

Chapter 10 --- Health and Sanitation

Article II - ~~Smoking~~ **Use of Tobacco Products and Inhalant Delivery Systems Regulations in Public Buildings and Vehicles**

Section 10-11. ~~Use of tobacco products and inhalant delivery systems prohibited in all enclosed city-owned buildings.~~ **Use of tobacco products and inhalant delivery systems prohibited in all enclosed city-owned buildings.**

It shall be unlawful for any person to use any tobacco product, including a lit cigarette, cigar, pipe or other lighted smoking material or equipment, chewing tobacco, "dip" or snuff, in any enclosed City-owned building. "No Smoking" signs shall be conspicuously displayed near all entrances to all enclosed city-owned or occupied buildings.

Similarly, it shall be unlawful for any person to use any inhalant delivery system, as defined in Section 10-14, in any enclosed City-owned building.

For purposes of this ~~s~~Section, "enclosed" means a structure or building that is bound on all sides by any combination of walls, half walls, windows or doorways which extend from floor to ceiling, regardless of whether the windows or doorways are open or closed.

Section 10-12. ~~Use of tobacco products and inhalant delivery systems prohibited in city-owned vehicles.~~ **Use of tobacco products and inhalant delivery systems prohibited in city-owned vehicles.**

It shall be unlawful for any person to use any tobacco product, including a lit cigarette, cigar, pipe or other lighted smoking material or equipment, chewing tobacco, "dip" or snuff, in a City-owned or leased vehicle. Similarly, it shall be unlawful for any person to use any inhalant delivery system, as defined in Section 10-14, in any City-owned or leased vehicle.

Section 10-13. **Smoking and use of inhalant delivery systems in public places.**

Harmful effects from exposure to exhaled smoke and smoke from the end of a burning cigarette, cigar or pipe, commonly referred to as secondhand smoke, being well documented, it is in the interest of the health, safety and welfare of the general public that exposure to secondhand smoke be minimized in indoor places where it is usual and customary for members of the general public to convene to work, conduct business, or recreate.

Similarly, the use of inhalant delivery systems has increased dramatically in recent years. Studies have shown that emissions from inhalant delivery systems can contain a variety of chemicals and even metals. The personal choice to use inhalant delivery systems affects non-users because of the exhalation of inhalant emissions

Accordingly, it is the purpose of this article to foster and promote public health by decreasing citizens' exposure to secondhand smoke and secondhand inhalant emissions by regulating smoking and the use of inhalant delivery systems in enclosed places normally accessible to the public at large, and in enclosed places normally accessible to and utilized by employees.

Sec. 10-14. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City Attorney means the City Attorney for the City of Clemson, South Carolina or his/her designee.

Chief of Police means the Chief of Police of the City of Clemson, South Carolina or his/her designee.

Employee means any person who performs services for a covered employer, with or without compensation.

Covered Employer means any person, partnership, association, corporation, trust, or other organized group of individuals or entity, whether public or private, which utilizes the services of one (1) or more employees within the City limits of the City of Clemson, South Carolina.

Enclosed Area means a space in any structure or building that is bound on all sides by any combination of walls, half walls, windows, or doorways extending from floor to the ceiling, regardless of whether the windows or doors are open or closed.

Inhalant Delivery System means any device or thing, including, but not limited to, devices composed of a heating element, battery, and/or electronic circuit, which provides a vapor or aerosol of nicotine or any

other substance(s) for the purpose of inhalation. The term “inhalant delivery system shall include, but shall not be limited to, devices and things manufactured, distributed, marketed, or sold under the description of electronic smoking device, electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or electronic hookah. The term inhalant delivery systems shall include, but shall not be limited to, devices and things used to facilitate “vaping” or the act of inhaling vapor from a liquid via a personal vaporizer or atomizer.

This definition is not intended to prohibit the prescribed use of a product specifically approved by the United States Food and Drug Administration for the use in mitigation, treatment, or prevention of disease, as long as the use of such products does not present a risk of secondhand inhalation or of contact with any residue or emission by non-users.

Place of Employment means any enclosed area under the control of a covered employer which employees normally frequent during the course of employment, including, but not limited to, common work areas, employee lounges and restrooms, conference and classrooms, employee cafeterias, and hallways and stairways and other common areas of a building or structure.

Private Club or Lodge means a bona fide organization, whether incorporated or not, which is the occupant of a building or a portion of a building that has a different address, a separate entrance and not connected by common doors or passageways with any other business within the building, and which is used solely and exclusively for social, benevolent, patriotic, recreational or fraternal purposes, and not pecuniary gain or profit, and no part of the net earnings of which inures to the direct benefit of any member or shareholder, and if engaged in the sale of beer, wine, porter, ale or alcoholic beverages, such is incidental to its main purpose, and which maintains on the premises a complete membership list showing the date of application of the proposed member, the date of admission after election, the date initiation fees and dues are paid, the amount paid by each member and each member’s correct mailing address. No organization shall qualify as a private club or lodge under this section if it admits members on demand by payment of a nominal fee.

Private Office means an independent workspace or area separated from the remainder of a place of employment by four walls and a door, from floor to ceiling, and which is not immediately accessible to the general