



Legislation Text

File #: BOH20-03, **Version:** 1

Clerk 10/27/2020

A RULE AND REGULATION relating to age restrictions regarding electronic smoking devices and unapproved nicotine delivery products; and amending R&R 10-04, Section 6, and BOH 19.12.040, R&R 10-04, Section 7, and BOH 19.12.050 and R&R 10-04, Section 8, and BOH 19.12.060.

BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

SECTION 1. R&R 10-04, Section 6, and BOH 19.12.040 are hereby amended to read as follows:

Definitions. As used in this chapter, the following terms shall be defined as follows:

A. "Electronic smoking device" means an electronic or battery-operated device, the use of which resembles smoking, that can be used to deliver nicotine or other substances to the person inhaling from the device. "Electronic smoking device" includes, but is not limited to, an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe and an electronic hookah. "Electronic smoking device" does not include a cigarette, as defined in ((RCW)) chapter 82.24 RCW or tobacco products, as defined in ((RCW-C)) c hapter 82.26 RCW.

B. "Employer" shall have the meaning set forth in BOH 19.03.040.

C. "Minor" means any person younger than ((eighteen)) twenty-one years old.

D. "Person" means any natural person, individual, corporation, unincorporated association, proprietorship, firm partnership, joint venture, joint stock association or other entity of business of any kind.

E. "Place of employment" shall have the meaning set forth in BOH 19.03.040.

F. "Public place" shall have the meaning set forth in BOH 19.03.040.

G. "Seller" means any person who sells, distributes with an economic or a business purpose, offers for sale or does or offers to exchange for any form of consideration, electronic smoking devices or unapproved nicotine delivery products.

~~((F-))~~ H. "Unapproved nicotine delivery product" means a product containing or delivering nicotine intended or expected for human consumption, or any part of such a product, that is not a cigarette, as defined by RCW 82.24.010, or a tobacco product, as defined by RCW 82.26.010, and that has not been approved or otherwise certified for sale by the United States Food and Drug Administration as a tobacco use cessation product, or for other medical purposes.

SECTION 2. R&R 10-04, Section 7, and BOH 19.12.040 are hereby amended to read as follows:

Age identification requirement. Each seller shall verify by means of photographic identification listed in RCW 70.155.090 that no person purchasing electronic smoking devices or unapproved nicotine delivery devices is younger than ~~((eighteen))~~ twenty-one years old, except that no such verification is required for any purchaser over twenty-six years old.

SECTION 3. R&R 10-04, Section 8, and BOH 19.12.060 are hereby amended to read as follows:

Sale to minors prohibited.

A. No person shall sell, give or furnish, or cause or allow to be sold, given or furnished, electronic smoking devices to a minor unless those products have been approved or otherwise certified for legal sale by the United States Food and Drug Administration and approved for use by minors, and the products are being sold, given or otherwise furnished pursuant to that approval and in full compliance with any related Food and Drug Administration rules, regulations or other requirements.

B. No person shall sell, give or furnish, or cause or allow to be sold, given or furnished, unapproved nicotine delivery devices product to a minor.

C. It is a defense to a prosecution for violation of this section that the person making the sale, gift or

otherwise furnishing the product reasonably relied on any of
the officially issued identifications listed in RCW 70.155.090 showing that the purchaser or recipient was at
least ((~~eighteen~~)) twenty-one years old.