



## **Finding of Fact and Conclusions of Law**

*Davis County Board of Health Regulations*

*Electronic Smoking Device Regulation*

Don Wood, Chairman

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### Findings of Fact:

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1. A review of Federal and State law, Regulation and Rule found that the manufacture of e-liquid is not currently regulated.
2. E-liquid is not defined as tobacco or as an e-cigarette in State Law making it lawful for minors to purchase and possess these products.
3. Samples of e-liquid products manufactured in Davis County were collected by department staff. Some of the bottles containing these products leaked and were not childproof. Also, there were inconsistencies in labeling practices. Several of the samples were sent for laboratory analysis of nicotine content and significant discrepancies between labeled and actual nicotine content were found.
4. Use of e-liquid by minors can quickly lead to nicotine addiction.
5. Improper packaging of e-liquid poses a poisoning risk through accidental oral ingestion or skin absorption.
6. Although all of the e-cigarette specialty shops in Davis County by policy do not sell to minors, undercover compliance checks conducted by department staff resulted in sales to minors on several occasions.
7. Recent surveys conducted by the Utah Department of Health and Utah Department of Human Services document increasing use of electronic smoking devices by school-aged children in Davis County.
8. Health Department staff inspected the facilities in Davis County that manufacture e-liquid and found inconsistencies in sanitation and other practices.
9. The Regulation formally adopts and incorporates by reference UCA Title 26 Section 38: Utah Indoor Clean Air Act; R392-510: Utah Indoor Clean Air Act; UCA Title 76 Section 10-104: Providing cigar, cigarette, electronic cigarette, or tobacco to a minor; and UCA Title 76 Section 10-105: Buying or possessing a cigar, cigarette, electronic cigarette, or tobacco by a minor.

10. This Regulation is not in conflict with Federal Law, State Statute or Rule.
11. The Board of Health provided a public hearing as required by law. The hearing was held on December 12, 2013 and comments were received until December 19, 2013.



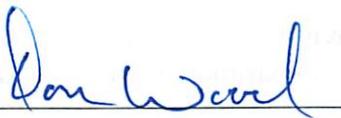
Conclusions of Law:

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1. The Davis County Board of Health's ***Electronic Smoking Device Regulation*** as approved for public hearing at a regularly scheduled Board meeting, has been reviewed and commented on by the general public and interested parties.
2. The proposed ***Electronic Smoking Device Regulation*** protects the public's health by establishing practices and provisions for the safe preparation, handling, and sale of substances used in electronic smoking devices. Specifically, the Regulation will:
  - a. Prohibit sale of e-liquid to individuals under the age of nineteen.
  - b. Prohibit individuals under the age of nineteen from buying or possessing e-liquid.
  - c. Require e-liquid for sale in Davis County to be clearly and accurately labeled for nicotine content, other ingredients, and safety warnings.
  - d. Require packaging to have child proof caps, be tamper-evident, and be leak proof at the time of sale.
  - e. Require businesses that are manufacturing e-liquid to be permitted through the Health Department.

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 11<sup>th</sup> day of February, 2014.

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



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

