Creating Smokefree Parks:
Exploring Policy Options and Sharing Practical Tips

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Public Health Law & Policy

Who we are

We partner with state and local leaders to improve health in all communities, especially the underserved. We do this by researching legal and policy questions, drafting policy language, and training community leaders to put these ideas to work.
Disclaimer

The information provided in this discussion is for informational purposes only, and does not constitute legal advice. Public Health Law & Policy (PHLP) does not enter into attorney-client relationships.

PHLP is a non-partisan, nonprofit organization that educates and informs the public through objective, non-partisan analysis, study, and/or research. The primary purpose of this discussion is to address legal and/or policy opinions to improve public health. There is no intent to reflect a view on specific legislation.
Agenda

Smokefree Recreational Areas

- Importance
- Adoption
- Components
- Campaign
- Experience
Speakers

Robin Salsburg
Consulting Attorney
Public Health Law & Policy

Nicole Coxe
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Santa Clara County Public Health Dept.
Tobacco Prevention & Education Program
What type of recreational area would you like to make smokefree?
Why are smoke-free recreational areas important?
Exposure to secondhand smoke is unhealthy ... even outdoors
Cigarette butts are a source of litter
Smokefree recreational areas promote healthy living
Adopting a smokefree recreational areas policy
Government Entities

**STATE**
Policy for all recreational areas OR just state owned facilities

**COUNTY / CITY**
Policy for all recreational areas in jurisdiction OR just county/city owned facilities

**PARK DISTRICT**
Policy only for district owned recreational facilities
Legal Authority

“POLICE POWER”

Protect the health, welfare, and safety of residents
Legal Authority

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Protect the health, welfare, and safety of residents

EXAMPLES

SPEED LIMIT
50

BUCKLE UP
IT'S THE LAW!

DO NOT LITTER
Components of a strong policy
What?
Enforcement

WHO?
- Police
- Parks department staff
- Other

PROTOCOL?
- Warning
- Citation (ticket)
- Arrest

PENALTIES?
Other Options

![Tobacco-Free Zone Sign]

![Cigarette Bin]

Tobacco Use is NOT ALLOWED On This Park Property

Thank You.
Recreational Areas Ordinance Checklist

Your community has a range of policy choices to consider when designing a local ordinance regulating smoking and tobacco use in recreational areas. The options below are based on TALC’s Model California Ordinance Regulating Smoking and Tobacco Product Use in Recreational Areas, available at www.talc.psfk.org. (Note that the policy options listed below may appear in a different order in TALC’s model ordinance.) Policy provisions that TALC considers essential already include a check mark. Consult TALC for help drafting an ordinance based on your community’s choices.

**POLICY OPTIONS**

**WHAT IS REGULATED**

- Smoking
- Use of other tobacco products (e.g., smokeless tobacco)
- Definition of ‘tobacco product’ to include all nicotine and non-nicotine tobacco products (e.g., nicotine water, snus)

**WHERE SMOKING OR TOBACCO USE IS PROHIBITED**

- City- or county-owned recreational areas
  - Exemptions: Provide designated smoking area(s), which must be clearly defined
- Private-owned recreational areas that are open to the public (e.g., athletic fields, skateboard parks, amusement parks)
  - Exemptions: Provide designated smoking area(s), which must be clearly defined
- Parking areas used to access recreational areas

**ADDITIONAL PROVISIONS**

- Prohibit ash cans and ash trays from being placed within an area where smoking is not permitted
- Require property owners and managers to prevent guests from illegally using tobacco
- Require that No Smoking signs be posted

**ENFORCEMENT PROVISIONS**

- Designate that the ordinance will be enforced by __________ but also enforceable by any agency
- Declare violations based on illegal smoking or tobacco use to be one of the following:
  - Infractions with a fixed fine amount of $____. (cannot be more than $100), which allows a citation (a “ticket”) to be paid without appearing in court
  - The same as other violations (below)
- Declare other violations to the ordinance to be an infraction or a misdemeanor, decided at the discretion of the prosecuting attorney
- Allow the city or county to file a civil action against for any violation (civil fine can be up to $1,000)
- Allow private citizens to get an injunction against individuals for repeat violations of the ordinance and an injunction against businesses for a single violation

*Notes 2008*

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Smokefree Recreational Areas

Local ordinances limiting exposure to secondhand smoke are the most direct and effective way to improve the public’s health. Increasingly, many California communities are interested in limiting secondhand smoke exposure and tobacco use in areas such as parks, playgrounds, and sports fields. By addressing tobacco use outdoors, an ordinance prohibiting smoking or all tobacco use in recreational areas also helps limit tobacco-related litter.

TALC’s Model California Ordinance Regulating Smoking and Tobacco Product Use in Recreational Areas provides a number of policy options to consider when designing a local ordinance prohibiting smoking or all tobacco use in recreational areas. The ordinance language you select should be part of a larger strategy to have the ordinance adopted in your community.

To guide your planning, the Center for Tobacco Policy and Organizing has developed the five phase model below:

1. **Investigation & Assessment**
   - Identify local issues and resources to build an understanding of what might influence decision makers. Determine your issue, a location (city or county), and a goal.

2. **Strategy & Planning**
   - Assess the political environment and decision makers. Develop a preliminary strategy and establish a rough timeline. This phase includes the development of the ordinance – this is the time to call on TALC.

3. **Recruitment**
   - Now that you’ve prepared the groundwork, it’s time to involve more people. This campaign includes outreach and recruitment strategies. Meet with key opinion leaders. Plan a campaign “kick-off” event.

4. **The Campaign**
   - Finalize and then implement the timeline, strategy, and tactics with your newly recruited members. Form action teams: e.g., Sensation, Drafting, Media, Action, Smokers’ Bureau. A key tactic will be meeting with decision makers.

5. **Evaluation**
   - Determine effectiveness of the campaign and tactics.
For more information contact:

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Thank you!

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