

Town of ____
Restrictions on Public Use of Tobacco, Tobacco Substitutes, and Marijuana/Cannabis

Purpose:

The purpose of this policy is to comply with 18 VSA §§1421, 1742 and 4230a, and to promote the health and wellbeing of town employees, residents, and visitors.

Findings: [optional]

The Town of ____ finds that, based on determinations and studies by various federal government agencies -- including the Surgeon General of the United States, the Environmental Protection Agency (EPA), and the Centers for Disease Control and Prevention (CDC) -- as well as research conducted by scientists in the U.S. and other countries:

- Use of tobacco products is a significant public health hazard
- Negative health effects associated with e-cigarette use include airway obstruction, increased blood pressure, and heart palpitations, and in rare cases more serious effects, including heart failure, seizures, and disorientation
- Due to the recent rise in popularity of e-cigarettes and vaping, the negative impacts of inhaling the chemicals in e-liquids and pods, including flavoring components, some of which are toxic to cells, is still unknown
- According to the 2006 Surgeon General's Report, there is no risk-free level of exposure to secondhand smoke:
 - Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma
 - Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer
- A 2016 report from the Surgeon General concluded that e-cigarette aerosol is not harmless
- Secondhand vapor may expose bystanders to nicotine and other harmful constituents, such as heavy metals, ultrafine particulates, volatile organic compounds, and other toxicants
- The CDC is studying the public health impacts of marijuana/cannabis products and has identified a wide range of health effects on the body and brain that may be caused by marijuana/cannabis use
- Use of tobacco, tobacco substitute, and marijuana/cannabis products in a public place poses potential health risks to the public
- Disposal of cigarette butts and vaping supplies and equipment, such as single-use e-liquid pods, are a pervasive form of litter on the town's streets and in its parks and waterways, and hence constitute a public nuisance.

Policy:

A. **Smoke-Free/Vape-Free Areas and Facilities.** Use and disposal of tobacco and marijuana/cannabis products and equipment is prohibited within any town building or vehicle or outdoors on any town-owned or town-leased property, including:

1. Town hall
2. Town garage
3. Transfer station/recycling center
4. [list town-owned recreation areas, parks, and lands, including beaches, hiking trails, forests]
 - Note designated areas where smoking/vaping of tobacco and tobacco substitutes is permitted, if applicable. Vermont law prohibits use of marijuana/cannabis in public.

[clarify whether policy applies to public sidewalks, town-owned parking lots]

The town shall post and maintain signs at all applicable town lands, parks, and facilities, notifying the public of the prohibition against use and disposal of tobacco and marijuana/cannabis products and equipment. Signs shall clearly convey that the area is a smoke-free/vape-free zone.

- B. **Smoke-Free/Vape-Free Events.** To safeguard the health, safety, and general welfare of everyone present at outdoor events open to the public, including, but not limited to, concerts, parades, farmers' markets, art shows, and festivals, the Town adopts the following policy and procedures:
1. Use of tobacco, including tobacco substitutes, and marijuana/cannabis products is not permitted during events, including set up and clean up
 2. [optional] – Indicate whether event organizers can designate one or more locations where smoking/vaping of tobacco and tobacco substitutes is permitted. Vermont law prohibits use of marijuana/cannabis in public.]
 3. For town-sponsored events, the Town will communicate the smoke-free/vape-free policy through event marketing and signage
 4. For events hosted by other organizations, the organizers must agree to comply with the policy as a prerequisite for approval of the event permit, including agreement to communicate the policy in marketing, signage, and notifications to exhibitors, performers, and contractors, to ensure compliance with this policy

Applicability:

This policy applies to:

- Town employees
- Elected and appointed officials
- Town residents
- Independent contractors
- Event organizers and employees
- Exhibitors
- Performers
- Volunteers
- Visitors

Effective Date:

[The Selectboard may opt to set a later effective date to allow time for community education, posting of signage, etc.]

Definitions: [optional]

Tobacco products refers to any product made fully or in part from the tobacco plant or natural or synthetic material with the intent to simulate tobacco. Examples include, but are not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, and e-liquid. The definition of tobacco products does not include nicotine delivery systems that are FDA-approved tobacco cessation products, such as nicotine replacement patches, gum, or lozenges.

Marijuana/cannabis products refers to any product made fully or in part from the cannabis plant or natural or synthetic material with the intent to simulate cannabis. Examples include but are not limited to, cannabis leaf, oil, hashish, extract, edibles, or elixir.

Equipment refers to any product or device that is intended to deliver or facilitate delivery of tobacco or marijuana/cannabis products. Examples include but are not limited to pipes, chimneys, vaping pens, JUUL devices, rolling papers, or other devices made for inhaling tobacco or marijuana smoke, nicotine, or other smoke or vapor.

This policy is adopted this ____ day of 20##, by the [Town] Selectboard.

[name], Chair

[SB member name]

[SB member name]

[SB member name]

[SB member name]