

CITY COUNCIL OVERSIGHT COMMITTEE MEETING

**CONFERENCE ROOM – MUNICIPAL BUILDING
201 WEST GRAY**

WEDNESDAY, JUNE 11, 2014


5:30 P.M.

- 1. CONTINUED DISCUSSION REGARDING SMOKING REGULATIONS ON MUNICIPAL PROPERTIES.**
- 2. DISCUSSION REGARDING THE TIMEFRAME FOR PLACEMENT OF ITEMS AT THE CURB PRIOR TO THE SPRING AND FALL CLEANUP COLLECTION EVENTS.**
- 3. MISCELLANEOUS DISCUSSION.**

Item 1

SMOKING



To: City Council Oversight Committee
From: Leah Messner, Assistant City Attorney
Through: Jeff Harley Bryant, City Attorney 
Date: June 5, 2014
Subject: Proposed Amendments the City Ordinances Regulating Smoking

BACKGROUND:

The City Council Oversight Committee met to discuss this topic at their March 12, 2014 meeting. At that meeting, the Oversight Committee requested that Staff draft amendments to the current City ordinances regulating smoking. A draft ordinance is attached to this Memo. In addition, the Committee asked Staff to do some research regarding vapor or electronic cigarettes. That information is included in this Memo. In addition, Staff has attached smoking regulations from the Norman Public School System and the University of Oklahoma.

DISCUSSION:

Draft Ordinance

At the March Oversight Committee meeting, the Committee requested that Staff draft an ordinance amendment that would include banning all types of smoking products on land owned or operated by the City of Norman. That amended draft language, in Section 10-503(2), reads as follows:

All buildings, property, or public parks or any portions thereof owned or operated by this municipality shall be designated as nonsmoking meaning that no person shall smoke, use smokeless tobacco, other nicotine products, vapor or e-cigarettes or carry any lighted smoking instrument, excluding FDA-approved smoking cessation products.

In addition, the Ordinance has been amended to define vapor or electronic cigarettes. That proposed definition is: “a battery-powered device which simulates tobacco smoking by producing a vapor that resembles smoke. It generally uses a heating element known as an atomizer that vaporizes a liquid solution. Solutions usually contain a mixture of propylene glycol, vegetable glycerin, nicotine, and flavorings, while others release a flavored vapor without nicotine.”

office memorandum

To: City Council Oversight Committee
Re: Proposed Amendments to Ordinances Regulating Smoking
Date: June 5, 2014

These changes represent what Staff believes to have been the direction from the Committee at the March meeting. Staff will be available for questions and further discussion at the June 11, 2014 meeting.

Electronic and/or Vapor Cigarettes

The Committee also requested information about electronic and/or vapor cigarettes. Within the last year, Oklahoma has enacted two (2) measures regulating e-cigarettes. The first measure is an executive order by Governor Mary Fallin that bans vaping devices and e-cigarette use on state property. State property includes state-owned and leased buildings and state vehicles, but it excludes Veterans Affairs residential facilities. The second measure is a law passed this session, Senate Bill 1602, which prohibits the sale of e-cigarettes to minors, with business owners subject to one hundred dollar (\$100) to three hundred dollar (\$300) fines for violations. This makes Oklahoma one of twenty-eight (28) states to prohibit sales to minors.

Currently, the Food and Drug Administration (FDA) regulates electronic cigarettes marketed for therapeutic purposes. This is only a small portion of the over 250 electronic cigarette brands currently on the market. In addition, the FDA for the first time, last week, proposed rules for regulating e-cigarettes, including prohibiting sales to minors and requiring producers to register with the agency and disclose manufacturing processes. Thirty-three (33) state legislatures have passed laws prohibiting e-cigarette sales to minors, according to the National Conference of State Legislatures. The new FDA regulations would extend that ban to all fifty (50) states.

The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), signed by the President in 2009, created the FDA Center for Tobacco Products and gave the FDA powerful tools to protect the public's health through our oversight of the manufacture, distribution, and marketing of tobacco products. Under the law, the FDA currently regulates cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco products. The law also gave the FDA the ability to regulate additional tobacco products, commonly referred to as "deeming" them through rulemaking. The proposed rule would include the following products under the FDA's authority: electronic cigarettes (e-cigarettes), cigars, pipe tobacco, waterpipe (hookah) tobacco, and novel products like nicotine gels and dissolvables not already under the FDA's authority. The FDA's proposed rule also would include tobacco product components or parts that are used in the consumption of a tobacco product, like e-cigarette cartridges. It would not include tobacco product accessories, like cigar cases. <http://www.fda.gov/downloads/TobaccoProducts/NewsEvents/UCM397724.pdf>. More information on this issue is contained in the attached document prepared by the FDA.

