



# Support for Smokefree Parks

To protect residents from drifting secondhand smoke while they enjoy outdoor sports and other activities, city and county governments can create smokefree parks and recreation areas. This fact sheet outlines the benefits of laws and policies to create smokefree parks.

## **Smokefree parks promote healthy living.**

- We go to parks to play with our kids, to participate in sports, or to relax and enjoy the outdoors. Creating smokefree parks is a way for communities to make outdoor spaces even more conducive to healthy living.
- By passing a law to create smokefree parks, a city or county can take an important step to encourage healthy behaviors and make parks places where people can expect to be free from secondhand smoke.
- Smokefree environments help adults model healthy behavior for kids, and can encourage people who smoke to smoke less or even quit.<sup>1</sup>

## **Many communities already have smokefree parks.**

- More than 500 communities nationwide already have laws establishing smokefree parks.<sup>2</sup>
- More than 100 communities in California have already adopted laws creating smokefree parks.<sup>3</sup>

## **It's legal to create smokefree parks.**

- Local governments have the legal right to adopt laws to protect residents' health and safety.<sup>4</sup> This authority (known as the "police power") enables communities to adopt smokefree laws to reduce exposure to harmful secondhand tobacco smoke.
- Smoking restrictions do not discriminate against people who smoke.<sup>5</sup> There are no constitutional guarantees allowing a person to smoke wherever she or he wishes.

## **Exposure to secondhand smoke is unhealthy — even outdoors.**

- Tobacco smoke contains more than 7,000 chemicals and compounds, including hundreds that are toxic and at least 69 that cause cancer.<sup>6</sup>
- The U.S. Surgeon General has concluded there is no risk-free level of exposure to secondhand smoke.<sup>7</sup> Secondhand smoke causes nearly 3,000 deaths from lung cancer and 46,000 deaths from heart disease every year in the United States.<sup>8</sup>

- Studies have found that levels of secondhand smoke in outdoor areas can be equal to amounts found inside where smoking is allowed.<sup>9</sup>
- Exposure to concentrated amounts of secondhand smoke outdoors can cause respiratory irritation and may trigger asthma attacks.<sup>10</sup>
- To completely avoid exposure to secondhand smoke in an outdoor area, a person may have to move as far as 25 feet from the person who is smoking — equivalent to the width of a two-lane road.<sup>11</sup>

### **Smokefree parks mean less litter.**

- Cigarette butts are the most commonly littered item in the United States.<sup>12</sup> Americans discard more than 175 million pounds of cigarette butts every year.<sup>13</sup>
- Laws establishing smokefree parks help reduce cigarette butt litter and its effects on the environment by creating cigarette “butt-free zones” where this type of trash won’t blight outdoor recreational areas and inadvertently pollute waterways.
- The cigarette filter — the white fluffy stuff that looks like cotton — is actually plastic (cellulose acetate), which can take up to 15 years to decompose.<sup>14</sup>
- Cigarette butts get deposited into our streams, creeks, lakes, and rivers (through storm drains), where they then leach toxins into these waterways, impairing the water quality for aquatic life.<sup>15</sup>

### **Smokefree parks laws are easy to enforce.**

- Laws restricting smoking in parks are, for the most part, self-enforcing, which means that people “police” themselves and cooperate with the law.
- When people know they aren’t supposed to smoke in a particular place, they generally comply. Knowledgeable community members also can help educate those who don’t know about the law.
- Posting No Smoking signs at park entrances, in playground and picnic areas, and next to sports fields are important ways to provide clear and constant reminders about the smokefree law.
- Media events, press releases, newsletter articles, website highlights, and brochures are all great ways to inform and remind the public about the health-promoting policy.
- While laws creating smokefree parks rely primarily on public cooperation, it is also important that a law include enforcement language, such as fines and other penalties, to show that a violation carries real consequences.

*ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state. © 2011 ChangeLab Solutions*

- <sup>1</sup> Neighmond P. “Smoking Bans Help People Quit, Research Shows.” *National Public Radio*, October 25, 2007. Available at: [www.npr.org/templates/story/story.php?storyId=15610995](http://www.npr.org/templates/story/story.php?storyId=15610995).
- <sup>2</sup> *Municipalities with Smokefree Park Laws*. American Nonsmokers’ Rights Foundation, 2011. (No authors given). Available at: [www.no-smoke.org/pdf/SmokefreeParks.pdf](http://www.no-smoke.org/pdf/SmokefreeParks.pdf).
- <sup>3</sup> *Id* at 1.
- <sup>4</sup> Local governments have this legal authority unless there is a state law that prohibits or “preempts” this power.
- <sup>5</sup> Graff SK. *There is No Constitutional Right to Smoke*. St. Paul: Tobacco Control Legal Consortium, 2008, p. 1-5. Available at: [www.changelabsolutions.org/publications/no-constitutional-right-smoke](http://www.changelabsolutions.org/publications/no-constitutional-right-smoke).
- <sup>6</sup> US Department of Health and Human Services, Office of the Surgeon General. *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease: A Report of the Surgeon General*. 2010, p. 17. Available at: [www.surgeongeneral.gov/library/tobaccosmoke/report/full\\_report.pdf](http://www.surgeongeneral.gov/library/tobaccosmoke/report/full_report.pdf).
- <sup>7</sup> *Id.* at 9.
- <sup>8</sup> US Department of Health and Human Services, Centers for Disease Control and Prevention. *Tobacco Use: Targeting the Nation’s Leading Killer*. 2011, p. 2. Available at: [www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco\\_AAG\\_2011\\_508.pdf](http://www.cdc.gov/chronicdisease/resources/publications/aag/pdf/2011/Tobacco_AAG_2011_508.pdf).
- <sup>9</sup> Klepeis NE, Ott WR, and Switzer P. *Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study*. Stanford, CA: Stanford University, 2004, p. 80, 87. Available at: [http://exposurescience.org/pub/reports/Outdoor\\_ETS\\_Final.pdf](http://exposurescience.org/pub/reports/Outdoor_ETS_Final.pdf). See also Klepeis NE, Ott WR and Switzer P. “Real-Time Measurement of Outdoor Tobacco Smoke Particles.” *Journal of the Air & Waste Management Association*, 57: 522-534, 2007. Available at: [www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf](http://www.ashaust.org.au/pdfs/OutdoorSHS0705.pdf); Repace JL. “Benefits of Smoke-Free Regulations in Outdoor Settings: Beaches, Golf Courses, Parks, Patios, and in Motor Vehicles.” *William Mitchell Law Review*, 34(4): 1621-1638, 2008. Available at: [www.repace.com/pdf/Repace\\_Ch\\_15\\_Outdoor\\_Smoke.pdf](http://www.repace.com/pdf/Repace_Ch_15_Outdoor_Smoke.pdf).
- <sup>10</sup> TobaccoSmoke.org, Is there really a health basis for outdoor smoking bans?, <http://tobaccosmoke.exposurescience.org/outdoor-tobacco-smoke-study/is-there-really-a-health-basis-for-smoking-bans>.
- <sup>11</sup> Repace, *supra* note 9, at 1626.
- <sup>12</sup> Keep America Beautiful, Cigarette Litter Prevention Program. Available at: [www.kab.org/site/PageServer?pagename=CLPP\\_landing](http://www.kab.org/site/PageServer?pagename=CLPP_landing).
- <sup>13</sup> Surfrider Foundation, San Diego Chapter. *Hold on to Your Butt*. Available at: [www.surfridersd.org/hotyb.php](http://www.surfridersd.org/hotyb.php).
- <sup>14</sup> *Id.*
- <sup>15</sup> Board of Supervisors – Orange County California, The Surfrider Foundation’s Cigarette Litter Campaign. Available at: [http://bos.ocgov.com/legacy5/newsletters/pdf/09\\_06\\_25\\_Cigarette\\_Litter\\_Sekich.pdf](http://bos.ocgov.com/legacy5/newsletters/pdf/09_06_25_Cigarette_Litter_Sekich.pdf) (slide #5).