

## Chapter 8.24 SMOKING AND VAPING

### Sections

8.24.010 Definitions.

8.24.020 Smoking prohibited in public places or places of employment.

8.24.030 Owners, lessees to post signs prohibiting smoking **and vaping**.

8.24.040 Intent of chapter as applied to certain private workplaces.

8.24.050 Intentional violation of chapter - Removing, defacing, or destroying required sign - Fine - Enforcement.

8.24.060 Giving away tobacco products prohibited.

8.24.070 Electronic Vapor Devices.

8.24.080 Severability.

### 8.24.010 Definitions.

As used in this chapter, the following terms have the meanings indicated unless the context clearly indicates otherwise.

1. "Smoke" or "smoking" means the carrying, smoking, or use of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.
2. "Electronic Vapor Device" means any electronic product that can be used to aerosolize and deliver nicotine and/or other substances to the person inhaling from the device, including but not limited to, an electronic or e-cigarette, e-cigar, e-pipe, e-pen, or any other such device, regardless of the details of the product appearance or marketed name.
3. "Liquid Nicotine" means any liquid product composed either in whole or in part of nicotine, propylene glycol and/or other similar substances and manufactured for use with an electronic cigarette or electronic nicotine delivery system.
4. "Public place" means that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission, and includes a presumptively reasonable minimum distance, as set forth in [RCW 70.160.075](#), of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, adult care, or other similar social service care on the premises.

Public places include, but are not limited to: Schools, elevators, public conveyances or transportation facilities, museums, concert halls, theaters, auditoriums, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public restrooms, libraries, restaurants, waiting areas, lobbies, bars, taverns, bowling alleys, skating rinks, casinos, reception areas, any place where tobacco or tobacco products are sold, and no less than seventy-five percent of the sleeping quarters within a hotel or motel that are rented to guests. A public place does not include a private residence. This chapter is not

intended to restrict smoking in private facilities which are occasionally open to the public except upon the occasions when the facility is open to the public.

5. "Place of employment" means any area under the control of a public or private employer which employees are required to pass through during the course of employment, including, but not limited to: Entrances and exits to the places of employment, and including a presumptively reasonable minimum distance, as set forth in [RCW 70.160.075](#), of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited; work areas; restrooms; conference and classrooms; break rooms and cafeterias; and other common areas. A private residence or home-based business, unless used to provide licensed child care, foster care, adult care, or other similar social service care on the premises, is not a place of employment. (Ord. 2009-13, 2009)
6. "Retail outlet" means each place of business from which vapor products are sold to consumers.
7. "Primary retail activity" means the business activity that generates at least 51% of the business' income.

#### **8.24.020 Smoking prohibited in public places or places of employment.**

No person may smoke in a public place or in any place of employment. (Ord. 2009-13, 2009)

#### **8.24.030 Owners, lessees to post signs prohibiting smoking and vaping.**

Owners, or in the case of a leased or rented space the lessee or other person in charge, of a place regulated under this chapter shall prohibit smoking in public places and places of employment **and vaping in indoor public places not subject to the tasting exception** and shall post signs prohibiting smoking **and vaping** as appropriate under this chapter. Signs shall be posted conspicuously at each building entrance. In the case of retail stores and retail service establishments, signs shall be posted conspicuously at each entrance and in prominent locations throughout the place. (Ord. 2009-13, 2009)

#### **8.24.040 Intent of chapter as applied to certain private workplaces.**

This chapter is not intended to regulate smoking **or vaping** in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the chief of the Washington state patrol, through the director of fire protection, or by other law, ordinance, or regulation. (Ord. 2009-13, 2009)

#### **8.24.050 Intentional violation of chapter - Removing, defacing, or destroying required sign - Fine - Enforcement.**

1. Any person intentionally violating this chapter by smoking in a public place or place of employment, **or vaping in a prohibited area**, or any person removing, defacing, or destroying a sign required by this chapter, is subject to penalties and enforcement under [Title 18 KCC](#), except that a notice of correction under [Chapter 18.02 KCC](#) shall not be required. Any person passing by or through a public place while on a public sidewalk or public right-of-way has not intentionally violated this chapter.
2. Any person intentionally violating section 030 of this chapter, is subject to penalties and enforcement under [Title 18 KCC](#), except that a notice of correction under [Chapter 18.02 KCC](#) shall not be required and the minimum penalty shall be \$100 for each day of violation under

this chapter, not including statutory assessments. This penalty may not be waived, reduced, or suspended below the \$100.

3. Nothing in this Chapter shall in any way limit Local health departments, Local Law enforcement agencies and the county prosecutor from seeking to enforce [Chapter 70.160 RCW](#). (Ord. 2009-13, 2009)

#### **8.24.060 Giving away tobacco products prohibited.**

Giving away tobacco and tobacco products is prohibited. No retailer shall give away tobacco or tobacco products to any person. No person shall give away or offer to give away tobacco products to any person. (Ord. 2009-13, 2009)

#### **8.24.070 Electronic Vapor Devices.**

No person may use an electronic vapor device in any indoor public place unless the public place is a licensed retail outlet where access by minors is prohibited. In licensed retail outlets where the primary retail activity is the sale and distribution of electronic vapor devices and liquid nicotine, tastings and samplings are permitted within the licensed premises. In licensed retail outlets where access by minors is prohibited, and the primary retail activity is not the sale and distribution of electronic vapor devices and liquid nicotine, any tastings or samplings may only be offered in an enclosed area separated from all other business activity.

#### **8.24.080 Severability.**

If any provision of this Chapter or its application to any person or circumstances is held invalid, the remainder of the Chapter or the application of the Chapter to other persons or circumstances shall not be affected. (Ord. 2009-13, 2009)