The content the FDA hopes to regulate are the chemicals used in the vaping process. There is little to no regulation on the chemicals being used for the electronic cigarettes. The common process of mixing the chemicals occurs in the back of electronic cigarette stores. In addition, different electronic cigarette brands are engineered differently, affecting the character and potential toxicity of the vapor. As a result, there is no consistency in the chemicals used or the concentrations placed in the e – cigarette vials. Neal L. Benowitz, MD and Maciej L. Goniewicz, PhD. *The Regulatory Challenge of Electronic Cigarettes*. The Journal of the American Medical Association: Volume 310, No. 7. August 21, 2013.

To: City Council Oversight Committee
Re: Proposed Amendments to Ordinances Regulating Smoking
Date: June 5, 2014

Along with this action by the FDA, an increasing number of cities and states are banning e-cigarette use in smoke-free places. Amtrak has banned their use on trains, and the Navy banned them below decks in submarines. In September, the U.S. Department of Transportation proposed a ban aboard airplanes because of concerns about health risks from the vapors. Koch, Wendy. *“Fiery Debate: Is All the Furor over E-Cigarettes Just a Lot of Hot Air, Er, Vapor?”*. USA Today; September 18, 2012.

RECOMMENDATION:

The draft ordinance and information regarding electronic and vapor cigarettes has been prepared for the Committee’s consideration and discussion at the June 11, 2014 Oversight Committee meeting. Also, the smoking regulations from the Norman Public Schools and the University of Oklahoma are attached for the Committee’s consideration. Staff will be available for questions or comments at the meeting.

Attachments: FDA Issue Snapshot on Regulating Additional Tobacco Products
University of Oklahoma Smoking Regulations
Norman Public Schools Smoking Regulations

xc: Steve Lewis, City Manager
Management Team

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE V, SECTIONS 10-501, 10-502 AND 10-503 OF CHAPTER 10 OF THE CODE OF THE CITY OF NORMAN BY DEFINING AND ADDING PROVISIONS REGARDING USE OF SMOKELESS TOBACCO, OTHER NICOTINE PRODUCTS, VAPOR OR E-CIGARETTES IN PUBLIC AREAS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

§ 1. That Article V, Section 10-501 of Chapter 10 of the Code of the City of Norman shall be amended to read as follows:

Sec. 10-501. Purpose.

Smoking in certain areas has been determined to be injurious to human health, to constitute a source of annoyance and discomfort to nonsmokers, and to be a public nuisance due to the following:

- (1) Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and
- (2) Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and
- (3) Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- (4) The smoking of tobacco, or any other weed or plant, is a danger to health.

Therefore, no person shall smoke, use smokeless tobacco, other nicotine products, vapor or e-cigarettes or carry any lighted smoking instrument, excluding FDA-approved smoking cessation products, in a public place, public park, or at a public meeting except in permitted smoking areas.

* * *

§ 2. That Article V, Section 10-502 of Chapter 10 of the Code of the City of Norman shall be amended to read as follows:

Sec. 10-502. Definitions.

* * *

Electronic or Vapor Cigarette: a battery-powered device which simulates tobacco smoking by producing a vapor that resembles smoke. It generally uses a heating element known as an atomizer that vaporizes a liquid solution. Solutions usually contain a mixture of propylene glycol, vegetable glycerin, nicotine, and flavorings, while others release a flavored vapor without nicotine.

* * *

§ 3. That Article V, Section 10-503 of Chapter 10 of the Code of the City of Norman shall be amended to read as follows:

Sec. 10-503. Smoking in certain public places prohibited.

- (1) The possession of lighted tobacco, smokeless tobacco, other nicotine products, vapor or electronic cigarettes, excluding FDA-approved smoking cessation products, in any form is a public nuisance and dangerous to public health and is hereby prohibited when such possession is in any public place, public transportation, or any indoor workplace, except where specifically allowed by law.

