

DAVIS COUNTY BOARD OF HEALTH

ELECTRONIC CIGARETTE SUBSTANCE REGULATION



Davis

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1.0 PURPOSE

The purpose of this regulation is to protect the public health, safety, and welfare of residents and employees by establishing practices and provisions for the manufacturing of Electronic Cigarette Substances; and the safe preparation and handling of Electronic Cigarette Substances in Davis County.

2.0 SCOPE

This regulation is applicable within all incorporated and unincorporated areas of Davis County.

3.0 AUTHORITY AND APPLICABLE LAWS

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Utah Code Annotated (UCA) Section 26-A-1 Section 121.

The provisions of Utah Administrative Code (UAC) R384-415: Electronic Cigarette Substance Standards are hereby adopted by reference and incorporated subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

4.0 DEFINITIONS

- 4.1 DEPARTMENT: The Davis County Health Department.
- 4.2 ELECTRONIC CIGARETTE SUBSTANCE: Any substance, including liquid containing nicotine, used or intended for use in an electronic cigarette.
- 4.3 ELECTRONIC CIGARETTE SUBSTANCE COMPONENTS: The ingredients used in making Electronic Cigarette Substances including, but not limited to propylene glycol (PG), vegetable glycerin (VG), nicotine, and flavorings.
- 4.4 GOOD HYGIENIC PRACTICES: General activities that include, but are not limited to, washing hands, covering open wounds or abrasions, not working when experiencing signs or symptoms of an illness, keeping work areas clean and free from food and drink, etc.
- 4.5 MANUFACTURING: Process that includes, but is not limited to, mixing, re-packaging and/or re-sizing Electronic Cigarette Substances.
- 4.6 MANUFACTURING FACILITY: Any business within Davis County that manufactures, repackages, or resizes Electronic Cigarette Substances for sale or for resale.
- 4.7 NICOTINE: An alkaloid derived of tobacco and other plants, or produced synthetically which has addictive and other physiological effects when ingested or inhaled.
- 4.8 PREPARATION AREA: Physical location in which Electronic Cigarette Substances and

Electronic Cigarette Substance Components are mixed, repackaged, or resized for sale to the consumer.

- 4.9 SAFETY PRECAUTIONS: General activities that include, but are not limited to, wearing gloves, wearing eye protection, using equipment that is in good repair, cleaning up spills, access to a first aid kit, etc.

5.0 REGULATION

5.1 ELECTRONIC CIGARETTE SUBSTANCES IN DAVIS COUNTY

- 5.1.1 All Electronic Cigarette Substances for sale in Davis County must meet the requirements of R384-415.
- 5.1.2 Electronic Cigarette Substances may be subject to testing by the Department.

5.2 ELECTRONIC CIGARETTE SUBSTANCE MANUFACTURING FACILITIES IN DAVIS COUNTY

- 5.2.1 All Electronic Cigarette Substances manufactured in Davis County must meet the requirements of R384-415.
- 5.2.2 Electronic Cigarette Substance Manufacturing Facilities located within Davis County must obtain an Electronic Cigarette Substance Operating Permit from the Department.
- 5.2.3 Sanitation and Safety
 - 5.2.3.1 Electronic Cigarette Substance preparation areas must be smooth, non-absorbent and easily cleanable.5.2.3.2 All Electronic Cigarette Substance preparation equipment shall be easily cleanable and in good repair.
 - 5.23.3.3 Individuals preparing Electronic Cigarette Substances shall use Good Hygienic Practices and take proper Safety Precautions.
 - 5.2.3.4 Drinking, eating, vaping or smoking is not permitted in the Preparation Area.
 - 5.2.3.5 No animals shall be permitted in the Preparation Area.
 - 5.2.3.6 Electronic Cigarette Substances and Electronic Cigarette Substance Components shall be stored to prevent contamination and/or spillage.
 - 5.2.3.6.1 Nicotine shall be stored in a manner to prevent contamination of Preparation Areas, equipment,

supplies and other Electronic Cigarette Substance Components.

5.2.3.7 Chemicals not involved in the preparation of Electronic Cigarette Substances shall not be stored in preparation or ingredient storage areas.

5.2.4 Operating Procedures

5.2.4.1 Standard Operating Procedures (SOPs) for manufacturing Electronic Cigarette Substances shall be written and must incorporate Good Hygienic Practices and Safety Precautions. SOPs shall be made available to the Department upon request.

5.2.4.2 Employees shall be trained on all SOPs and training logs shall be maintained. Logs shall be made available to the Department upon request.

6.0 PENALTY

6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123

6.1.1 Any Person who is found guilty by a court having proper jurisdiction of: violating any of the provisions of this regulation; or, violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor;

6.1.2 Any Person who is found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor;

6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation;

6.1.4 Conviction under this section does not relieve the Person convicted from civil liability.

6.2. Civil and Administrative Penalties

The exercise of civil and administrative penalties shall be subject to the Board of Health's Adjudicative Hearing Procedures Regulation.

6.2.1 Any Person who violates any of the provisions of this regulation or violates, disobeys, or disregards any Notice or Order issued under this regulation shall be subject to:

6.2.1.1 The Payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies;

6.2.1.2 A penalty pursuant to the provisions of UCA Subsection 26-23-6(2).

7.0 SEVERABILITY

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end the provisions of this regulation are declared to be severable.

8.0 FEES

Annual Electronic Cigarette Substance Operating Permit \$200

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 25th day of November, 2014.

Effective date: November 25, 2014.

Revised and Amended: July 1, 2016.

Revised and Amended: February 13, 2018.

Davis County Board of Health

Signed: 

Dr. Ryan Stewart
Board Chairman

Attest: 

Brian Hatch, MPH
Director of Health