15 West Kellogg Blvd.
Saint Paul, MN 55102
651-266-9200

Ramsey County

Request for Board Action Details

File #:	2022-358		
Type:	Ordinance	**Status:**	Passed
		In control:	Board of Commissioners
On agenda:	7/12/2022	**Final action:**	7/12/2022
Title:	Ramsey County Smoking and Commercial Tobacco Use Ordinance - Adopt the Ordinance		
Sponsors:	Public Health		
Indexes:			
Code sections:			
Attachments:	1. Ramsey County Smoking and Commercial Tobacco Use Ordinance, 2. Revised Fine Schedule, 3. Schedule of Events, 4. References, 5. Resolution		

Date	Ver.	Action By	Action	Result
7/12/2022	1	Board of Commissioners	approved	Pass

Sponsor: Public Health

Title
Ramsey County Smoking and Commercial Tobacco Use Ordinance - Adopt the Ordinance

Recommendation
Adopt the Ramsey County Smoking and Commercial Tobacco Use Ordinance.

Background and Rationale
Public Health, acting in the health interests of both the citizens of the city of Saint Paul and Ramsey County, seeks to reduce commercial tobacco use within the Ramsey County community. Commercial tobacco use is the single most preventable cause of death and disease. Long-term commercial tobacco use is directly related to many illnesses, including lung, oral and pharyngeal cancer and heart and lung diseases. In Ramsey County, one in eight deaths are commercial tobacco-related and commercial tobacco creates $262.7 million in excess medical costs and a $753 tax burden per household. (1)

Commercial tobacco-free policies help ensure all community members have a healthy environment in which to live. These policies help people who are trying to quit by eliminating the sight and smell of commercial tobacco. The Minnesota Clean Indoor Air Act and Ramsey County Clean Indoor Air Ordinance currently prohibit smoking and vaping (e-cigarettes) within virtually all indoor public places, including places of employment, and within 25 feet of entrances, exits, open windows and ventilation intakes of these locations. The Ramsey County Smoking and Commercial Tobacco Use Ordinance would expand upon the Minnesota Clean Indoor Air Act and Ramsey County Clean Indoor Air Ordinance to prohibit all commercial tobacco products on all property that is owned, leased, rented, contracted or otherwise used or controlled by Ramsey County, including indoor and outdoor spaces. This expansion of the current policy can be justified by the following:

Secondhand smoke can harm health both indoors and outdoors and smokeless commercial tobacco is not a safe alternative:

- There is no safe level of exposure to secondhand smoke and smoke and vape-free environments protect the Ramsey County community from secondhand smoke. (2)

- Secondhand smoke levels in outdoor locations can reach levels comparable to indoor levels where smoking is permitted. (3,4,5)
- Commercial tobacco smoke contains over 7,000 chemicals and is a common trigger for asthma attacks. People with asthma, respiratory conditions or heart disease can face serious health problems from even a brief exposure to secondhand smoke, both indoors and outdoors. (6)
- E-cigarette aerosol, commonly known as vapor, contains nicotine, carcinogens and metals, such as nickel and chromium, that can exceed those associated with conventional secondhand smoke.
- Evidence continues to build that exposure to vapor, including secondhand exposure, has immediate impacts on the human respiratory and cardiovascular systems and thus likely poses a risk to human health. (7)
- Secondhand smoke odor is detectable up to 23 feet from its source and irritation levels began around 13 feet from the source. Anyone positioned downwind from an outdoor source of secondhand smoke will be exposed, even at significant distances from the source. (8)
- Smokeless commercial tobacco causes nicotine addiction and death and disease including many types of cancer and increased risk for heart disease and stroke. (9)

Policies that prohibit commercial tobacco use help prevent commercial tobacco exposure and use in youth and young adults:

- Evidence supports that the establishment of smoke-free public and workplace environments reduces the initiation, prevalence and intensity of smoking among youth and young adults. (9)
- Lower smoking rates are an effect of the lower visibility of role models who use commercial tobacco, fewer opportunities to smoke and reduced social acceptability and social advantage for smoking. (10)
- Vaping is a serious threat to young people’s health. The 2020 Minnesota Youth Tobacco Survey found that one in five high school students use e-cigarettes and 70% of high school and middle school users report signs of nicotine dependence. (11)

Commercial tobacco use and exposure harm the health of vulnerable and disproportionately impacted populations:

- Eliminating locations where commercial tobacco use is allowed will help reduce health disparities and inequities experienced by racially and ethnically diverse communities, low-income communities and other marginalized communities.
- African Americans, American Indians, two-spirit, lesbian, gay, bisexual, transgender and queer (2SLGBTQ+) individuals, women, youth, low-income populations and other systemically marginalized communities are disproportionately impacted by the harms of commercial tobacco and targeted by the commercial tobacco industry.
- Commercial tobacco use is a major contributor to the three leading causes of death among African Americans - heart disease, cancer, and stroke. (12)
- Both commercial tobacco-related cancer incidence and death rates are higher for African Americans than other racial/ethnic groups. (13)
- In Minnesota, 59% of American Indian adult's smoke commercial tobacco, compared to 14.5% of Minnesota’s overall adult population. (14)
- Lung cancer is also the leading cause of cancer death for Minnesota’s American Indian community. (15)
- Lower-income populations have less access to health care, making it more likely that they are diagnosed at later stages of diseases and conditions. (16)
- 2SLGBTQ+ individuals are less likely to have health insurance than straight individuals, which may negatively affect health as well as access to cessation treatments, including counseling and medication. (17)

Waste from commercial tobacco products that can harm human and animal health and the environment:

- Cigarette butts are a very common form of litter found in parks and recreation areas. Discarded cigarettes contain arsenic, lead and other toxic chemicals that pollute the land and water and may be

ingested by toddlers, pets, birds, or fish. (18)
- E-cigarette-related waste is potentially a more serious environmental threat than cigarette butts because it contains metal, circuitry, single-use plastic cartridges, batteries, lead, mercury and toxic chemicals in e-liquids. (19)
- Litter from commercial tobacco products impacts valuable maintenance resources to clean-up.

