

The following are "unofficial minutes", subject to change at the next meeting.

BOARD OF PEMBINA COUNTY COMMISSIONERS PROCEEDINGS

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April 7, 2015

9:00 AM

Board of Pembina County Commissioners met in regular session at 9:00 AM in the Commissioners Meeting Room of the Courthouse with the following members present: Gary Nilsson, Laverne Doyle, Nick Rutherford, Hugh Ralston and Hetty Walker.

Chairman Walker asked for additions to the agenda. Additions include discussion on a resolution supported by the Board of Health and an inquiry from Herb Storie, Hensel City Mayor.

Motion made by Gary Nilsson and seconded by Laverne Doyle to approve the March 17, 2015 minutes as presented. All voting in favor; motion carried.

Pembina County Fair Board minutes of March 11, 2015 were reviewed.

Motion made by Laverne Doyle and seconded by Hugh Ralston to authorize a proxy vote to the Chairperson of NDIRF for such business as may properly come before the meeting. All voting in favor; motion carried

Request received from Chizzy's to transfer his liquor license to the Leroy Hall on Saturday, April 11, 2015 from 9:00PM to 1:00AM. Motion made by Gary Nilsson and seconded by Hugh Ralston to approve the transfer. All voting in favor; motion carried.

Commissioner Ralston reported that Herb Storie, Hensel City Mayor, contacted him asking what the County plans on doing with the old grocery store in Hensel. The store became County property due to tax foreclosure. Discussion followed. Troy Kittelson, Highway Supervisor, will be contacted to have an asbestos test done prior to demolishing the structure.

Commissioner Nilsson discussed removing the Superintendent of Schools responsibility from the County to the Pembina County Schools.

Rachel Ramsay, Public Health nurse, presented a resolution requesting the Board of Commissioners support of defining E-cigarettes as tobacco products, prohibiting the sale of E-cigarettes to minors, requiring that E-cigarettes be sold in child-resistant packaging and prohibiting self-service sales of all tobacco products. Motion made by Hugh Ralston and seconded by Gary Nilsson to support and adopt the resolution as presented. All voting in favor; motion carried.

WHEREAS, e-cigarettes are electronic oral devices designed to deliver tobacco-derived nicotine and other substances to the user. The term e-cigarette includes, but is not limited to, products identified as, electronic cigarettes, e-cigs, electronic smoking devices, electronic nicotine delivery systems, electronic hookahs, e-hookahs, hookah sticks, hookah pens, vapes, vaping pens or vape pipes.

WHEREAS, nicotine is a highly addictive drug that has immediate bio-chemical effects on the brain and body at any dosage and is toxic in high doses.

WHEREAS, the FDA recently issued proposed regulations that would treat e-cigarettes as tobacco products under the Family Smoking Prevention and Tobacco Control Act, commonly known as the Tobacco Control Act.

WHEREAS, there are currently no comprehensive regulations for e-cigarettes, so there are no manufacturing standards and no requirements that manufacturers disclose the ingredients contained in e-cigarettes.

WHEREAS, since there are over 200 different manufacturers of e-cigarettes and no manufacturing standards or ingredient disclosure requirements, there is no way to know what is contained in each product.

WHEREAS, laboratory tests of e-cigarettes have shown that some of the products contain known carcinogens and dangerous heavy metals.

WHEREAS, e-cigarettes have not been approved by the U.S. Food and Drug Administration as tobacco cessation products or for any other medical use.

WHEREAS, defining all e-cigarettes as tobacco products would allow them to be regulated uniformly under the state's existing tobacco laws without the onerous task of separately adding them to particular sections of the law which would create less comprehensive regulation.

WHEREAS, defining e-cigarettes as tobacco products would maintain consistency within state and local laws and would also be consistent with the U.S. Food and Drug Administration's proposed deeming regulation.

WHEREAS, e-cigarettes are particularly dangerous to minors who may not know the amount of addictive nicotine and other harmful chemicals that the products contain. In

addition, adolescent brains are more susceptible than adults to the addictive effects of nicotine.

WHEREAS, the use of e-cigarettes by minors is increasing. In 2013, the CDC released data showing that the use of e-cigarettes by high school students overall tripled, to 4.5 percent in 2013 from 1.5 percent in 2011.

WHEREAS, the percentage of high school students in North Dakota that have ever used an e-cigarette increased from 4.5% in 2011 to 13.4% in 2013.

WHEREAS, more than 263,000 minors have used e-cigarettes without ever having smoked a conventional cigarette. Due to the addictive nature of nicotine, many of these minors will become addicted to nicotine through the use of e-cigarettes which could also lead to an increase in smoking rates among youth and young adults.

WHEREAS, over forty states have prohibited the sale of e-cigarettes to minors. In addition, several cities in North Dakota have prohibited the sale of e-cigarettes to minors.