As used in this section, "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

- (2) All buildings, property, or public parks or any portions thereof owned or operated by this municipality shall be designated as nonsmoking meaning that no person shall smoke, use smokeless tobacco, other nicotine products, vapor or e-cigarettes or carry any lighted smoking instrument, excluding FDA-approved smoking cessation products.
- ~~(3) No smoking shall be allowed within twenty five (25) feet of the entrance or exit of any building specified in subsection (2) of this section.~~
- ~~(4) The grounds of all City owned public parks excluding the parking lots of any public park or playground and the Westwood Golf Course.~~

- ~~(5)~~(3) The restrictions provided in this section shall not apply to stand-alone bars, stand-alone taverns, and cigar bars as defined in 63 O.S. 2001, §1-1522.
- ~~(6)~~(4) The restrictions provided in this section shall not apply to the following:
- (a) The room or rooms where licensed charitable bingo games are being operated; but only during the hours of operation of such games;
 - (b) Up to twenty-five (25) percent of the guest rooms at a hotel or other lodging establishment;
 - (c) Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
 - (d) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace only has incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business.
 - (e) Workplaces occupied exclusively by one (1) or more smokers, if the workplace has only incidental public access;
 - (f) Private offices occupied exclusively by one (1) or more smokers;
 - (g) Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;
 - (h) Medical research or treatment centers, if smoking is integral to the research or treatment;
 - (i) A facility operated by a post or organization of past or present members of the Armed Forces of the United States, which is exempt from taxation pursuant to Section 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(8), 501(c)(10), or 501(c)(19), when such facility is utilized exclusively by its members and their families for the conduct of post or organization nonprofit operations, except during an event or activity which is open to the public; and
 - (j) Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.

- ~~(7)~~(5) An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit, or air intake.
- ~~(8)~~(6) If smoking is to be permitted in any space exempted in subsections ~~(6)~~ (4) or ~~(7)~~ (5) of this section or in a smoking room pursuant to subsection ~~(3)~~ of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from the smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit, or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.
- ~~(9)~~(7) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms, which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the Oklahoma State Department of Health.
- ~~(10)~~(8) The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance of the building indicating that the place is smoke-free or tobacco-free. "Breathe Easy" decals meet this requirement.
- ~~(11)~~(9) Responsibility for posting signs or decals shall be as follows:
- (a) In privately owned facilities, the owner or lessee, if lessee is in possession of the facilities, shall be responsible;
 - (b) In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 - (c) In publicly owned facilities, the manager and/or supervisor shall be responsible.
- ~~(12)~~(10) The person who owns or operates a place where smoking or tobacco use is prohibited by law shall ask smokers to refrain from smoking upon observation of anyone violating the provisions of this act.

§ 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

ADOPTED this _____ day
of _____, 2014.

NOT ADOPTED this _____ day
of _____, 2014.

Cindy Rosenthal, Mayor

Cindy Rosenthal, Mayor

ATTEST:

Brenda Hall, City Clerk

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING ARTICLE V, SECTIONS 10-501, 10-502 AND 10-503 OF CHAPTER 10 OF THE CODE OF THE CITY OF NORMAN BY DEFINING AND ADDING PROVISIONS REGARDING USE OF SMOKELESS TOBACCO, OTHER NICOTINE PRODUCTS, VAPOR OR E-CIGARETTES IN PUBLIC AREAS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

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- (1) Reliable studies have shown that breathing sidestream or secondhand smoke is a significant health hazard for certain population groups, including elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and
- (2) Health hazards induced by breathing sidestream or secondhand smoke include lung cancer, respiratory infection, decreased exercise tolerance, decreased respiratory function, bronchoconstriction, and bronchospasm; and
- (3) Nonsmokers with allergies, respiratory diseases and those who suffer other ill effects of breathing sidestream or secondhand smoke may experience a loss of job productivity or may be forced to take periodic sick leave because of adverse reactions to same; and
- (4) The smoking of tobacco, or any other weed or plant, is a danger to health.

Therefore, no person shall smoke, use smokeless tobacco, other nicotine products, vapor or e-cigarettes or carry any lighted smoking instrument, excluding FDA-approved smoking cessation products, in a public place, public park, or at a public meeting except in permitted smoking areas.

