

ORDINANCE OF THE RANKIN COUNTY, MISSISSIPPI PROHIBITING THE
POSSESSION AND CONSUMPTION OF ALTERNATIVE NICOTINE PRODUCTS AND
ELECTRONIC CIGARETTES BY MINORS

WHEREAS, there is a proliferation of possession and use of alternative nicotine products and electronic cigarettes by minors which is resulting in serious injuries and death and which necessitates the regulation of the same within Rankin County; and

WHEREAS, the governing authorities of the county, find and determine that an ordinance prohibiting the use and possession of alternative nicotine products and electronic cigarettes is reasonable and necessary to prevent serious injury and death as a result of the use of the same by minors; and

WHEREAS, as of January 2020, a total of 2,602 cases of hospitalized e-cigarette, or vaping product use-associated lung injuries or deaths have been reported to the Center for Disease Control (CDC) in the United States.

WHEREAS, the Federal Drug Administration (FDA) estimates that 27.5% of high school youth use e-cigarettes or vaping products along with 10.5% of middle school students using the same.

WHEREAS, the CDC states that nicotine can harm the adolescent brain which continues to develop until the age of 25. This can harm the parts of the adolescent brain that controls attention, learning, mood and impulse control.

WHEREAS, on December 21, 2019, to help combat this epidemic, President Donald Trump signed bipartisan legislation raising the federal legal age to purchase tobacco and e-cigarette products to 21.

NOW THEREFORE be it ordained by the RANKIN COUNTY BOARD OF SUPERVISORS, that the ordinance reads as follows, to-wit:

Section 1. Definitions

(1) For the purposes of this section:

(a) (i) “Alternative nicotine product” means:

1. An electronic cigarette; or
2. Any other product that consists of or contains nicotine that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling or by any other means.

(ii) Alternative nicotine product does not include:

1. A cigarette or other tobacco product as defined in Miss. Code Ann. §97-32-3;

2. A product that is a drug under Miss. Code Ann. §41-29-105;

(b) (i) “Electronic cigarette” means an electronic product or device that produces a vapor that delivers nicotine or other substances to the person inhaling from the device to simulate smoking, and is likely to be offered to, or purchased by, consumers as an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, vape or vaping device as defined in Miss. Code Ann. §97-32-51(1)(b)(i).

(ii) Electronic cigarette does not include:

1. A cigarette or other tobacco products as defined in Miss. Code Ann. §97-32-3;

2. A product that is a drug under Miss. Code Ann. §41-29-105;

(c) School property means and includes any public school building or bus, public school campus, grounds, recreational area, athletic field or other property owned, used or operated any local school board, school, board of trustees or for directors for the administration of any public education institution, except post-secondary colleges or universities.

**Section 2. Possession and/or use of alternative nicotine products by minor prohibited;
Penalties**

(1) No person under twenty one (21) years of age shall possess or use an alternate nicotine product and/or electronic cigarette in Rankin County, Mississippi.

(2) No person under twenty one (21) years of age shall possess or use an alternate nicotine product and/or electronic cigarette at any school sponsored event or on school property located within Rankin County, Mississippi. School property includes but is not limited to school buildings, property owned by the school in Rankin County, Mississippi, and school buses operating in Rankin County, Mississippi.

(3) A violation of this subsection is punishable as follows:

(a) For a first offense, by a fine of up to Fifty Dollars (\$50.00), up to 30 hours of community service, and successful completion of a class aimed at educating and deterring the use of tobacco, alternative nicotine products and electronic cigarettes, or such combination of the penalties provided herein as the court determines in its discretion;

(b) For a second or subsequent offense by a fine of up to Two Hundred Fifty Dollars (\$250.00) up to 60 hours of community service, and successful completion of a class aimed at educating and deterring the use of tobacco, alternative nicotine products and electronic cigarettes, or such combination of the penalties provided herein as the court determines in its discretion. For any second or subsequent offense against a minor, the court may require as a

condition of completion that a parent or legal guardian of the violator attend and complete the class referenced herein with the violator;

(c) At any hearing or trial of any charge brought under this section against a minor, a parent or legal guardian shall be present at court with the violator.

(d) The court shall have the full discretion to reduce, suspend, and/or non-adjudicate and to expunge, the charge, fines, penalties and/or other requirements under this section.

(e) Nothing in this ordinance shall supplant any charges brought by law enforcement as to any other violation of state law that may be discovered by law enforcement officers during the enforcement of this ordinance.

Section 3. Effective Date

This Ordinance shall become effective thirty (30) days following its passage.