

Local Government Tobacco-Free Policies: From Challenge To Success

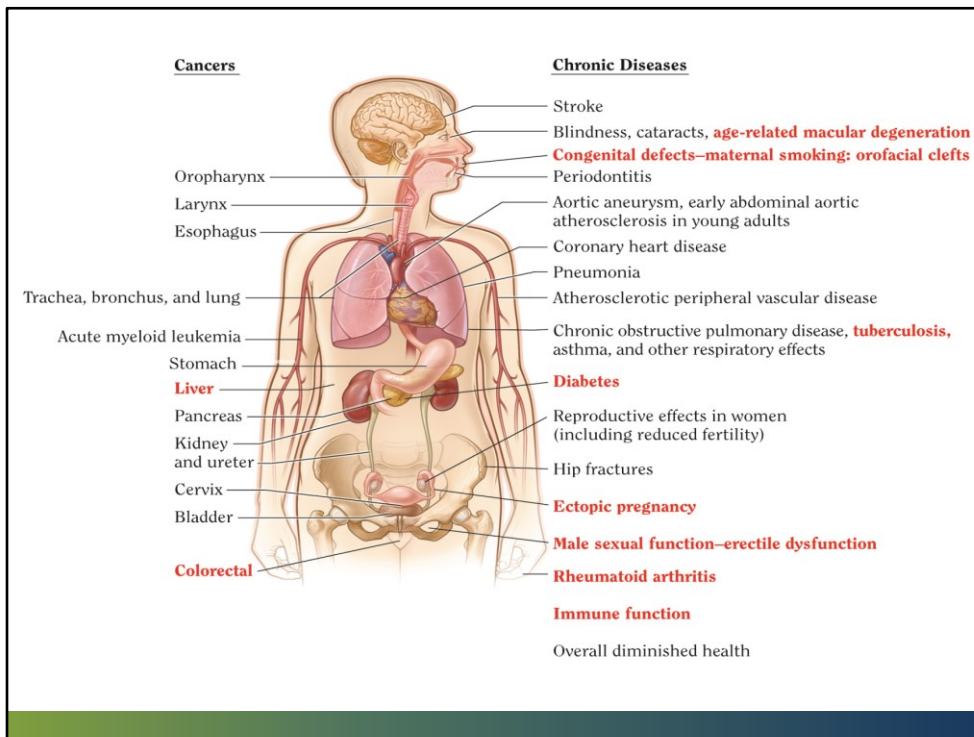
Town of Ruth

April 4, 2022



What we will cover

- 1) Toll of Tobacco Use – Key Points
- 2) Evidence-based Solutions
- 3) Local Government Authority to Regulate Tobacco
- 4) E-cigarettes
- 5) What is Left Unchecked in Your Community

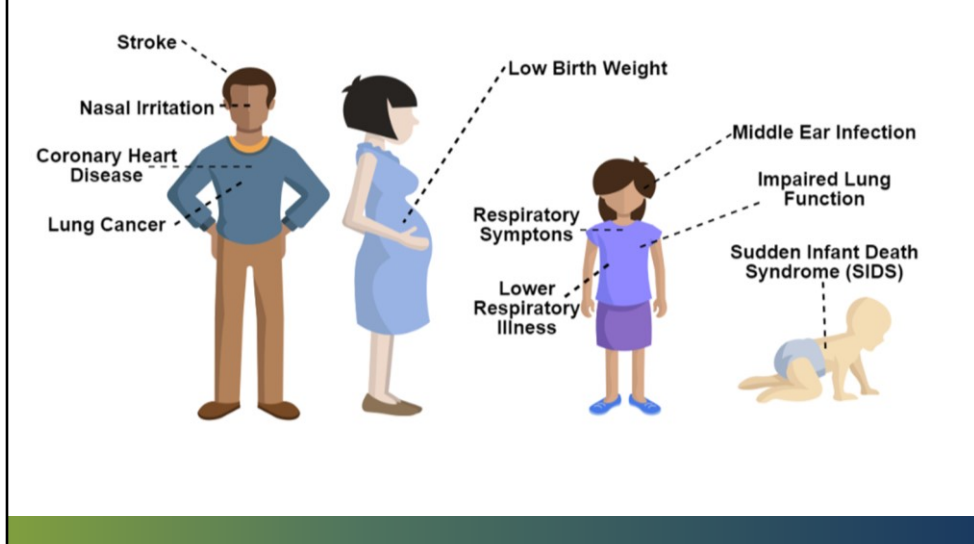


Scientists have identified more than 7,000 chemicals and chemical compounds in tobacco smoke. At least 70 of them are known to **cause** cancer.

