

Understanding Local Authority and Benefits to Regulate Smoking

A Presentation for Local
Governments

February 2011



What G.S.130A-498 Means for Local Government

- Expands local governments' authority to regulate smoking
- Clear authority now exists for regulating smoking on government owned and/or occupied grounds, and for certain enclosed public places.
- Effective January 2, 2010.

The Benefits of Being Smoke-Free

- Reduce harmful health effects of second-hand smoke exposure
- Reduce costs of on-the-job tobacco use
- Improve health, morale and productivity
- Provide a cleaner, healthier work setting



Why address exposure to Secondhand Smoke?

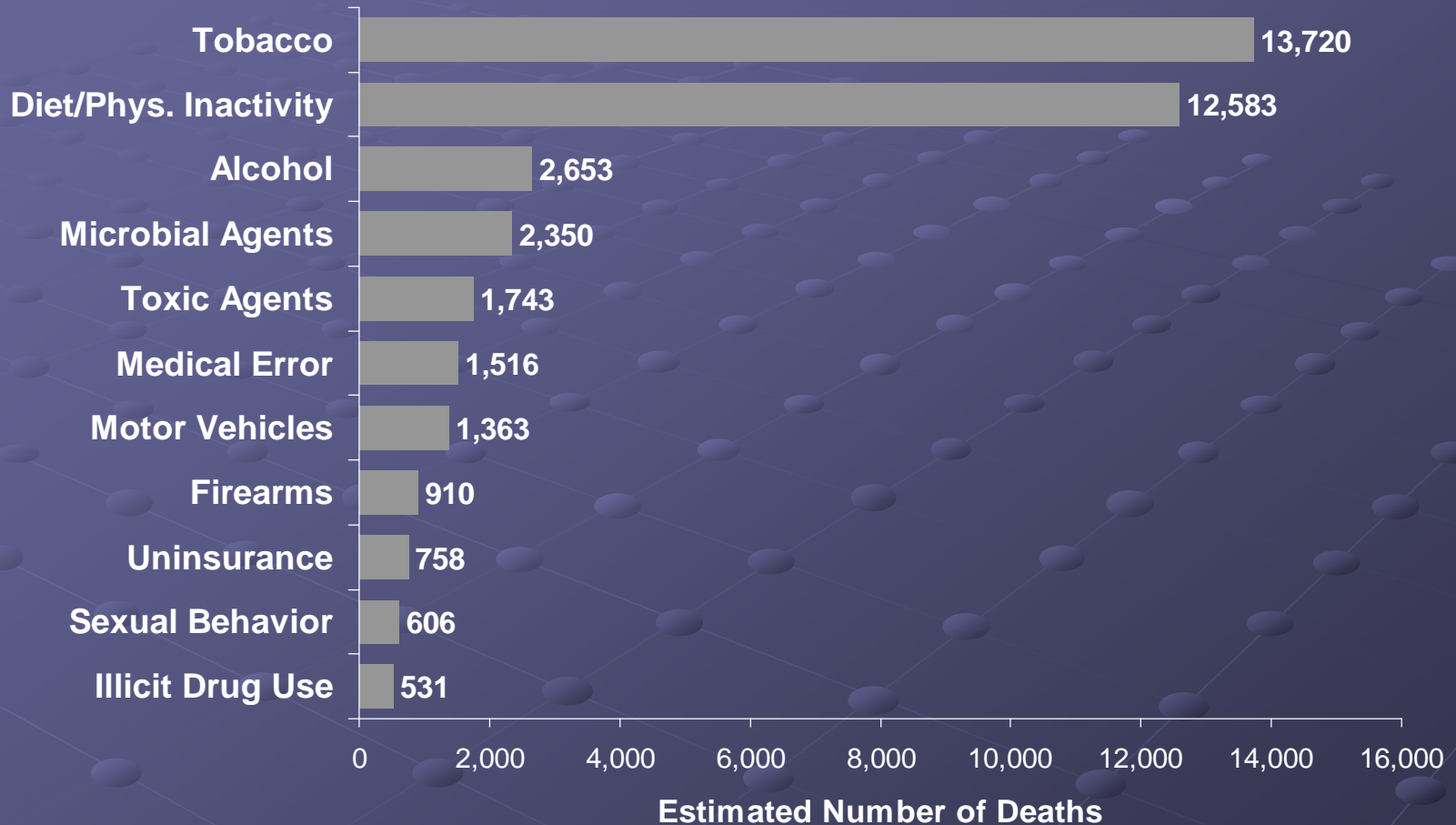
Secondhand Smoke: Silent Killer

Secondhand smoke kills an estimated **50,000** non-smokers every year:

- **3,000** adult nonsmokers from lung cancer,
- approximately **46,000** from coronary heart disease,
- and an estimated **430** newborns from SIDS (sudden infant death syndrome).

In addition, secondhand smoke causes other respiratory problems in nonsmokers such as coughing, phlegm, and reduced lung function. According to the CDC's National Health Interview Survey in 2000, **more than 80 percent** of the respondents aged 18 years or older believe that secondhand smoke is harmful and nonsmokers should be protected in their workplaces.

