

**ORDINANCE #10-03
Tobacco Free Sampling and Distribution Ordinance**

Section 1000. Title.

This ordinance shall be known as the Tobacco Free Sampling and Distribution Ordinance.

Section 1001. Finding and Purpose.

The Board of County Commissioners of Holmes County does hereby find that: tobacco use is responsible for the premature deaths of 434,000 Americans each year from lung cancer, heart disease, respiratory illness, and other diseases; and The U.S. Surgeon General has declared that nicotine is as addictive as cocaine or heroin, and children can become addicted to these products through the use of free tobacco samples and distribution; Accordingly, Holmes County Commission finds that prohibiting the distribution of free tobacco samples, distribution of free tobacco products or coupons is essential to protect the health and welfare of the public.

Section 1002. Definitions.

- 1. Public Place means any area to which the public is invited or in which the public is permitted, including, but not limited to, any right-of-way, mall or shopping center, park, playground, and any other property owned by the county, any school district, or any park district.

Section 1003. Tobacco Samples and Distribution Prohibited.

No persons shall knowingly distribute or furnish without charge, or cause to be furnished or distributed without charge, cigarettes or other tobacco products, or coupons for cigarettes or other tobacco products, in any public place or at any event open to the public.

Section 1004. Enforcement.

Violations of this ordinance are subject to a fine of \$1,000 per day for each violation. The County Coordinator and County Attorney may enforce this ordinance, and the Holmes County Sheriff's Department shall also have the authority to issue citations for violations.

Section 1005. Severability.

If any provision, clause, sentence or paragraph of this article or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions are declared to be severable.

Section 1006. Effective Date.

This article shall be effective thirty (30) days from and after the date of its adoption.

ADOPTED in Regular Session on the 26th day of July, 2010.

ATTEST:

Clerk

Holmes County Board of Commissioners

Chairman