

Kenai Peninsula Borough Assembly

MEMORANDUM

TO: Brent Hibbert, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Brent Johnson, Assembly Vice-President BJ

DATE: September 30, 2021

SUBJECT: Amendment to Ordinance 2021-35, Amending KPB 10.08 to Prohibit Smoking in all Kenai Peninsula Borough Buildings and Vehicles, and Amending KPB 1.24.090 the Minor Offense Penalty Schedule (Johnson) (Hearing on 10/12/21)

This amendment, if approved, will add a new section to define the term *smoking* to include tobacco and marijuana, including vapor products and electronic smoking products.

[Please note the underlined language is to be added and the strike through bracketed language is to be deleted.]

- Add a new section 10.08.020, as follows:

10.08.020. - ~~[NO SMOKING SIGNS POSTED]~~ Smoking defined.

Smoking means inhaling or exhaling tobacco or marijuana smoke; burning or carrying any lighted tobacco product or marijuana; the use of any noncombustible product that provides a vapor of liquid nicotine or marijuana to the user, or relies on vaporization of any liquid or solid nicotine or marijuana; or use of an electronic smoking product. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes or under any other product name, but shall not include, a tobacco substitute prescribed by a licensed physician, or a product that has been approved by the United States Food and Drug Administration for sale as a tobacco use cessation or harm reduction product or for other medical purposes, and which is being marketed and sold solely for that approved purpose.

- Renumber the proposed amended Section 10.08.020, Violations and penalties, to Section 10.08.030.