As of February 2022, at least 27 local governments in Minnesota, including 20 cities and five counties, have enacted ordinances that prohibit or restrict smoking and/or the use of commercial tobacco products in specified outdoor areas, and three counties (Blue Earth, Redwood and Hennepin) have adopted policies that prohibit smoking and the use of all commercial tobacco products, including electronic delivery devices, by all persons in and on all property that the counties have authority to control. The Ramsey County Smoking and Commercial Tobacco Use Ordinance would align Ramsey County with best practices in reducing commercial tobacco use.

The Ramsey County Board of Commissioners has previously taken actions to regulate commercial tobacco use to promote public health and community well-being as additional data and information about the harmful effects of smoking have emerged. This includes adoption of the Ramsey County Clean Indoor Air Ordinance in 2015 and the Ramsey County Menthol Resolution in 2017.

The Ramsey County Home Rule Charter section 5.01.A.1 requires that certain acts of the Ramsey County Board shall be by ordinance, including: “Establish, structure, merge or abolish any county department, office, agenda, board or commissions, except as provided for in this charter.”

County Goals (Check those advanced by Action)

☒ Well-being ☒ Prosperity ☐ Opportunity ☐ Accountability

Racial Equity Impact

As detailed in the Background and Rationale section, the burden of commercial tobacco use and exposure disproportionately falls on the health of racially and ethnically diverse communities. Commercial tobacco-free policies help reduce many of these burdens.

This ordinance will provide a decriminalized civil penalty for violation of county ordinances as an alternative to misdemeanor citations. The petty misdemeanor attached to the Ramsey County Clean Indoor Air Ordinance can result in a fine of up to $300 and may show up on background checks. Because of the existing racial inequities inherent to the criminal justice system, creating a decriminalized ordinance enforcement option gives the Public Health department a tool that can be used to protect public health, while minimizing enforcement impacts on people from racially and ethnically diverse backgrounds. The penalties for violation of this Ordinance will be $50 for smoking or using commercial tobacco products indoors or outdoors or smoking within 25 feet of entrances, exits, open windows and ventilation intakes of public places and places of work.

This ordinance will include an exception for American Indian traditional or sacred tobacco use. American Indian people have been violently deprived of traditional practices, including traditional or sacred tobacco use, by colonization and cultural genocide and have been targeted by the commercial tobacco industry. Supporting the use of traditional or sacred tobacco through this exception will target commercial tobacco use, while preserving the right to important ceremonial, cultural and spiritual practices.

The Ramsey County Parks and Recreation department conducted community engagement on tobacco use in parks and recreation areas in 2021. The Racial Equity Review process began in April 2021. Parks and Recreation staff conducted virtual sessions with the following groups to examine their current ordinance and uncover ways the current ordinance could have a negative racial equity impact:
- Ramsey County Equity Action Circle.
- Public Health Law Center.

powered by Legistar™

- Public Defenders working in Ramsey County.
- Ramsey County Parks Commission.
- Ramsey County Parks & Recreation Racial Equity Leadership Team.

In addition, during the summer of 2021, Parks and Recreation got feedback from 1,540 community members. More than 125 participants in this engagement identified being from Black, Indigenous and People of Color (BIPOC) communities. As part of the racial equity review, project organizers compared these responses to those from people who identified as white or did not identify their race or ethnicity. Feedback from BIPOC-identifying participants aligned with the feedback received from participants who identified as white in the areas of smoking and commercial tobacco use. Overall, banning smoking and commercial tobacco use appealed to a large portion of respondents. The primary appeal of prohibiting smoking and commercial tobacco use was the health benefits, particularly for children and other vulnerable populations, supporting parks as places of healthy living.

Community Participation Level and Impact
Community members participated in this action through the Ramsey County Parks and Recreation department's community engagement process conducted to inform the Park Ordinance update during the summer of 2021.

Members of St. Paul Indians in Action (SIA) provided guidance on policy formation regarding the use of traditional or sacred tobacco. SIA also provided input on the importance of distinguishing between traditional or sacred tobacco and commercial tobacco within the Ordinance.

Community members were additionally engaged through long-standing work with the Ramsey Tobacco Coalition, a diverse group of community stakeholders who support policies designed to decrease the harms of commercial tobacco use and exposure.

Community members came to the Public Hearing on June 28, 2022 to share support and concerns for the Ramsey County Smoking and Commercial Tobacco Use Ordinance.

☒ Inform ☒ Consult ☒ Involve ☒ Collaborate ☐ Empower

Fiscal Impact
Payments of penalties for administrative citations would accrue to the Ramsey County, but it is expected that few citations would be issued, and the fiscal impact would be minimal. Environmental Health issued no citations for violation of the Ramsey County Clean Indoor Air Ordinance in 2020 and 2021.
Any future civil penalty revenue would be deposited into the Ramsey County general fund, violations account.

Last Previous Action
On June 28, 2022, the Ramsey County Board waived the second reading of the proposed Ramsey County Smoking and Commercial Tobacco Use Ordinance and held a public hearing (Resolution B2022-148).

On June 7, 2022, the Ramsey County Board waived the first reading of the proposed Ramsey County Smoking and Commercial Tobacco Use Ordinance and set a public hearing for June 28, 2022 (Resolution B2022-138).

Attachments
1. Ramsey County Smoking and Commercial Tobacco Use Ordinance
2. Revised Fine Schedule
3. Schedule of Events
4. References