

Comprehensive Smokefree Places Ordinance Checklist

Your community has a range of policy choices to consider when designing a local ordinance regulating smoking and tobacco use in indoor and outdoor areas.

The options below are based on ChangeLab Solutions' *Model Comprehensive Smokefree*

Places Ordinance (available at: www.changelabsolutions.org/publications/comp-smokefree-places).

Policy provisions that ChangeLab Solutions considers essential already include a check mark (on page 2). Contact us for help

drafting an ordinance based on your community's choices.

To guide your planning, the American Lung Association in California's Center for Tobacco Policy & Organizing has developed the five phase model below.



Contact "The Center" for help planning your campaign steps and working through the phases.



American Lung Association in California's Center for Tobacco Policy & Organizing (The Center) helps local coalitions wage effective tobacco control policy campaigns. The Center can provide you with resources, trainings, and effective strategies to help you narrow down your issue, do a political assessment, complete a strategy chart, recruit new members, and re-energize your coalition.

(916) 554-5864
www.center4tobaccopolicy.org

Investigation & Assessment

Assess the political environment and decision makers. 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.



Strategy & Planning

Develop a strategy chart and establish a rough timeline.



The checklist on page 2 is designed to help you begin drafting an ordinance based on your community's choices – this is the time to contact ChangeLab Solutions.

Recruitment

Now that you've prepared the groundwork, it's time to involve more people. Train campaign members in outreach and recruitment strategies. Meet with key opinion leaders and recruit community residents who are influential with local officials.



The Campaign

Finalize and then implement the timeline, strategy, and tactics with your newly recruited members. Form action teams: e.g., ordinance-drafting, media, tactic team, speakers' bureau. A key tactic will be meeting with decision makers.



Implementation & Evaluation

Research how the policy should be implemented. Determine effectiveness of the campaign and tactics.



ChangeLab Solutions

Law & policy innovation for the common good.

ChangeLab Solutions is a nonprofit organization that helps advocates, city and county attorneys, and elected officials by providing and reviewing ordinance language, researching and analyzing state and federal legal issues, and providing training and consulting on legal strategies for tobacco control. The legal information in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.

(510) 302-3380
www.changelabsolutions.org/tobacco-control

This material was made possible by funds received from Grant Number 09-11182 with the California Department of Public Health, California Tobacco Control Program.
© 2014 California Department of Public Health. This material may not be reproduced or disseminated without prior written permission from the California Department of Public Health.

Comprehensive Smokefree Places Ordinance Checklist

Your community has a range of policy choices to consider when designing a local ordinance regulating smoking and tobacco use in indoor and outdoor areas. The options below are based on ChangeLab Solutions' *Model Comprehensive Smokefree Places Ordinance*, which is available at www.changelabsolutions.org/publications/comp-smokefree-places. Policy provisions that ChangeLab Solutions considers essential already include a check mark. Contact us for help drafting an ordinance based on your community's choices.

POLICY OPTIONS

What is Regulated

- Smoking (including the use of tobacco products that produce smoke and the use of electronic smoking devices)
- Use of other tobacco products that do not produce smoke or vapor (e.g. chewing tobacco, snus)

Where Smoking or Tobacco Use Is Prohibited

Indoor:

- Places of Employment
 - Except in up to 10% of hotel/motel guest rooms
 - Except in retail tobacco shops that meet certain criteria
 - Except in theatrical productions
- Multi-Unit Residence Common Areas
- Public Places

Outdoor:

- Recreational Areas
- Service Areas
- Dining Areas
- Places of Employment
- Multi-Unit Residence Common Areas
 - Except for designated "smoking area" that meets certain criteria
 - Other Public Places
 - Only Public Places when being used for a public event
 - Excluding streets and sidewalks being used in their traditional capacity
- Within a Reasonable Distance of [_ feet] from any vent into an Enclosed Area where smoking is prohibited
- Within a Reasonable Distance of [_ feet] from any Unenclosed Area where smoking is prohibited

Additional Provisions

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

Enforcement Provisions

- Designate that the ordinance will be enforced by _____ but also enforceable by peace officer or code enforcement officer
- Declare violations based on *illegal smoking [or tobacco use]* to be infractions with a fixed fine amount of \$_____ (cannot be more than \$100)
- Declare *other* violations of 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 for any violation:
 - Seeking monetary fine (civil fine can be up to \$1,000)
 - Seeking injunctive relief or nuisance abatement
- Declare that violation of the ordinance constitutes a nuisance
- Allow private citizens to get an injunction against individuals or businesses for repeat violations of the ordinance