
MODEL TOBACCO-FREE PARKS & RECREATION POLICY

WHEREAS, commercial tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at [City/County/Tribe]-owned or operated facilities poses health concerns; and

WHEREAS, [City/County/Tribe] has a unique opportunity to create and sustain an environment that supports a tobacco-free norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on [City/County/Tribe]-owned recreational facilities; and

WHEREAS, [City/County/Tribe] believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, no form of tobacco use is safe. Tobacco products, like e-cigarettes, cigars, hookahs, dissolvables, heat-not-burn cigarettes, and smokeless tobacco, contain some of the same chemicals as regular combustible cigarettes;ⁱ and

WHEREAS, the US Surgeon General has concluded that there is no safe level of exposure to secondhand smoke. Secondhand tobacco smoke is a Class A Carcinogen;^{ii iii} and

WHEREAS, secondhand smoke levels in outdoor public places can reach levels as high as those found in indoor facilities where smoking is permitted;^{iv} and

WHEREAS, e-cigarette aerosol that users breathe from the device and exhale can contain harmful and potentially harmful substances, including nicotine, ultrafine particles, flavoring, volatile organic compounds, cancer-causing chemicals and heavy metals such as nickel, tin, and lead. Exposure to e-cigarette aerosol has not been proven to be safe;^v and

WHEREAS, there is no constitutional right to smoke;^{vi} and

WHEREAS, tobacco-free policies can help tobacco users quit and prevent initiation of tobacco use;^{vii} and

WHEREAS, a tobacco-free policy can protect the environment and the [City/County/Tribe]'s recreational facilities from toxic litter. Cigarette and other tobacco product litter is unattractive, expensive to clean up, hazardous to young children, and harmful to waterways and wildlife;^{viii} and

WHEREAS, the US Environmental Protection Agency states both e-liquids and e-cigarette devices are “hazardous waste” under federal minimum standards;^{ix} and

WHEREAS, outdoor tobacco smoke can ultimately exert its influence on people’s health directly through secondhand smoke and indirectly by polluting the air, augmenting climate change, and intensifying environmental inequity among populations;^x and

WHEREAS, thirteen Montana localities have smokefree or tobacco-free park policies in place to protect their communities; and

NOW THEREFORE, the [City/County/Tribe] Park & Recreation Board determines that the prohibition of commercial tobacco use at the [City/County/Tribe]'s recreational facilities serves to protect the health, safety and welfare of the citizens of [City/County/Tribe].

Definitions

- (1) "Tobacco Product" means
- a) any product containing, made, or derived from tobacco or that contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested, or by any other means, including but not limited to a cigarette, a cigar, hookah, pipe tobacco, chewing tobacco, snuff, and snus.
 - b) any product, regardless of whether or not it contains nicotine, that can be used to deliver nicotine or another substance or solution in any form, including but not limited to aerosolized, vaporized, or heated, to the person inhaling from the device, including but not limited to an e-cigarette, e-cigar, e-pipe, vape pen, e-hookah.
 - c) notwithstanding any provision to the contrary, "Tobacco Product" includes any component, part, or accessory intended or reasonably expected to be used with a Tobacco Product, whether or not sold separately. The term "Tobacco Product" does not include drugs, devices or combination products approved for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Tobacco-Free Parks & Recreation Policy and Procedures

1. No person shall use any Tobacco Product on any [City/County/Tribe]-owned or operated recreational facilities, including the restrooms, spectator and concession areas. These facilities include **[insert specific facilities here, e.g. playgrounds, athletic fields, beaches, aquatic areas, parks, and walking/hiking trails]**.
2. The Tobacco-free Parks & Recreation Policy does not apply to a site that is being used in connection with the practice of cultural activities by American Indians that is in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996 and 1996a, whether or not the public is allowed access to those places.
3. It is not a violation of this policy to use a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.
4. Appropriate signs shall be posted in the above specified areas in a conspicuous manner.

According to [National Recreation and Park Association](#), tobacco-free signage is a common enforcement strategy. The use of signs is directly related to citizen enforcement.

5. Enforcement of the policy is a shared responsibility of the enforcement team and recreational area users. The enforcement team, including **[those who make up the enforcement team]**, will make periodic observations of recreational facilities to monitor for compliance.

Localities can encourage citizen enforcement by posting signs strategically throughout the recreational area.

Some localities enforce their policy by having their staff monitor tobacco-free areas. Other localities that have enacted tobacco-free parks policies did not need to hire additional staff or allocate more resources to carryout enforcement. The localities added staff monitoring into existing job responsibilities.

Staff monitoring may be easier to accomplish when parks are attached to facilities with a consistent staff presence compared to remote parks or trails with less-frequent monitoring.

