

ORDER
OF THE HANCOCK COUNTY BOARD OF HEALTH

WHEREAS, the COVID-19 Virus has been declared a global pandemic and therefore a threat to public health and welfare of the residents of Hancock County;

WHEREAS, the federal, state and local governments have instituted social distancing guidelines and other measures to help prevent or reduce the spread of the COVID-19 Virus, including but not limited to a statewide indoor face covering requirement for all indoor public places instituted by the State of West Virginia on November 14, 2020;

WHEREAS, sanctioning, permitting or otherwise allowing patrons and/or employees to smoke indoors at Free Standing Limited Video Lottery Rooms and Gaming and Entertainment Establishments as defined herein is in conflict and/or violation of the aforementioned statewide indoor face covering requirement for all indoor public places;

WHEREAS, various State entities have yielded or deferred to the Hancock County Health Department and Hancock County Board of Health any and all decisions pertaining to the sanctioning, permitting, or allowance of smoking indoors at Free Standing Limited Video Lottery Rooms and Gaming and Entertainment Establishments in connection with the federal, state and local governments' social distancing guidelines and other measures instituted to help prevent or reduce the spread of the COVID-19 Virus, including but not limited to the aforementioned statewide indoor face covering requirement for all indoor public places; and

WHEREAS, the Hancock County Board of Health is tasked by W.Va. Code §16-2-11 with safeguarding the public health and welfare of the residents of Hancock County when it comes to communicable or reportable disease prevention and control, disease surveillance, and response to epidemics.

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It is hereby **ORDERED** that those provisions of the Clean Air Regulation, as amended, which allow or permit smoking within or inside any and all Free Standing Limited Video Lottery Rooms and Gaming and Entertainment Establishments (as defined herein) located in Hancock County, West Virginia are suspended or otherwise held in abeyance; it is further

ORDERED that all smoking within or inside any and all Free Standing Limited Video Lottery Rooms and Gaming and Entertainment Establishments (as defined herein) located in Hancock County, West Virginia is hereby prohibited: and it is further

ORDERED, that the Hancock County Health Department shall serve a copy of this Order to all businesses affected by said order and such businesses shall be required to conspicuously post a copy of this Order so that customers will be provided with notice of the same.

For the purposes of this Order, the following definitions apply:

a. "Smoking" means inhaling, exhaling, burning, any lighted or heated cigarette, cigar or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Smoking" also includes the use of any electronic cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this order.

b. "Free Standing Limited Video Lottery Room" means a room that is devoted solely to the placement of limited video lottery machines licensed by the WV Lottery Commission. For the purposes of this order, it is a room that prohibits the entry of persons under the age of 21. A free standing video lottery room is an enclosed area and does not allow the infiltration of secondhand smoke into any non-smoking area. For the purposes of this order a "free standing limited video lottery room" shall be separate from any areas that serve food and/or alcohol.

c. "Gaming and Entertainment Establishment" refers to the Mountaineer Casino, Racetrack & Resort which is licensed by the West Virginia Racing Commission and/or West Virginia Lottery Commission and offers to the general public opportunities to place wagers on live or simulcast horse or dog races, or sports betting, and participate in video lottery and table games.

Willful violation of this Order is an unlawful act and any person or business violating said order may be charged with a misdemeanor under W.Va. Code §§16-2-15 and 61-6-

1A and upon conviction shall be subject to a monetary fine. Additionally, any willful violation of this Order will result in the immediate closure of the business by the Hancock County Health Department.

The Hancock County Health Department shall conduct inspections to ensure compliance with this Order.

This Order shall become effective beginning on January 2, 2021, at 5:00 p.m. and shall remain in effect until further Order of the Hancock County Board of Health.

Dated this 30th of December, 2020.

JOHN A. PLESA

JOHN A. PLESA, CHAIRMAN
HANCOCK COUNTY BOARD OF HEALTH



DR. CHRISTOPHER RUDDY
HANCOCK COUNTY PUBLIC HEALTH OFFICER

Jackie Huff, Administrator

JACKIE L. HUFF, ADMINISTRATOR
HANCOCK COUNTY HEALTH DEPARTMENT