

## **Sample Model Ordinance**

### **Option 1**

#### **Local County/Municipal Buildings**

#### **AN ORDINANCE PROHIBITING TOBACCO USE IN COUNTY/MUNICIPAL BUILDINGS**

WHEREAS, tobacco use is the number one preventable cause of premature death in NC and the nation; and,

WHEREAS, local governments now have clear authority under G.S. 130A-498 to restrict smoking in buildings owned, leased as lessor, or the area leased as lessee and occupied by local government; buildings and grounds wherein local health departments and departments of social services are housed; and any place on a public transportation vehicle owned or leased by local government and used by the public; and,

WHEREAS, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and nonsmokers; and,

WHEREAS, the 2006 Surgeon General's Report on the health consequences of involuntary exposure to tobacco smoke states that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. The 2006 Surgeon General's Report documents that separating smokers from nonsmokers, cleaning the air, and ventilating smoke cannot eliminate exposure to secondhand smoke; and,

WHEREAS, the Centers for Disease Control and Prevention (CDC) advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking; and,

WHEREAS, exposure to secondhand smoke is expensive, costing the nation \$10 billion per year, \$5 billion in direct medical care costs, and \$5 billion in indirect costs according to the 2005 Society of Actuaries; and,

WHEREAS, The 2006 Surgeon General's Report documents that eliminating indoor smoking fully protects nonsmokers from exposure to secondhand smoke; and,

WHEREAS, the County/City/Town of \_\_\_\_\_ provides support to employees who want to quit the use of tobacco products. These employees are also encouraged to talk to their health care provider about quitting; ask about appropriate pharmacotherapy available through the county/city/town health insurance plan or employee's insurer and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669).

WHEREAS, the County/City/Town of \_\_\_\_\_ recognizes the health risks of tobacco use and secondhand smoke for non-smokers. The aim is to minimize the harmful effects of tobacco use among staff and eliminate secondhand smoke exposure for staff and the public in those buildings controlled by the County/City/Town;

NOW, THEREFORE , the County/City/Town of \_\_\_\_\_ enacts:

### Section 1. Definitions

“Grounds” – The area located within 50 linear feet of a building wherein a local health department or a local department of social services is housed.

“Smoker” – A person who is smoking.

“Smoking” – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

“Tobacco products” – Any product that contains tobacco and is intended for human consumption.

### Section 2. Use of Tobacco Products is Prohibited in County/Municipal Buildings and Transportation Vehicles

Use of tobacco products is prohibited in all of the following:

- (a) Buildings that are owned by the County/City/Town.
- (b) Buildings that are leased by the County/City/Town as lessor.
- (c) Buildings or areas of buildings that are leased by the County/City/Town as lessee and occupied by the County/City/Town.
- (d) Public transportation vehicles owned or leased by County/City/Town and used by the public.

[FOR COUNTIES ONLY: (e) The grounds of any building housing one or more components of \_\_\_\_\_ County Health Department or the \_\_\_\_\_ County Department of Social Services.

### Section 3. Signage

- (a) Persons in charge of buildings identified in Section 2 shall post signs at all entrances and exits explaining the prohibition of tobacco use. Signs may be posted in other areas of the buildings as well. For example, signs may be posted in other areas in the building where tobacco use is likely, such as bathrooms and dining areas.

(b) Persons in charge of vehicles identified in Section 2 shall post signs in the vehicles explaining the prohibition. The signs must be displayed in areas where passengers will be able to see the signs but the placement of the signs must not interfere with the safe operation of the vehicle.

(c) The signs required by subsections (a) and (b) of this Section must use clear and unambiguous language to convey the prohibition. The signs may include language such as "TOBACCO FREE BUILDINGS," "TOBACCO USE PROHIBITED IN THIS BUILDING," "TOBACCO USE NOT PERMITTED IN THIS BUILDING," or "TOBACCO USE NOT PERMITTED IN THIS VEHICLE." If a sign includes the international "No Smoking and Smokeless Tobacco" symbol (which consists of a pictorial representation of a burning cigarette and smokeless tobacco product enclosed in a red circle with a red bar across it), it must also include written text explaining the prohibition.

(d) Persons in charge of buildings and vehicles identified in Section 2 must determine whether signs should be posted in languages other than English.

(e) Persons in charge of buildings or grounds where tobacco use is prohibited by this ordinance shall remove all publicly available ashtrays from the buildings and grounds.

#### Section 4. Public Education

The \_\_\_\_\_ [Health Department *or* City Manager *or* County Manager] shall engage in a continuing program to explain and clarify the purposes and requirements of this ordinance to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

#### Section 5. Tobacco Use Permitted Outside Buildings

Use of tobacco products is permitted outside the buildings identified in Section 2, provided that the persons who are smoking do not stand adjacent to a public entrance or air intake vent.

#### Section 6. Enforcement and Penalties

(a) Employees: Employees who violate this ordinance may be subject to sanctions consistent with County/City human resources policies.

(b) Others: [to be added based on options below]

**Option 1:**

The person in charge of a building or vehicle identified in Section 2 or his or her designee who sees an individual using a tobacco product (other than an employee) who is in violation of this ordinance must ask that individual to stop using the tobacco product. If, after having been asked to stop using the tobacco product, the individual continues to use the tobacco product, the person in charge shall issue a formal warning and must ask the individual to leave the building.

**Option 2**

The person in charge of a building or vehicle identified in Section 2 or his or her designee who sees an individual using a tobacco product (other than an employee) who is in violation of this ordinance must ask the individual to stop using the tobacco product. If, after having been asked to stop using the tobacco product, the individual continues to use the tobacco product, he or she will be first giving a formal warning. Future violations are subject to graduated civil penalties in amounts of \$25 for first violation, \$50 for second violation and \$100 for third and subsequent violations to be recovered by the County/City/Town. Violators shall be issued a written citation which must be paid to the County/City/Town within ten (10) days. Violation of this ordinance shall not constitute a misdemeanor or an infraction punishable under N.C.G.S. 14-4.

**Option 3**

The person in charge of a building or vehicle identified in Section 2 or his or her designee who sees an individual using a tobacco product (other than an employee) who is in violation of this ordinance must ask the individual to stop using the tobacco product. If, after having been asked to stop using the tobacco product, the individual continues to use the tobacco product, he or she shall be given a formal warning. Future violations shall constitute a misdemeanor, punishable by a fine not to exceed \$200.00 per violation.

Section 7. Effective Date. This ordinance shall be effective [no earlier than January 1, 2008].

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.