

**REQUEST FOR BOARD ACTION**  
**HENDERSON COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** September 6, 2022  
**SUBJECT:** Amendment of Smoking Ordinance  
**PRESENTER:** Charles Russell Burrell  
**ATTACHMENT(S):** Draft enactment amending ordinance

**SUMMARY OF REQUEST:**

On August 17, 2022, this Board adopted a requirement for policy changes to prohibit all use of tobacco on the campus of the Commissioner Charles D. Messer Human Services Building. The attached accomplishes the same by modifying Section 17-7 of the County Code (“Smoking Allowed Only In Designated Areas”). For this area only, not only “smoking”, as defined in the ordinance, but any use of tobacco, is prohibited.

County staff will be available to present further information on this matter.

**BOARD ACTION REQUESTED:**

Adoption of the ordinance amendments.

If the Board is so inclined, the following motion is suggested:

***I move that the Board adopt the proposed Amendment to the Smoking Ordinance.***

Henderson County  
North Carolina

Before the Board of Commissioners

BOARD OF COMMISSIONERS ENACTMENT 2022-\_\_\_\_\_

Ordinance

**AN ORDINANCE MODIFYING THE HENDERSON COUNTY SMOKING  
ORDINANCE (CHAPTER 17 OF THE HENDERSON COUNTY CODE)  
PROHIBITING ALL SMOKING AND USE OF TOBACCO PRODUCTS IN  
OR ON THE GROUNDS OF THE COMMISSIONER CHARLES D. MESSER  
HUMAN SERVICES BUILDING**

WHEREAS, in 2009 the North Carolina General Assembly enacted Session Law 2009-27, which authorized local governments and local boards of health to prohibit smoking and tobacco use in certain areas; and,

WHEREAS, Henderson County has regulated smoking (as defined Chapter 17 of the Henderson County Code) in Henderson County government facilities since 1998, and has prohibited smoking in such facilities since 2014; and,

WHEREAS, the continuing accreditation of the Henderson County Department of Public Health requires removal from any use of tobacco on the grounds of the facility in which such Department is housed.

**NOW THEREFORE, BE IT ORDAINED** by the Henderson County Board of Commissioners Section 17-7 of the Henderson County Code (“Smoking Allowed Only In Designated Areas”) is amended by adding the following sentence to the end thereof:

**Notwithstanding, however, no smoking, as defined in this Chapter, and no other use of tobacco shall be allowed in the building and on the grounds of the Commissioner Charles D. Messer Human Services Building. As used in this section, “use of tobacco” means, in addition to “smoking” as defined in this Chapter, the use of any product containing or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, or ingested by any other means, including but not limited to cigarettes; e-cigarettes; cigars; little cigars; snuff; and chewing tobacco. However, the “use of tobacco” excludes any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.**

Adopted unanimously this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chair, Henderson County Board of Commissioners

ATTEST:

\_\_\_\_\_  
Clerk to the Board of Commissioners