

ORDINANCE NO. 19-04

AN ORDINANCE TO AMEND §15.12 OF THE MUNICIPAL CODE OF THE VILLAGE OF HALES CORNERS, WISCONSIN, ENTITLED “SMOKING PROHIBITED; STATE SMOKING PROHIBITED LAWS ADOPTED”, TO INCLUDE THE REGULATION OF ELECTRONIC SMOKING DEVICES AND PRODUCTS IN ADDITION TO AND OTHER THAN TOBACCO PRODUCTS INTENDED FOR INHALATION USES

WHEREAS, U. S. Federal Drug Administration and other analyses have found that e-cigarettes and other electronic nicotine delivery devices contain a number of toxins, carcinogens and components suspected of being harmful to humans and have acknowledged that consumers of e-cigarette products currently have no way of knowing whether e-cigarettes and other electronic nicotine delivery devices are safe or how much other potentially harmful chemicals are being inhaled; and

WHEREAS, there is no regulatory oversight of the manufacturing process, and injuries and deaths have occurred from e-cigarettes and other electronic nicotine delivery devices and the liquid nicotine they use; and

WHEREAS, e-cigarettes and other electronic nicotine delivery devices contain nicotine, which is a highly addictive drug and has immediate bio-chemical effects on the brain and body and according to the U.S. Surgeon General, exposure to nicotine during adolescence can harm the developing brain, which continues to develop until around age 25, and can impact learning, memory, and attention; and

WHEREAS, according to the Wisconsin State Health Officer, current e-cigarette use among Wisconsin high school students increased 154% between 2014 and 2018; in Wisconsin in 2014, just under 8% of Wisconsin high school students were using e-cigarettes; in 2018, that number has skyrocketed to 20% (or one out of every five students); and

WHEREAS, the Hales Corners Health Department having recommended including the regulation of electronic smoking devices in §15.12 of the Village Municipal Code in response to public health concerns which have arisen with regard to increased use of e-cigarettes, vaping, and the use of products other than tobacco for smoking purposes, especially among Wisconsin youth; and

WHEREAS, the Village Board having considered the Health Department recommendation and having determined these amendments to be in the interest of furthering the public health, safety and welfare.

NOW, THEREFORE the Village Board of the Village of Hales Corners, Wisconsin, do ordain as follows:

SECTION 1: §15.12 “SMOKING PROHIBITED; STATE SMOKING PROHIBITED LAWS ADOPTED” of the Municipal Code of the Village of Hales Corners, Wisconsin, the title only, is hereby amended to read as follows: “SMOKING PROHIBITED; STATE SMOKING PROHIBITED LAWS ADOPTED; REGULATION OF ELECTRONIC SMOKING DEVICES AND PRODUCTS IN ADDITION TO AND OTHER THAN TOBACCO PRODUCTS INTENDED FOR INHALATION USES”; and hereby amended to provide that the existing text shall be numbered subsection “(1)”.

SECTION 2: §15.12(2) is hereby created to read as follows:

DEFINITIONS:

SMOKING

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

ELECTRONIC SMOKING DEVICE

“Electronic smoking device” means any product containing or delivering nicotine, or any other substance, whether natural or synthetic, intended for human consumption through the inhalation of aerosol or vapor from the product. The term electronic smoking device includes, but is not limited to, devices manufactured, marketed or sold as e-cigarettes, e-cigars, e-pipes, vape pens, mods, tank systems, or any other product name or descriptor. The term electronic smoking device

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includes any component part of a product, whether or not marketed or sold separately.

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

PASSED AND ADOPTED this 10th day of June, 2019.





Daniel J. Besson, Village President

Countersigned:



Sandra M. Kulik, Administrator/Clerk