



# KING COUNTY

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

## Signature Report

### R&R BOH20-03

**Proposed No.** BOH20-03.1

**Sponsors**

1                   A RULE AND REGULATION relating to age restrictions  
 2                   regarding electronic smoking devices and unapproved  
 3                   nicotine delivery products; and amending R&R 10-04,  
 4                   Section 6, and BOH 19.12.040, R&R 10-04, Section 7, and  
 5                   BOH 19.12.050 and R&R 10-04, Section 8, and BOH  
 6                   19.12.060.

7                   BE IT ADOPTED BY THE KING COUNTY BOARD OF HEALTH:

8                   SECTION 1. R&R 10-04, Section 6, and BOH 19.12.040 are hereby amended to  
 9 read as follows:

10                  **Definitions.** As used in this chapter, the following terms shall be defined as  
 11 follows:

12                  A. "Electronic smoking device" means an electronic or battery-operated device,  
 13 the use of which resembles smoking, that can be used to deliver nicotine or other  
 14 substances to the person inhaling from the device. "Electronic smoking device" includes,  
 15 but is not limited to, an electronic cigarette, an electronic cigar, an electronic cigarillo, an  
 16 electronic pipe and an electronic hookah. "Electronic smoking device" does not include a  
 17 cigarette, as defined in ((~~RCW~~)) chapter 82.24 RCW or tobacco products, as defined in  
 18 ((~~RCW-C~~)) chapter 82.26 RCW.

19                  B. "Employer" shall have the meaning set forth in BOH 19.03.040.

R&R BOH20-03

---

20 C. "Minor" means any person younger than ~~((eighteen))~~ twenty-one years old.

21 D. "Person" means any natural person, individual, corporation, unincorporated  
22 association, proprietorship, firm partnership, joint venture, joint stock association or other  
23 entity of business of any kind.

24 E. "Place of employment" shall have the meaning set forth in BOH 19.03.040.

25 F. "Public place" shall have the meaning set forth in BOH 19.03.040.

26 G. "Seller" means any person who sells, distributes with an economic or a  
27 business purpose, offers for sale or does or offers to exchange for any form of  
28 consideration, electronic smoking devices or unapproved nicotine delivery products.

29 ~~((F.))~~ H. "Unapproved nicotine delivery product" means a product containing or  
30 delivering nicotine intended or expected for human consumption, or any part of such a  
31 product, that is not a cigarette, as defined by RCW 82.24.010, or a tobacco product, as  
32 defined by RCW 82.26.010, and that has not been approved or otherwise certified for sale  
33 by the United States Food and Drug Administration as a tobacco use cessation product, or  
34 for other medical purposes.

35 SECTION 2. R&R 10-04, Section 7, and BOH 19.12.040 are hereby amended to  
36 read as follows:

37 **Age identification requirement.** Each seller shall verify by means of  
38 photographic identification listed in RCW 70.155.090 that no person purchasing  
39 electronic smoking devices or unapproved nicotine delivery devices is younger than  
40 ~~((eighteen))~~ twenty-one years old, except that no such verification is required for any  
41 purchaser over twenty-six years old.

42 SECTION 3. R&R 10-04, Section 8, and BOH 19.12.060 are hereby amended to

---

R&R BOH20-03

---

43 read as follows:

44 **Sale to minors prohibited.**

45 A. No person shall sell, give or furnish, or cause or allow to be sold, given or  
46 furnished, electronic smoking devices to a minor unless those products have been approved  
47 or otherwise certified for legal sale by the United States Food and Drug Administration  
48 and approved for use by minors, and the products are being sold, given or otherwise  
49 furnished pursuant to that approval and in full compliance with any related Food and Drug  
50 Administration rules, regulations or other requirements.

51 B. No person shall sell, give or furnish, or cause or allow to be sold, given or  
52 furnished, unapproved nicotine delivery devices product to a minor.

53 C. It is a defense to a prosecution for violation of this section that the person  
54 making the sale, gift or otherwise furnishing the product reasonably relied on any of

R&R BOH20-03

---


55 the officially issued identifications listed in RCW 70.155.090 showing that the purchaser  
56 or recipient was at least (~~eighteen~~) twenty-one years old.

57

R&R BOH20-03 was introduced on and passed by the Board of Health on 11/19/2020,  
by the following vote:


Yes: 8 - Dr. Daniell, Dr. Delecki, Ms. Honda, Ms. Kohl-Welles, Ms.  
Lambert and Mr. Lewis  
Excused: 4 - Mr. Baker, Mr. McDermott, Ms. Mosqueda and Ms.  
Morales

KING COUNTY BOARD OF HEALTH  
KING COUNTY, WASHINGTON

DocuSigned by:  
  
6D0E6E444F08459...

Joe McDermott, Chair

ATTEST:

DocuSigned by:  
  
8DE1BB375AD3422...

Melani Pedroza, Clerk of the Board

**Attachments:** None