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As used in this section, "indoor workplace" means any indoor place of employment or employment-type service for or at the request of another individual or individuals, or any public or private entity, whether part-time or full-time and whether for compensation or not. Such services shall include, without limitation, any service performed by an owner, employee, independent contractor, agent, partner, proprietor, manager, officer, director, apprentice, trainee, associate, servant or volunteer. An indoor workplace includes work areas, employee lounges, restrooms, conference rooms, classrooms, employee cafeterias, hallways, any other spaces used or visited by employees, and all space between a floor and ceiling that is predominantly or totally enclosed by walls or windows, regardless of doors, doorways, open or closed windows, stairways or the like. The provisions of this section shall apply to such indoor workplaces at any given time, whether or not work is being performed.

- (2) All buildings, property, or public parks or any portions thereof owned or operated by this municipality shall be designated as nonsmoking meaning that no person shall smoke, use smokeless tobacco, other nicotine products, vapor or e-cigarettes or carry any lighted smoking instrument, excluding FDA-approved smoking cessation products.
- (3) The restrictions provided in this section shall not apply to stand-alone bars, stand-alone taverns, and cigar bars as defined in 63 O.S. 2001, §1-1522.
- (4) The restrictions provided in this section shall not apply to the following:

- (a) The room or rooms where licensed charitable bingo games are being operated; but only during the hours of operation of such games;
 - (b) Up to twenty-five (25) percent of the guest rooms at a hotel or other lodging establishment;
 - (c) Retail tobacco stores predominantly engaged in the sale of tobacco products and accessories and in which the sale of other products is merely incidental and in which no food or beverage is sold or served for consumption on the premises;
 - (d) Workplaces where only the owner or operator of the workplace, or the immediate family of the owner or operator, performs any work in the workplace, and the workplace only has incidental public access. "Incidental public access" means that a place of business has only an occasional person, who is not an employee, present at the business to transact business or make a delivery. It does not include businesses that depend on walk-in customers for any part of their business.
 - (e) Workplaces occupied exclusively by one (1) or more smokers, if the workplace has only incidental public access;
 - (f) Private offices occupied exclusively by one (1) or more smokers;
 - (g) Workplaces within private residences, except that smoking shall not be allowed inside any private residence that is used as a licensed child care facility during hours of operation;
 - (h) Medical research or treatment centers, if smoking is integral to the research or treatment;
 - (i) A facility operated by a post or organization of past or present members of the Armed Forces of the United States, which is exempt from taxation pursuant to Section 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code, 26 U.S.C., Section 501(c)(8), 501(c)(10), or 501(c)(19), when such facility is utilized exclusively by its members and their families for the conduct of post or organization nonprofit operations, except during an event or activity which is open to the public; and
 - (j) Any outdoor seating area of a restaurant; provided, smoking shall not be allowed within fifteen (15) feet of any exterior public doorway or any air intake of a restaurant.
- (5) An employer not otherwise restricted from doing so may elect to provide smoking rooms where no work is performed except for cleaning and maintenance during the time the room is not in use for smoking, provided each smoking room is fully enclosed and

exhausted directly to the outside in such a manner that no smoke can drift or circulate into a nonsmoking area. No exhaust from a smoking room shall be located within fifteen (15) feet of any entrance, exit, or air intake.

- (6) If smoking is to be permitted in any space exempted in subsections (4) or (5) of this section, such smoking space must either occupy the entire enclosed indoor space or, if it shares the enclosed space with any nonsmoking areas, the smoking space shall be fully enclosed, exhausted directly to the outside with no air from the smoking space circulated to any nonsmoking area, and under negative air pressure so that no smoke can drift or circulate into a nonsmoking area when a door to an adjacent nonsmoking area is opened. Air from the smoking room shall not be exhausted within fifteen (15) feet of any entrance, exit, or air intake. Any employer may choose a more restrictive smoking policy, including being totally smoke free.
- (7) Restaurants shall be totally nonsmoking or may provide nonsmoking areas and designated smoking rooms. Food and beverage may be served in such designated smoking rooms, which shall be in a location which is fully enclosed, directly exhausted to the outside, under negative air pressure so smoke cannot escape when a door is opened, and no air is recirculated to nonsmoking areas of the building. No exhaust from such room shall be located within twenty-five (25) feet of any entrance, exit or air intake. Such room shall be subject to verification for compliance with the provisions of this subsection by the Oklahoma State Department of Health.
- (8) The person who owns or operates a place where smoking or tobacco use is prohibited by law shall be responsible for posting a sign or decal, at least four (4) inches by two (2) inches in size, at each entrance of the building indicating that the place is smoke-free or tobacco-free. "Breathe Easy" decals meet this requirement.
- (9) Responsibility for posting signs or decals shall be as follows:
 - (a) In privately owned facilities, the owner or lessee, if lessee is in possession of the facilities, shall be responsible;
 - (b) In corporately owned facilities, the manager and/or supervisor of the facility involved shall be responsible; and
 - (c) In publicly owned facilities, the manager and/or supervisor shall be responsible.
- (10) The person who owns or operates a place where smoking or tobacco use is prohibited by law shall ask smokers to refrain from smoking upon observation of anyone violating the provisions of this act.