WHEREAS, while both federal and state laws prohibit most conventional tobacco products from being sold to minors, there is currently no federal law restricting the sale of e-cigarettes to minors, nor is there a state law prohibiting the sale of e-cigarettes to minors in North Dakota.

WHEREAS, research has shown that tobacco product displays influence youth purchase attempts, encourage impulse purchases, and undermine tobacco cessation attempts.

WHEREAS, federal law currently prohibits self-service displays of cigarettes and smokeless tobacco, but does not prohibit self-service displays for other tobacco products such as cigars or e-cigarettes.

WHEREAS, e-cigarette liquid, or e-juice, is sold in over 7,000 flavors. Many of the e-juice flavors, especially those related to fruit, candy and alcoholic beverages are likely to be more appealing to children than tobacco flavor.

WHEREAS, flavored e-juice often resembles juice and smells like the product whose flavor it is intended to mimic which can entice young children to ingest it.

WHEREAS, calls to poison control centers as a result of exposure to e-cigarettes and e-juice more than doubled from 2013 to 2014, and the number of calls was more than fourteen times higher in 2014 than in 2011.

THEREFORE, BE IT RESOLVED that Pembina County Board of Commissioners supports the adoption by the cities of Pembina County and the state of North Dakota of policies that will continue to define all e-cigarettes as tobacco products;

AND BE IT FURTHER RESOLVED that Pembina County Board of Commissioners in order to protect the health of current and future generations of citizens, supports the adoption of policies by the cities of Pembina County and state of North Dakota to prohibit the sale of all e-cigarettes, including accompanying parts and components, whether or not sold separately, to minors;

AND BE IT FURTHER RESOLVED that Pembina County Board of Commissioners supports the adoption of policies by the cities of Pembina County and the state of North Dakota to require that all retailers selling tobacco products, including e-cigarettes, display such products behind a counter in an area in which customers do not have access to them and that self-service displays of tobacco products are restricted to stores in which minors are prohibited from entering; and

AND BE IT FURTHER RESOLVED that Pembina County Board of Commissioners supports the adoption of policies by the cities of Pembina County and the state of North Dakota that would require all e-cigarettes and all solution that is intended to be used in an e-cigarette be sold in child-resistant packages.

Dated and effective this 7th day of April, 2015.

/s/ Hetty Walker
Signature of Authorized Official

4/07/2015
Date

Helen Volk-Schill, NDSU Extension Agent, presented a letter of resignation to the Commissioners. Motion made by Gary Nilsson and seconded by Laverne Doyle to accept the letter of resignation as presented. All voting in favor; motion carried.

Ms. Volk-Schill asked if the Commission is interested in filling her position. Commissioner Nilsson requested that Ron Wiederholt, temporary NE District Manager, attend the next meeting to discuss filling the position. Decision tabled until the April 21, 2015 meeting.

Ms. Schill discussed equipment purchased by Cavalier Public School through a PEP grant, and shared with NDSU Extension over the past few years. The equipment, which is stored in the Extension trailer, will be returned to the school for inventory purposes. The trailer and equipment will be returned, pending the hire of a new Extension Agent trained in archery, air rifles, and pistols. Motion made by Gary Nilsson and seconded by Nick Rutherford to park the trailer by the Sheriff's Department once the school has taken inventory. Discussion followed. All voting in favor; motion carried.

Motion made by Gary Nilsson and seconded by Nick Rutherford to approve the consent agenda, consisting of claims and the March payroll, as presented. All voting in favor; motion carried.

Samantha Lahman, NDSU Extension, reported that she received a \$500.00 grant for gardening and is willing to use it for landscaping around the Courthouse. Ms. Lahman has finished with the pesticide recertification and is finishing up on helping clients with the Farm Bill.

Mark Ramsay and Doug Olson discussed County Road #1 load restrictions. Mr. Olson is requesting permission to have the restrictions lifted for 3 ½ miles, from State Highway #18 east to Bathgate Seed. Commission will discuss with Troy and notify Mr. Ramsay and Mr. Olson of a decision.

Eric Gauthier, Veteran's Service Officer, informed the Commission that the Veteran's Access Choice and Accountability Act of 2014 have changed the distance criteria from a 40 mile radius of a Veteran's health care facility measured "as the crow flies" to actual mileage driven. Eric also discussed the Veteran's Service conference he attended in Bismarck.

Chairman Walker presented checks from William Reichert of Howell, Michigan to James Doyle and Brian Danielson. Mr. Reichert sent each of the individuals a \$1,000.00 thank-you check for saving his life and that of his wife, 38 years ago. Mr. Reichert and his wife were stranded for almost 30 hours during a severe snowstorm, December 8-9, 1977. James and Brian were in the County plow truck that found the vehicle while clearing County Road #11 and took the Reichert's to safety.

Motion made by Hugh Ralston and seconded by Laverne Doyle to adjourn the meeting. All voting in favor; motion carried. Meeting was adjourned at 11:30AM.