



**Cook County Department
of Public Health**

Creating Smokefree Parks: Exploring Policy Options and Sharing Practical Tips

This project was made possible through funding from the Illinois Department of Public Health

A photograph of a playground. In the foreground, a swing set with a metal seat and chains is visible. In the background, there are colorful slides (red and blue) and other playground equipment. The scene is outdoors on a paved surface.

Creating Smokefree Parks: Exploring Policy Options & Sharing Practical Tips

**Webinar for
Cook County
Department of Public Health
May 4, 2012**



public health
law & policy

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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.



Public Health Law & Policy

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

Tobacco Prevention Policy Lead
Santa Clara County Public Health Dept.
Tobacco Prevention & Education Program

**What type of recreational area
would you like to make
smokefree?**

**Why are smokefree
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”

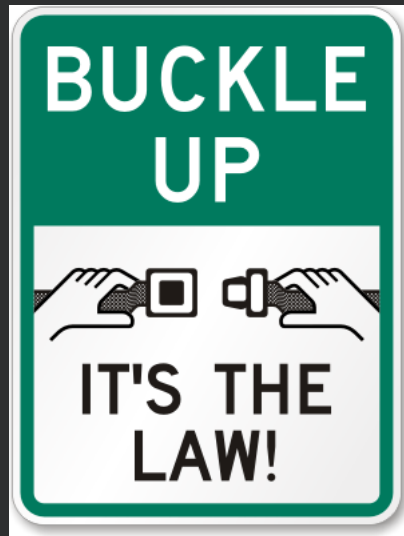
Protect the health, welfare, and safety of residents

Legal Authority

“POLICE POWER”

Protect the health, welfare, and safety of residents

EXAMPLES



Components of a strong policy

What?



Where?



Enforcement

WHO?

- ✓ Police
- ✓ Parks department staff
- ✓ Other

PROTOCOL?

- ✓ Warning
- ✓ Citation (ticket)
- ✓ Arrest

PENALTIES?

Other Options



Policy Checklist

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.phl.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. Contact 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 nontraditional tobacco products (e.g., nicotine water, snus)

WHERE SMOKING OR TOBACCO USE IS PROHIBITED

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

ADDITIONAL PROVISIONS

- Prohibit ash cans and ashtrays 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 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 (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

January 2008

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.



For more information contact:

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Thank you!

phlpnet.org