* * *

§ 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance, except that the effective date provision shall not be severable from the operative provisions of the ordinance.

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ATTEST:

Brenda Hall, City Clerk

Issue Snapshot on Deeming: Regulating Additional Tobacco Products

The Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act), signed by the President in 2009, created the FDA Center for Tobacco Products and gave FDA powerful tools to protect the public's health through our oversight of the manufacture, distribution, and marketing of tobacco products. Under the law, FDA currently regulates cigarettes, cigarette tobacco, roll-your-own tobacco, and smokeless tobacco products. The law also gave FDA the ability to regulate additional tobacco products, commonly referred to as "deeming" them through rulemaking. The proposed rule would include the following products under FDA's authority: electronic cigarettes (e-cigarettes), cigars, pipe tobacco, waterpipe (hookah) tobacco, and novel products like nicotine gels and dissolvables not already under FDA's authority. FDA's proposed rule also would include tobacco product components or parts that are used in the consumption of a tobacco product, like e-cigarette cartridges. It would not include tobacco product accessories, like cigar cases.

WHY THE DEEMING PROPOSED RULE IS SO IMPORTANT FOR PUBLIC HEALTH

With the release of the 50th Anniversary Surgeon General's Report on Smoking and Health, we now know that the annual death toll from tobacco-attributable disease has risen to more than 480,000. At this rate, there will be more than 17 million deaths from tobacco use between now and mid-century. Additionally, youth use of certain unregulated tobacco products, such as e-cigarettes and cigars, is on the rise. FDA oversight of tobacco products can provide important information about proposed deemed tobacco products and help limit youth exposure to these products. The proposed rule would also enable FDA to explore whether different products pose different levels of risk and help the Agency develop policies to improve public health.

HIGHLIGHTS OF THE DEEMING PROPOSED RULE

Consistent with currently regulated tobacco products, under the proposed rule, makers of newly deemed tobacco products would, among other requirements:

- Register with FDA and report product and ingredient listings
- Only market new tobacco products after FDA review
- Only make claims of reduced risk if FDA confirms that scientific evidence supports the claim and that marketing the product will benefit public health as a whole
- Not distribute free samples

In addition, under the proposed rule, the following items would apply to newly deemed covered tobacco products:

- Minimum age and identification restrictions to prevent sales to underage youth
- Requirements to include health warnings
- Prohibition of vending machine sales, unless in a facility that never admits youth

The term "covered tobacco products" is defined here as those products deemed to be subject to the Food, Drug & Cosmetic Act under section 1100.2 of title 21 of the Code of Federal Regulations (CFR), other than a component or part that does not contain tobacco or nicotine.

PROPOSED RULE COMMENT OPPORTUNITIES

FDA welcomes and encourages comment on the proposed rule from the public. FDA will consider all comments and information submitted to the docket. The agency is specifically requesting comments on certain topics, including the following issues:

- FDA is seeking comment on the two options proposed for the categories of cigars that would be covered by this rule—specifically, whether all cigars should be subject to deeming and what provisions of the proposed rule may be appropriate or not appropriate for different kinds of cigars.
- FDA is aware that some tobacco products, such as e-cigarettes and cigars, are being marketed with characterizing flavors that may be attractive to youth. FDA is seeking research regarding the long-term effects of flavored tobacco product usage, including data as to the likelihood of flavored tobacco product use leading to cigarette use instead of or in conjunction with other tobacco products.
- FDA is seeking comment as to how noncombustible products (such as e-cigarettes) should be regulated. Particularly, FDA requests comments on behavioral data related to co-use of e-cigarettes and more traditional tobacco products, including data on the effects of e-cigarettes on the initiation and continuation of use of other tobacco products.
- FDA is seeking comment on the proposed addictiveness warning (“WARNING: This product contains nicotine derived from tobacco. Nicotine is an addictive chemical.”) and any potential for consumer confusion, the proposed size of the health warnings that would be required by this rule, and the role that the size of such warnings has in helping to convey consumer information.
- FDA is proposing to extend the compliance period for submitting a marketing application under the substantial equivalence pathway to 24 months following the effective date of a final rule. FDA is also proposing a 24-month compliance period for the submission of premarket tobacco applications (PMTAs). FDA is specifically seeking comment on whether and, if so, how FDA should consider a different regulatory mechanism for newer proposed deemed tobacco products that cannot, as a practical matter, use the substantial equivalence pathway.
- FDA recognizes that some of the proposals in this document might impose significant costs on certain manufacturers, including the requirement to register and list products and the requirement for certain cigar manufacturers to randomly distribute and rotate warning statements on packages and advertisements, respectively. FDA seeks comment and data on alternative approaches for manufacturers to satisfy these requirements that would reduce costs for manufacturers yet would still be appropriate for the protection of public health.

To submit a comment, visit our comment opportunities page at:
www.fda.gov/tobaccocomment



University of Oklahoma Tobacco-Free Policy

Approved by the Board of Regents March 2012

In accordance with Executive Order 2012-01, the University has established a Tobacco Free Policy. All facilities of the University of Oklahoma, regardless of campus or location, are tobacco-free.

Purpose

The purpose of this policy is to foster a healthier environment for students, faculty, staff and visitors on the University of Oklahoma campuses by minimizing tobacco use, which is the leading cause of death in Oklahoma and the United States. The policy is designed to prevent or reduce exposure of individuals to secondhand smoke, and to help reduce tobacco use among OU students and employees. The policy is not intended to be judgmental of individual lifestyle choice or to be punitive towards any individual or group.

This policy is subject to all applicable laws and regulations and recognizes exceptions contained therein, including an exception allowing tobacco use for religious or ceremonial purposes.

Policy

Effective July 1, 2012, the use of all tobacco products including but not limited to cigarettes, cigars, pipes, and smokeless tobacco shall be strictly prohibited anywhere on the OU grounds or campus.

1. The use of tobacco products shall be prohibited in any buildings or portion thereof owned, leased, operated by the University, including OU housing/apartments, athletic facilities, within any OU parking structure, in any vehicle owned or leased by the University, or on the OU grounds or campus, including but not limited to public or non-public areas, offices, restrooms, stairwells, driveways, sidewalks, etc.
2. This policy applies to all persons on campus, including but not limited to students, faculty, staff, contracted personnel, vendors, and all visitors to the OU campus. The policy applies to all University events.
3. The sale of tobacco products on OU property is prohibited.

Communication of Policy

1. NO SMOKING/NO TOBACCO USE SIGNS shall be posted strategically throughout the campus and in OU facilities and vehicles as a reminder of the policy.
2. The Office of the Provost will ensure the OU faculty employment announcements and information provided to new faculty recruits and employees contain information about the tobacco-free environment
3. Human Resources will ensure that OU staff employment applications, both hard copy and online versions, contain information about the tobacco-free environment, and that new employees receive information about the tobacco-free policy during the new employee orientation.
4. The Office of the Vice President for Student Affairs will ensure that OU communication and information provided to prospective students and to new students includes information about the tobacco-free environment.
5. The full text of the policy shall be available in faculty and staff handbooks, and on the OU website.

Compliance and Enforcement

Compliance with this policy by all students, employees, and visitors to the campus is expected based upon our commitment to a healthy environment on campus, and our responsibility to protect individuals from the adverse health effects of exposure to second hand smoke. This depends on the consideration and cooperation of both users and non-



users of tobacco. All members of the University community share the responsibility of adhering to and enforcing the policy and have the responsibility for communicating the policy to visitors in a courteous and considerate manner. Any complaints should be brought to the attention of the appropriate University administrative personnel.

Non-compliance with this policy will be handled in the same manner as any other policy violation and is subject to the disciplinary process.

After receiving an initial warning and reminder of the policy, repeated violations of the policy will be subject to fines of \$10 for the second violation of the policy and \$50 for the third violation. An appeals process will be used similar to that used for appeals of parking fines.

Gaylord Family Oklahoma Memorial Stadium

The prevention of exposure to secondhand smoke for visitors to the stadium during football games or other events is a particular challenge due to the high density of people in a confined space. This makes it very difficult, if not impossible to avoid exposure to secondhand smoke for these individuals. Therefore, the stadium will be completely tobacco free during all events.

