughout this chapter unless the context clearly requires otherwise.

91 A. "Event site" means the entire physical area in which professional sporting
92 events occur, including all open, semi-open and enclosed spaces and structures, playing
93 fields, dugouts, bullpens, training rooms, locker rooms, team bench areas, spectator
94 seating areas, pedestrian walkways, bathrooms, dining areas, vendor areas, offices, press
95 boxes, television and radio broadcast booths, recreational areas and parking lots.

96 B. "Smokeless tobacco" means any product that contains cut, ground, powdered
97 or leaf tobacco and is intended to be placed in the oral or nasal cavity, including, but not
98 limited to, snuff, chewing tobacco, dipping tobacco, dissolvable tobacco products and
99 snus.

100 NEW SECTION. SECTION 6. Prohibition. Notwithstanding any other
101 provision of law, no person shall use smokeless tobacco at any event site.

102 NEW SECTION. SECTION 7. Signage. Notwithstanding any other provision
103 of law, each event site shall have conspicuous signs clearly communicating that the use
104 of smokeless tobacco is prohibited.

105 NEW SECTION. SECTION 8. Enforcement - penalties.

106 A. The director of Public Health - Seattle & King County is authorized to enforce
107 section 7 of this rule in accordance with BOH chapter 1.08 and consistent with subsection
108 B. and C. of this section.

109 B. When violations of section 7 of this rule occur, a warning shall first be given
110 to the event site. Any subsequent violation is subject to a civil penalty of up to one
111 hundred dollars, except as provided in subsection C. of this section. Each day upon

112 which a violation occurs or is permitted to continue constitutes a separate violation.

113 C. Civil penalties for violations of section 7 of this rule at any event site with
114 more than one thousand persons lawfully permitted to assemble at the venue, shall be
115 assessed at a rate of one hundred dollars for every one thousand persons lawfully
116 permitted to assemble at the venue, for each violation. Each day upon which a violation
117 occurs or is permitted to continue constitutes a separate violation.

118 SECTION 9. Severability. If any provision of this rule or its application to any
119 person or circumstance is held invalid, the remainder of the rule or the application of the
120 provision to other persons or circumstances is not affected.

R&R BOH18-02 was introduced on and passed as amended by the Board of Health on
4/19/2018, by the following vote:

Yes: 12 - Dr. Danielson, Ms. Bagshaw, Mr. McDermott, Mr.
Dembowski, Ms. Honda, Dr. Daniell, Ms. Kohl-Welles, Ms. Birney
and Ms. Mosqueda
No: 0
Excused: 2 - Ms. Lambert and Ms. Juarez

KING COUNTY BOARD OF HEALTH
KING COUNTY, WASHINGTON



Rod Dembowski, Chair

ATTEST:



Melani Pedroza, Clerk of the Board

Attachments: None