



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 303-602-3684 or DPH.TobaccoTeam@dhha.org.



**DENVER
PUBLIC HEALTH.**



TOBACCO CONTROL
**training & technical
assistance team**
colorado school of public health



COLORADO
Department of Public
Health & Environment

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. Secondhand smoke causes premature death and disease in children and in adults who do not smoke.¹ Eliminating smoking in indoor spaces protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.² Studies have shown that secondhand marijuana smoke has a negative effect on blood vessels similar to that of tobacco smoke.³

There is conclusive evidence that in addition to nicotine, most e-cigarette products contain and emit numerous potentially toxic chemicals.⁴

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.⁵

The Colorado Model Policy Standards

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

- Prohibit smoking, the use of any electronic smoking device, and vaping of any substance in any indoor area, including individual units, by residents, visitors/guests, staff, and contractors
- Define smoking to include tobacco and marijuana, and electronic smoking devices in clear and broad terms
- Establish a smoke and vapor-free perimeter at least 25 feet from all buildings, and all gathering areas on the property
- Provide smoking cessation resources to residents and staff
- Communicate the smoke and vapor-free rule to all staff and residents, add the rule to every lease, and require all residents 18 years of age and older to sign it
- Explain policy violations and the enforcement protocol for policy violations in clear language

Suggested Standards for Enforcement and Compliance

- Require signage that communicates the property as smoke and vapor-free and clearly identifies any designated smoking/vaping area if provided
- Provide ongoing education related to the policy

¹ 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 of Smoking and Health, 2014.

² 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 of Smoking and Health, 2014.

³ National Academies of Sciences, Engineering, and Medicine. 2018. *Public Health Consequences of E-Cigarettes.* Washington, DC: The National Academic Press. <https://doi.org/10.17226/24952>

⁴ Brief Exposure to Marijuana Secondhand Smoke Impairs Vascular Endothelial Function Xiaoyin Wang, Ronak Derakhshandeh, Shilpa Narayan, Emmy Luu, Stephenie Le, Olivia M. Danforth, Hilda J. Rodriguez, Richard E. Sievers, Suzaynn F. Schick, Stanton A. Glantz, Matthew L. Springer, Univ of California, San Francisco, San Francisco, CA

⁵ Syamlal G, Jamal A, King BA, Mazurek JM. 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>

- Clarify a confidential process for filing violation complaints
- Utilize a five step enforcement protocol:
 - 1st Complaint: Manager visits with a casual knock-and-talk style, informs resident of complaint and provides copy of the policy and cessation sources.
 - 2nd Complaint: Manager delivers written copy of the complaint. Cessation resources are offered again.
 - 3rd Complaint: Manager sends written copy of complaint with added requirement for private conference to discuss plans to remediate future complaints.
 - 4th Complaint: Private conference with resident and written agreement to comply, possible mediation.
 - 5th Complaint: Manager consults legal for further enforcement action, possibly eviction.

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

- Grandfathering any resident for any length of time
- Exempting any manner of smoking or vaping of any substance anywhere indoors
- Providing for enclosed or semi-enclosed smoking structures or areas
- Asking potential or current residents if they smoke. HUD rules prohibit managers from asking potential or current residents if they smoke and prohibit maintaining separate waiting lists based on smoking practices. It is recommended that other housing providers do the same.
- Creating and exemption for incense smoke
- Applying the smoking policy to only a specific group

Areas of Concern:

- Designated smoking areas

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, fume, aerosol, or smoke, or 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, fumes 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 smoke, vapors, fumes 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.

The information included herein is intended to provide general guidance only. It should not be relied upon as a substitute or replacement for legal counsel or advice. You should not act nor rely on this information without first seeking the advice of an attorney.