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Updated on June 29, 2012 by [Human Resources](#).

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Health/Safety/Child Nutrition

24/7 TOBACCO FREE SMOKE FREE ENVIRONMENT

Smoking, distribution, and use of tobacco products in any form, as well as the use of simulated tobacco products are prohibited on School District property. This prohibition includes school premises and school-owned vehicles. It is specifically directed that this ban on the use of tobacco products will be in effect 24 hours a day, seven days a week, and will apply to students, employees, visitors and anyone providing service to the schools.

Additionally, students are prohibited from possessing or distributing tobacco products or simulated tobacco products (paraphernalia) in school buildings, on school grounds, in school-owned vehicles, and at all school-affiliated functions on or off school campus.

DISMISSING AND CLOSING SCHOOL

It is very important for students to be in school every day. Norman Public Schools will not be dismissed for any non-school related events. Attendance at any event should be scheduled on non-school days.

Inclement or bad weather such as snow, ice, or road conditions may require school to be cancelled. If school should be cancelled due to the weather, all other school related activities for that day will also be cancelled. Some OSSAA activity exceptions apply based on Superintendent's approval.

School closings may be obtained by listening to the local news media. The closing of school will also be posted on the District's website, www.norman.k12.ok.us.

Parent notification will be made through our automated messaging system. In order to receive this service, it is very important that your child's school have correct email and phone numbers for your child.

Severe Weather

In the event of severe weather a central office staff member will be monitoring the weather as well as communicating with Emergency Management of the City of Norman and NPS site administrators.

If severe weather threatens, a school site administrator will activate their shelter safety procedures until an all clear has been issued. In the event severe weather threatens during or towards the end of the school day, students will be held at school and buses will be delayed. Should such action be required, parents will be notified with our instant messaging system.

If severe weather should threaten during an after hours activity, all in attendance will be given shelter safety procedures by the on-site administrator or staff member. Such activities will be postponed or cancelled until an all clear has been provided.

ASBESTOS DISCLOSURE

Inspection of district facilities for asbestos have been conducted and Asbestos Management Plans have been developed in accordance with state and federal regulations. There is no need for removal of the asbestos at this time.

Every six months the buildings will be surveyed to see if the condition of the asbestos has changed. If there is a change in

the condition, proper steps will be taken to ensure the safety of all students, employees, and other occupants of the buildings.

Asbestos Management Plans are available for review in the administration offices.

INSTANT MESSAGING

Norman Public Schools has a service that will allow us to communicate messages to you within minutes. For example, should schools need to close due to weather, this system would notify you by your home phone, cell phone, email and/or text messages. In addition, schools may use the system to keep you up-to-date on important school-wide information or changes relating to groups in which your child participates.

All students will be entered into the system using the information provided to us on the enrollment form. It is very important we have correct contact information to ensure you receive this service.

UNAUTHORIZED PERSONS AT SCHOOL

In accordance with state statutes, the superintendent has the authority to remove individuals from school property who are considered a threat or who negatively impact the peaceful conduct of school business. Individuals who do not comply may be charged with a misdemeanor.

ADMINISTERING MEDICATION TO STUDENTS

Medication, including acetaminophen and aspirin, may not be administered by school personnel unless the Request

Item 2

SPRING AND FALL CLEANUP



Date: June 5, 2014
To: Steve Lewis, City Manager
From: Kenneth Komiske, Director of Utilities
Subject: Spring/Fall Cleanup

Background:

Each year Norman's Sanitation Division offers a Spring and a Fall Cleanup for all of Norman's residential customers. This service is offered to residential customers to help them properly dispose of larger bulky items that would not normally fit into the weekly polycart collections. Collections include such as; lawn furniture, washers/dryers, bookcases, chairs and other bulky items. Items specifically not included are; yard waste, construction debris, paints, vehicles and any hazardous materials.

The collections for urban Norman residential customers normally occur over a five Saturday period. The first Saturday collection is for the area that normally has Monday trash collections; the second Saturday collection is for the area that normally has Tuesday trash collections and so forth.

An example of a recent press release is attached as Appendix A
An example of the bill stuffer sent to all residential customers is attached as Appendix B.

