

**Findings of Fact and Conclusions of Law**

*Davis County Board of Health Regulations*

*Proposed Changes to the* ***Electronic Smoking Device Regulation***

Don Wood, Chairman

**Findings of Fact:**

1. The Davis County Board of Health passed the ***Electronic Smoking Device Regulation*** on February 11, 2014.
2. After enacting the new Regulation, it became evident through interactions with owners and E-Liquid manufacturers that segments of the Regulation could not be fulfilled. Also, it became clear that a large proportion of the E-Liquid for sale in the permitted Davis County E-Liquid vendors was being manufactured outside of the county.
3. The Health Department proposed changes to the Regulation that would continue to protect the safety and health of the citizens of Davis County while making it possible for the manufacturers of E-Liquid to meet the requirements.
4. The Regulation changes are not in conflict with Federal Law, State Statute or Rule.
5. The Board of Health provided a public hearing as required by law. The hearing was held on October 6, 2014 and written comments were received until October 13, 2014. No public comments were received at the hearing. Written comments were received from one person and have been considered as deemed appropriate.

≈≈≈

**Conclusions of Law:**

1. The proposed changes to the Davis County Board of Health’s ***Electronic Smoking Device Regulation,*** as approved for public hearing at a regularly scheduled Board meeting, have been reviewed and commented on by the general public and interested parties.
2. The proposed changes to the ***Electronic Smoking Device Regulation*** continue to protect the public’s health. Specifically, the changes to the Regulation will:
3. Remove the requirements for E-Liquid packaging containers to be leak-proof and tamper-evident while maintaining the child-proof cap component.
4. Remove the E-Liquid labeling requirement for displaying nicotine content in mg/mL or percent by volume.
5. Change the specific E-Liquid labeling safety warning to a more general safety statement.
6. Add “walls” to the cleanable E-Liquid manufacturing facility surface requirements.

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

Signed:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_