

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.

Campaign Trail START

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



The Center for Tobacco Policy and Organizing (The Center) helps local coalitions wage effective tobacco control policy campaigns. The Center can assist you with resources, tools, 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.

The Center for Tobacco Policy & Organizing
(916) 442-4299
www.center4tobaccopolicy.org

Pre-Campaign

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.



Assessment, 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.



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. Plan a campaign "kick-off" event.



TALC

The Technical Assistance Legal Center (TALC) 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.

Technical Assistance Legal Center
(510) 444-8252
www.talc.phii.org

Made possible with funds received from the California Department of Health Services, under contract #04-35336. TALC is a project of the Public Health Institute.



The Campaign

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

WIN!



Evaluation

Determine effectiveness of the campaign and tactics.

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., chewing tobacco)
- Definition of *tobacco product* to include all nicotine and nontraditional tobacco products (e.g., nicotine water, snus)

WHERE 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 \$ _____ (can not 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 **one of the following:**
 - Infractions (with fine determined by judge)
 - Misdemeanors (with penalty determined by judge)
 - Either an infraction or a misdemeanor 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