Estimated Preventable Causes of Death in North Carolina (2007)



Source: North Carolina State Center for Health Statistics (NC SCHS), Health Profile of North Carolinians: 2009 Update – May 2009
North Carolina Department of Health and Human Services.

Key Findings from the Surgeon General's Secondhand Smoke Report (2006)

- **Secondhand smoke (SHS) causes premature death and disease in children and adults who do not smoke**
- **Exposure of adults to SHS causes immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.**
- **Children exposed to SHS are at an increased risk for SIDS, acute respiratory infection, ear problems and asthma.**

Outdoor Tobacco Smoke (OTS)

Studies are now exploring the risks of exposure to secondhand smoke in outdoor areas.

- OTS can present a nuisance or hazard under certain conditions, and people may receive significant exposure in situations such as:
 - Sitting with or next to an active smoker at an outdoor dining area or on a park bench
 - Standing near an active smoker outside a building
 - Children accompanying a smoking parent or guardian

Kleipis, Ott and Switzer. Real-time measurement of outdoor tobacco smoke particles. *J. Air & Waste Manage. Assoc.* **57**:522–534. 2007.

Kleipis, et al. Outdoor air pollution in close proximity to a continuous point source. *Atmospheric Environment* **43** (2009) 3155–3167. 2009.

The Cost of Smoking

- Smokers cost more than nonsmokers due to:
 - Absenteeism
 - Lost productivity
 - Health insurance and life insurance costs and claims
 - Worker's compensation payments
 - Accidents and fires
 - Property damage
 - Smoke pollution
 - Illness and discomfort among nonsmokers exposed to passive smoke
 - More frequent cleaning and maintenance

The Cost of Smoking

- In North Carolina:
 - Total health care costs from smoking: **\$2.46 billion**
 - Total losses in productivity caused by smoking: **\$3.5 billion**

The Cost of SHS

Secondhand smoke results in **\$288.8 million** in medical costs in North Carolina

- **\$76** million due to Low Birth Weight babies
- **\$27** million due to asthma (age birth to 17)
- **\$32** million due to lung cancer
- **\$132** million due to MI and other heart diseases

Who may pass local government regulations?

“Any local political subdivision of this State, any airport authority, or any authority or body created by any joint resolution, ordinance, or rules of any such entity.”

- County Commissioners
 - City/Town Council
 - Boards of Health / Public Health Authorities **
 - Airport Authorities
- **One unique characteristic of the smoke-free law is that it requires boards of county commissioners to adopt an ordinance approving any smoking rule adopted by a local board of health after July 1, 2009. Local boards of health are not required to have this type of approval for any other types of rules that they adopt.

Process for Passing Ordinances, Rules, and Policies per G.S 130A-498

Cities, Towns, and Villages:

- Clear authority for municipal regulations that cover government owned or occupied buildings, vehicles and grounds as well as public places in their own incorporated areas
- Do not need any additional approval from a Board of County Commissioners

Process for Passing Ordinances, Rules, and Policies per G.S 130A-498

County Government:

- Clear authority for Board of County Commissioners ordinance that covers government owned or occupied buildings, vehicles and grounds as well as public places in the unincorporated areas
- Municipalities within the County may choose to adopt that ordinance within their boundaries
- Municipalities are not required to adopt the ordinance, and may withdraw permitting the ordinance at a future time

Process for Passing Ordinances, Rules, and Policies per G.S 130A-498

Boards of Health:

- Clear authority for board of health rules that covers local government owned or occupied buildings, vehicles and grounds as well as public places in the entire county, including municipalities
- Once a Board of County Commissioners approves such a rule through the adoption of an ordinance, it's the North Carolina Division of Public Health's position that the rule or policy shall apply to the county and all municipalities within the county

What areas may be covered by
a local ordinance?

Local Government Buildings

“A building owned, leased as lessor, or the area leased as lessee and occupied by a local government.”

Can Include: Health Department Buildings, Courthouses, Police Departments, County Libraries, etc.

Local Government Grounds

“An unenclosed area owned, leased or occupied by . . . local government.”

Can Include: Grounds and Parking Lots next to City or County Government Buildings, Parks, Bus Stops, etc.

● **Local Government Vehicles**

“A passenger-carrying vehicle owned, leased, or otherwise controlled by local government and assigned permanently or temporarily by local government to local government employees, agencies, institutions, or facilities for official government business.”

Can include: County or Municipal Vehicles

● **Public Places**

“An enclosed area to which the public is invited or in which the public is permitted.”

Can include: Convenience Stores, Retail Stores, Bowling Alleys, etc.

What areas may NOT be covered by a local ordinance?

- Private Residence
- Private Vehicle
- Tobacco Shop
- All Premises, Facilities and Vehicles owned, operated or leased by any Tobacco Products Processor or Manufacturer, or any tobacco leaf grower, processor, or dealer
- Cigar Bar
- Private Club
- Designated Smoking Guest Room in a Lodging Establishment
- Motion Picture, television, theater, or other live production set

Further Information or Assistance

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