

Tobacco-Free Ordinance Template

Whereas [MUNICIPALITY NAME] has set as a goal to be a safe and healthy place to live and work; and

Whereas tobacco use is the foremost preventable cause of premature death in the United States, causing over 400,000 deaths in the United States each year; and

Whereas the Surgeon General of the United States of America has stated there no safe level of exposure to secondhand smoke; and

Whereas tobacco-free policies support tobacco-free lifestyles and encourage tobacco users to quit, the following article is to be adopted.

Section [xxxx]: Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section:

- **Electronic smoking device** means any electronic product, not prescribed by a doctor that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, e-cigar, e-pipe, vape pen or e-hookah. Electronic smoking device includes any component, part, or accessory of such a product, whether or not sold separately.
- **Park, Recreational area or Sporting venue** means any outdoor area accommodating or having facilities for rest or recreation (including passive activities) or playground designed at least in part to be used by children that has play or sports equipment installed or that has been designed or landscaped for play, sports, or leisure activities on grounds owned, occupied or operated by the municipality or an agency thereof, or any similar facility located on public school grounds.
- **Public property and places** means any vehicle, building or other location or site within [MUNICIPALITY NAME] owned, leased, occupied, or operated by [MUNICIPALITY NAME].
- **Secondhand smoke** means smoke emitted from a lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic, in any manner or in any form, when the smoker is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the smoker. Secondhand smoke also includes aerosol or vapor from the use of an electronic smoking device emitted, in any manner or in any form, when the smoker is not inhaling, at the mouthpiece during puff drawing, and when the smoker is exhaling.
- **Smoking** means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or joint, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana, whether natural or synthetic in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this policy. Non-smoked marijuana products including, but not limited to, edibles and dabs are also included in this policy.
- **Tobacco** is defined as all tobacco-derived or containing products, including but not limited to, cigarettes, cigars, little cigars, cigarillos, bidis, kreteks; all smokeless and dissolvable tobacco products, including but not limited to, dip, spit/spit-less, chew, snuff, snus and nasal tobacco; and any product intended to mimic tobacco, containing tobacco flavoring or delivering nicotine, including but not limited to, electronic nicotine delivery systems,



Tobacco-free area policies change the social norm around tobacco use and promote tobacco-free living.

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e-cigarettes, e-cigars, e-hookahs, vape pen or any other product name or descriptor. Or the use of any other type of tobacco or nicotine product for the purpose of circumventing the prohibition of tobacco in this policy. This does not include products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy.

- **Vaping** means the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form.

Section [xxxx]: Regulations

- Pursuant to section [xxxx] of the [MUNICIPALITY NAME] Code, the [applicable personnel] may promulgate rules and regulations in accordance with the provisions contained in this article and such other rules and regulations as may be necessary for the purpose of implementing and carrying out the provisions of this article.
- Smoking, vaping, and the use of all tobacco and electronic smoking devices is prohibited in all areas including in all parks, recreational areas and sporting venue, and public property and places 24 hours a day 365 days per year.
- Additionally, the discarding of cigarettes and cigar butts onto the ground is unsightly, unclean and particularly hazardous to young children and wildlife. Disposal of such tobacco litter is also prohibited.

Section [xxxx]: Communication & Enforcement

- Notice of prohibition of smoking and vaping. Tobacco-Free Area signs or the international “No smoking” symbol, consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it, shall be clearly and conspicuously posted in key areas of every location where smoking or vaping is prohibited by this article.
- No discrimination or retaliation. An individual, person, entity, or business establishment subject to the smoking or vaping prohibitions of this article shall not discriminate or retaliate in any manner against a person for making a complaint regarding a violation of this article or for furnishing information concerning a violation to an enforcement authority.
- Enforcement. The [DESIGNEE] shall have the power to enforce the provisions of this article.
- Violations and penalties. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of premises in which smoking or vaping is prohibited pursuant to this article. It shall be unlawful for any person to smoke, vape, or use tobacco in any area outlined in this article.
 - Every person who violates this article shall be liable for a fine of up to [Sxxxx] for each violation. Each day on which a violation of this article occurs shall be considered a separate and distinct violation.



Maine Center for Disease Control & Prevention
Department of Health and Human Services