



NEW HANOVER COUNTY

HEALTH & HUMAN SERVICES

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Donna Fayko, Director

TO: Individuals who own, manage, operate, or control an indoor public place in New Hanover County

FROM: Donna Fayko

DATE: January 29, 2021 - <https://health.nhcgov.com/permits-and-rules/>

RE: New Hanover County Smoking/Vaping Rules

You are receiving this letter because your business will be affected by New Hanover County's new smoking/vaping rule, which went into effect on **Feb 1, 2021**. We are here to support you in implementing the rule, and we need your assistance for successful implementation. I wanted to share some key points about the regulation and your role to help it meet its intent of protecting public health in our county.

First, it's important for you to understand **WHY** the New Hanover County Health and Human Services Board developed this rule, which was then affirmed by the New Hanover County Board of Commissioners.

Our Vision:

In our county, too many people are harmed and killed by tobacco product use. On top of that, e-cigarettes and vaping devices containing harmful products and nicotine is increasing among our youth. This rule takes action to address both problems and protect our citizens' health. We know that smoke-free/vape-free policies are an evidence-based effective approach to deliver a **triple benefit for public health:**

- 1) People benefit from **reduced exposure to secondhand tobacco smoke** (a strongly documented health threat) **and secondhand e-cigarette emissions** (known to contain harmful chemicals).
- 2) Having fewer places where people can smoke or vape **supports people who are trying to quit** and those who have quit and are trying to remain smoke and vape free by not exposing them to the products they are working to quit using.
- 3) **Our youth** will be much less likely to see people (including their role models) using cigarettes and e-cigarettes in public places, reducing their likelihood of trying it for themselves.

What we ask of you:

It's important that you provide your staff and customers awareness of this rule. Here are the required steps:

- 1) **Post appropriate signs reflecting both no smoking and no e-cig/vaping**

<https://health.nhcgov.com/your-environment/tobacco/> - this link takes you to our webpage created to support you, click on the Businesses bar below to access printable signs for your entrance doors and any other locations you wish to place them. Also, we will be making limited quantities of outdoor signage available to those with properties that necessitate such outdoor signage as well.

The printable signs must be posted at each entrance to businesses/spaces covered by the rule. This includes the following businesses: Childcare facilities; shopping malls; retail stores; theaters; indoor entertainment and sports arenas; gaming facilities, including internet sweepstakes and video poker; lobbies, hallways and common areas in apartment buildings, condominiums, retirement facilities, nursing homes and other multi-unit residential facilities; and other indoor commercial establishments where the public is invited or permitted.

In addition, vaping (use of e-cigarettes) will be prohibited in areas where smoking is already covered by the state law. This includes restaurants, bars, common areas and non-smoking rooms of hotels and inns (up to 20% of rooms can be reserved for smoking/vaping).

- 2) Remove all ashtrays and other smoke receptacles from the areas where smoking is prohibited**
This includes all indoor areas in the businesses listed above, except the smoking rooms in hotels.

3) Cessation Support

While it is important to make your employees aware of the rule, more important is informing them and supporting their efforts to quit with any cessation services available to them.

NOW IS THE TIME to inventory your employer provided health insurance for tobacco cessation benefits and promote those benefits to your employees. There are also excellent free services available to help people quit tobacco and vaping.

Here are some smoking/vaping cessation services and resources available to your employees and customers:

1) QuitlineNC will provide at least one counseling session, printed materials and registration for Web-Coaching and Text-Coaching services for people who want to quit, and who have private insurance. Some can receive more services, based on insurance-status. Access these services at 1-800-Quit-Now (1-800-784-8669) or at www.quitlineNC.com. There are special programs, with additional counseling sessions, for those with behavioral health issues, who are pregnant or planning a pregnancy, and teens. Services are available in English, Spanish and other languages.

2) Smokefree.gov has live chat, online, text and app programs, including programs in Spanish, and programs especially for vaping, women, older adults, teens, and veterans.

3) BecomeAnEx: <https://www.becomeanex.org/>

BecomeAnEx strives to help identify your triggers... anytime, place, activity or person can trigger your desire to smoke or vape. Once your triggers are identified, BecomeAnEx.org provides interactive resources to teach you how to deal with these urges without smoking or vaping. Information is available in English and Spanish.

Additionally, health care providers may have resources for cessation.

Additional resource materials will be available at <https://health.nhcgov.com> under Your Environment.

Enforcement

The more education and positive promotion you can provide to your employees, vendors and customers, your need for enforcement will diminish.

In many of your businesses, **you already don't allow smoking, for good reason.** This rule now enables you to dis-allow **the use of e-cigarettes and vaping products.**

Most smoke-free/vape-free regulations require little if any enforcement, as people see the signage and comply. Education, signs and reminders are all it normally takes for such rules and laws to be followed. It is our hope that by educating your leadership, employees, and visitors, you can successfully keep your business free of tobacco smoke and e-cigarette emissions.

Here are the parameters for enforcement:

- 1) Violations by employees should be handled internally, respective to personnel policies and laws.
- 2) Violations by individuals after non-compliance with an initial verbal warning can be charged by a law enforcement officer with an Infraction punishable by a \$50 fine.
- 3) Violations by individuals who own, manage, operate, or control an indoor public place, and do not sustain a smoke-free/vape-free environment can be cited with up to two warning letters by the New Hanover County Health Director. A third violation during the same year may result in a \$200 administrative penalty for each day the public place is out of compliance.

As the New Hanover County Health and Human Services Director, I'm counting on leaders like you to assist us in making our county safer and healthier starting February 1, 2021. We know that implementation will be a process and will not occur overnight. Please let us know how we can assist you through this transition.

In partnership,

Donna F. Fayko

HHS Director