



These are ideal policy provisions and elements designed for maximum public health impact. These provisions are known to be effective and/or promising approaches based on reputable public health peer-reviewed literature. These model provisions set a benchmark by which local ordinances can be compared.

**Please note:** Local municipal codes are unique and customization would be required to incorporate the model policy standards draft language into an existing municipal code structure.

For more information and free assistance, contact the Tobacco Control Training and Technical Assistance Team at 303-724-9285.

This document provides guidance for communities looking for effective policies to help address tobacco use and exposure. Local health policies are an important and critical part of a comprehensive approach to help reduce the burden of tobacco on families, employers, schools, healthcare systems, and taxpayers.

## Rationale:

According to the U.S. Surgeon General, there is no safe level of exposure to secondhand smoke and regulating smoking through smoke-free laws is the most effective way to protect people. Secondhand smoke causes premature death and disease in children and in adults who do not smoke.<sup>1</sup> Scientific evidence shows that smoke-free policies reduce secondhand smoke exposure and tobacco use, help people quit, and keep young people from beginning tobacco use. Economic evidence indicates that smoke-free policies can reduce healthcare costs substantially. In addition, the evidence shows smoke-free policies do not have an adverse economic impact on businesses, including bars and restaurants.<sup>2</sup>

There is conclusive evidence that in addition to nicotine, most e-cigarette products contain and emit numerous potentially toxic chemicals.<sup>3</sup>

At least nine (9) chemicals in the secondhand vapor from electronic smoking devices, also known as e-cigarettes, have been identified as carcinogens and reproductive toxins.<sup>4</sup>

## Specific to indoor protections:

- The only means of effectively eliminating health risks associated with indoor exposure to secondhand tobacco and marijuana smoke, and those associated with exposure to secondhand aerosol, is to ban smoking and vaping indoors.<sup>5</sup>
- A significant amount of secondhand smoke exposure occurs in the workplace. Employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack, higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and measurable decrease in lung function.<sup>6</sup>

## The Colorado Model Policy Standards

*These are science-based provisions proven to protect all Coloradans from the dangers of secondhand smoke and aerosol.*

- Prohibit the use of electronic smoking devices in all indoor locations where smoking tobacco is currently prohibited
- Require all businesses to be smoke and aerosol free indoors. No exemptions for tobacco retailers, e-cigarette retailers, or marijuana hospitality establishments
- Prohibit smoking and vaping of cannabis in all indoor settings



<sup>1</sup>U.S. Department of Health and Human Services. The Health Consequences of Smoking- 50 Years of Progress: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2014.

<sup>2</sup><https://www.thecommunityguide.org/findings/tobacco-use-and-secondhand-smoke-exposure-smoke-free-policies> accessed 11/12/19

<sup>3</sup>National Academies of Sciences, Engineering, and Medicine. 2018. Public Health Consequences of E-Cigarettes. Washington, DC: The National Academies Press. <https://doi.org/10.72226/24952>

<sup>4</sup>Syamal G, Jamal A, King BA, Mazurek HM. Electronic Cigarette Use Among Working Adults- United States 2014. MMWR Morb Mortal Wkly Rep 2016;65:557-561. DOI: <http://dx.doi.org/10.15585/mmwr.mm6522a1>

<sup>5</sup>American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE). ASHRAE Position Document on Environmental Tobacco Smoke External. Atlanta: ASHRAE, 2010. Reaffirmed 2019.

<sup>6</sup>Pitsavos, C.; Panagiotakos, D.B.; Chrysohoou, C.; Skoumas, J.; Tzioumis, K.; Stefanadis, C.; Toutouzas, P., "Association between exposure to environmental tobacco smoke and the development of acute coronary syndromes: the CARDIO2000 case-control study," Tobacco Control 11(3): 220-225, September 2002.

### Suggested Standards for Enforcement and Compliance

- Require posting and maintenance of appropriate smoke and vapor-free signage
- Create a process within the local government structure for filing and following up on complaints from the community
- Clearly define enforcement mechanism, agency responsibility, and any associated fines for violations of the policy
- Provide community education (e.g. media) related to the new law

**These provisions run counter to an effective and comprehensive regulatory approach and should not be included in any policy.**

- Allowing smoking and/or the use of electronic smoking devices during certain hours
- Enabling businesses to allow the use of electronic smoking devices or combustible tobacco products if all of the employees consent

### Definitions of Terms: Model language recommended for all community level policies

*These are Colorado School of Public Health Tobacco Technical Assistance model definitions and may need to be modified by your local attorney and/or Colorado School of Public Health Tobacco Technical Assistance decision-making body.*

**Electronic Smoking Device** means any device that when activated emits a vapor, aerosol, fume or smoke, can be used to deliver nicotine or any other substance to the person inhaling from the device, including, but not limited to e-cigarettes, e-cigars, e-pipes, vape pens, e-hookahs, inhalant delivery systems or any other similar product by any other name or descriptor. An electronic smoking device includes any component, part or accessory of such device whether or not sold separately, regardless of nicotine content or any other substance intended to be vaporized or aerosolized for human inhalation during the use of the device.

**Smoking** means the act of burning, heating, activation or carrying of any device, including, but not limited to a cigarette, cigar, pipe, hookah, or electronic smoking device, electronic cigarette, vape pen, e-hookah or similar device, by any other product name or descriptor, that results in the release of smoke, vapors or aerosols when the apparent or usual purpose of the burning, heating or activation of the device is human inhalation.

**Smoke** means the emissions or release of gases, particles, vapors or aerosols into the air from burning, heating or activation of any device, including, but not limited to a cigarette, electronic smoking device, e-cigarette, vape pens, e-hookahs or any other product by any name or descriptor when the apparent or usual purpose of burning, heating or activation of the device is human tasting and inhalation.

**Tobacco and nicotine product** means any product, that contains nicotine, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, bidis, snus, dissolvable tobacco products, nicotine-enhanced candies, mints, hand gels, and beverages, and electronic cigarette cartridges or liquids; provided, however, that such term does not include any product that has been approved by the U.S. Food and Drug Administration pursuant to its authority over drugs.

For information related to what is already covered and what is exempt under the Colorado Clean Indoor Air Act, view Colorado Revised Statute section 25-14-201 et seq.