Discussion:

An item for discussion is the length of time a residential customer may leave the bulky items for collection at the curb. An example may be a residential customer cleans out the garage on the Saturday or Sunday one or more weeks before their scheduled collection day. The bulky items are then left at the curb for the weeks prior to the scheduled Saturday collection.

The Norman Code of Ordinance does not specifically address Sanitation issues regarding Spring/Fall Cleanup. Section 21-201, (e) addresses normal trash collection that uses polycarts and states, 'Municipal solid waste containers, or polycarts, shall be placed within two (2) feet of the curb no earlier than 12:00 p.m. the day prior to collection and shall be removed from the curbside, and placed at the house side, no later than 12:00 p.m. the day following the collection'.

The Spring/Fall Cleanup service is recognized as a premium service and is greatly valued by the customers. Specific complaints of bulky items left at the curb for extended periods of time prior to collections do occur on occasion. Code Compliance officers' state that they may receive between 50 to 100

office memorandum

complaints during the five week period of Cleanup. Most of the complaints are caused by residents putting bulky items at the curb for extended periods of time; i.e. over one week. Based on input from Code Compliance, future bill stuffers will recommend residents put bulky items out for collection no more than one week in advance of their collection Saturday.

Stacey Parker

From: Stacey Parker
Sent: Tuesday, March 25, 2014 2:02 PM
Subject: PRESS RELEASE 03/25/14 - Spring Clean Up

PRESS RELEASE



City of Norman
201 West Gray
Norman, Oklahoma 73069

For Immediate Release: March 25, 2014

Contact: Sanitation Department, (405) 329-1023

SPRING CLEAN UP

The City of Norman Spring Clean-Up dates are as follows:

April 5	Customers who have Monday polycart service
April 12	Customers who have Tuesday polycart service
April 19	Customers who have Wednesday polycart service
April 26	Customers who have Thursday polycart service
May 3	Customers who have Friday polycart service

Items must be out by 7:30 a.m. on designated Saturday.

The above schedule also applies to rural customers; however, rural customers need to call Sanitation at (405) 329-1023 to schedule an appointment prior to April 4th.

Items should not be placed at the curb earlier than one week before schedule pick up date; this could result in a City of Norman Code violation, and a fine can and will be issued to the violator.

Yard waste is not collected as spring clean-up items. Yard waste that meet size requirements can be taken to the Compost Facility, located at 398 Bratcher Miner Road. Larger limbs and trucks can be taken to the Transfer Station, located at 3901 S. Chautaugua. Other items not collected may include: remodeling or demolition debris, such as broken concrete, bricks, lumber, sheetrock, shingles or junk cars; hazardous waste, such as tires, batteries, paints, refrigerators or any items with Freon. Any items containing Freon must have the Freon properly captured by a certified technician. Only with the proper tag, identifying that the Freon has been removed, will the items be accepted.

Polycarts, wagons, wheelbarrows, etc., are not to be used as containers for clean-up items.

The Transfer Station will be open and free on these Saturdays for any Norman sanitation customer who wishes to haul their own. Remember to take a current utility bill when you go or have a driver's license with a Norman address.

For Norman residents in rural areas with City of Norman trash service, there will also be containers set up to dispose of items on Saturday, April 12th at American Legion (north of Hwy 9 on 156th Avenue NE) and Denver Corner (10808 E. Alameda). Proof of residency, either with a City of Norman utility bill or current driver's license, is required.

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SPRING CLEAN UP

The following are the dates for the City of Norman Spring Clean-Up:

- Apr. 5 Customers who have Monday polycart service
- Apr. 12 Customers who have Tuesday polycart service
- Apr. 19 Customers who have Wednesday polycart service
- Apr. 26 Customers who have Thursday polycart service
- May 3 Customers who have Friday polycart service

The above schedule also applies to rural customers. However, rural customers need to call Sanitation at 329-1023 and schedule an appointment prior to April 5. (Items must be out by 7:30a.m. on designated Saturday.)

We do not take yard waste of any kind, remodeling or demolition debris such as broken concrete, bricks, lumber, sheetrock, shingles or junk cars, or any hazardous waste such as tires, batteries, paints, etc.. Polycarts, wagons, wheelbarrows, etc., are not to be used as containers for clean up items. The Transfer Station at 3901 S. Chautauqua, will be open and free on these Saturdays for any Norman sanitation customer, so you may haul your own if you wish. Remember to take a current utility bill when you go, or have a driver's license with a Norman address.