6. Any individual found violating this policy will be reminded and asked to comply before being subject to ejection from the recreational area. **[City/County/Tribe]** staff found violating this policy may be subject to disciplinary action. This Tobacco-Free Parks & Recreation Policy is in addition to any federal, state, or local laws that restrict or otherwise regulate the use of Tobacco.
7. This Tobacco-Free Parks & Recreation Policy shall be communicated to the community **[30, 60, 120]** days prior to its effective date. This policy is effective as of **[effective date]**.

ADDITIONAL RESOURCES TO ASSIST WITH SUPPORTING NICOTINE DEPENDENCE OR ADDICTION RECOVERY

Many free resources are available to help Montanans overcome nicotine dependence or addiction.

Montana Tobacco Quit Line

Call 1-800-QUIT-NOW (1-800-784-8669) or visit www.quitnowmontana.com

- For all Montanans and ALL types of tobacco (smokeless, cigarettes, e-cigarettes, etc.)
- FREE Nicotine Replacement Therapy (NRT), FREE or reduced-cost prescription medication (for Montanans over 18)
- FREE quit coaching, FREE personalized quit plan
- Visit www.quitnowmontana.com for more information, to enroll online or to chat online with a coach

Specialized Quit Line Programs

My Life, My Quit is a youth program for Montanans under 18 who want to quit any form of tobacco including vaping. My Life, My Quit offers CONFIDENTIAL enrollment and coaching, FREE coaching through text, chat, or phone by coaches specially trained to work with youth, and on-line enrollment. Text “Start” to 36072, call 1-855-891-9989 or visit mylifemyquit.com.

The Young Adult Program is for Montanans 18-24 who want to quit tobacco with FREE coaching through text, chat, or phone. Coaches are specially trained to work with young adults. Text “Start” to 36072 for live text coaching, visit quitnowmontana.com for live chat coaching, or call 1-800-QUIT-NOW for live phone coaching.

The American Indian Commercial Tobacco Quit Line connects American Indian callers with an American Indian coach, providing culturally appropriate cessation services. Call 1-855-5AI-QUIT or enter through 1-800-QUIT-NOW and ask for an American Indian coach. Visit MTAmericanIndianQuitLine.com.

The Quit Now Montana Pregnancy Program connects pregnant women with a dedicated female quit coach, offers cash incentives for completed coaching calls, and FREE NRT when approved by doctor. Call 1-800-QUIT-NOW (1-800-784-8669) or visit quitnowmontana.com.

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- i American Cancer Society. Is Any Type of Tobacco Product Safe? <https://www.cancer.org/cancer/cancer-causes/tobacco-and-cancer/is-any-type-of-smoking-safe.html>. November 2020.
- ii Centers for Disease Control and Prevention. The Surgeon General’s Report on The Health Consequences of Involuntary Exposure to Tobacco Smoke. https://www.cdc.gov/tobacco/data_statistics/sgr/2006/pdfs/no-risk-free.pdf. Accessed November 2021.
- iii Public Health Law Center. Secondhand Smoke and Condominiums Webinar. <https://www.publichealthlawcenter.org/sites/default/files/ClearWay%20Webinar%2029.pdf>. February 2012.
- iv Tufts University School of Medicine and Repace Associates, Inc. Fact Sheet: Outdoor Air Pollution from Secondhand Smoke. http://www.repace.com/pdf/OTS_FACT_SHEET.pdf. Accessed November 2021.
- v US Department of Health and Human Services. [E-cigarette use among youth and young adults: a report of the Surgeon General](#). Atlanta, GA: US Department of Health and Human Services, CDC; 2016.
- vi American Lithuanian Naturalization Club, Athol, Mass., Inc., v. Board of Health of Athol, 446 Mass 310 (2006).
- vii Centers for Disease Control and Prevention. Smokefree Policies Reduce Smoking. https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/protection/reduce_smoking/index.htm. September 2020.
- viii Public Health Law Center. Regulating Tobacco Use Outdoors. <https://www.publichealthlawcenter.org/sites/default/files/resources/regulating-outdoor-tobacco-use-2016.pdf>. June 2016.
- ix Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine, 84 Fed. Reg. 5816, 5842–43, 5941 (Feb. 22, 2019). Nicotine e-liquid that is yet-to-be manufactured into a finished product remains an “acute hazardous waste,” not designated as a “pharmaceutical,” in an unchanged EPA standard. *Id.* at 5824, 5842–43.
- x Thomas Hexum and Hudson Kingston, Public Health Law Center, Commercial Tobacco, Health, & the Environment: The Problems (2019).