Tobacco use is still the leading **preventable** cause of death and disease in North Carolina

This diagram is from the 2014 US Surgeon General's Report on Smoking and illustrates that smoking damages nearly every part of the body.

Secondhand Smoke Impacts Everyone



- Secondhand smoke contains the same toxins that are inhaled by those who are actively smoking
- There are more than 7,000 chemicals in secondhand smoke
- 41,000 **nonsmokers** die every year in this country due to secondhand smoke exposure
- even short exposures can trigger a heart attack in those who have heart disease or even risk factors for heart disease like high blood pressure and high cholesterol
- According to the US Surgeon General, there **is** no risk-free level of secondhand smoke exposure.

Adults Who Smoke

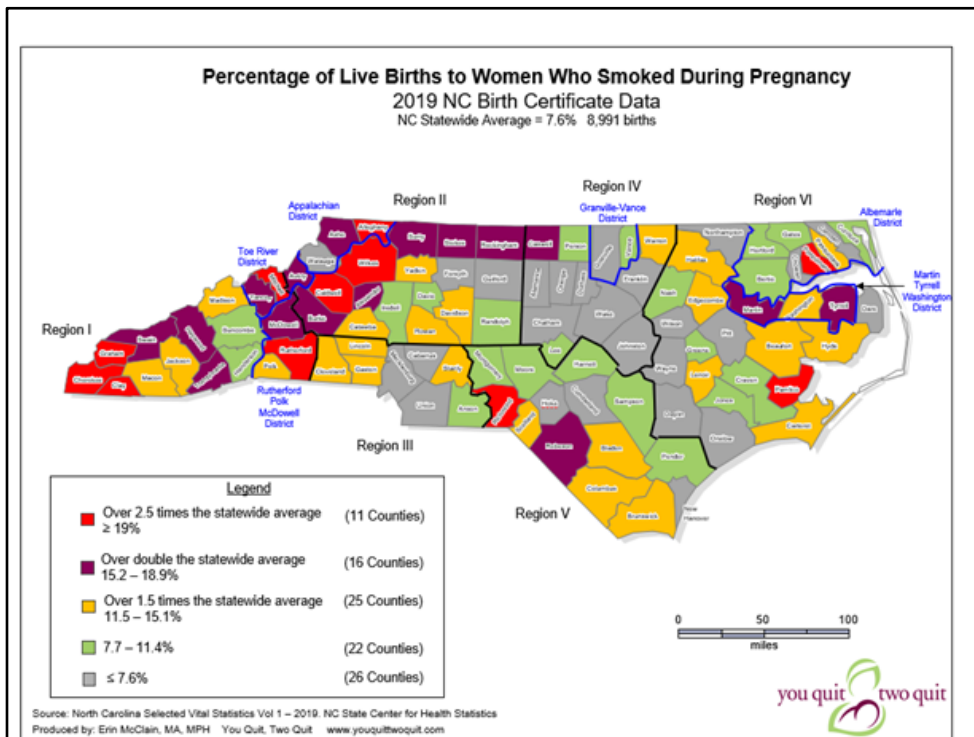
- Western North Carolina: 22%
- North Carolina: 17%
- U.S.: 13%

Healthy People 2030 Target = 5.0% or Lower

According to the NC Behavioral Risk Factor Surveillance Systems, (2020), 22% of adults in western North Carolina smoke

By comparison: the NC rate of adult smoking is 17%, and US adult rate is 13%

The Healthy People 2030 Target is 5% or lower

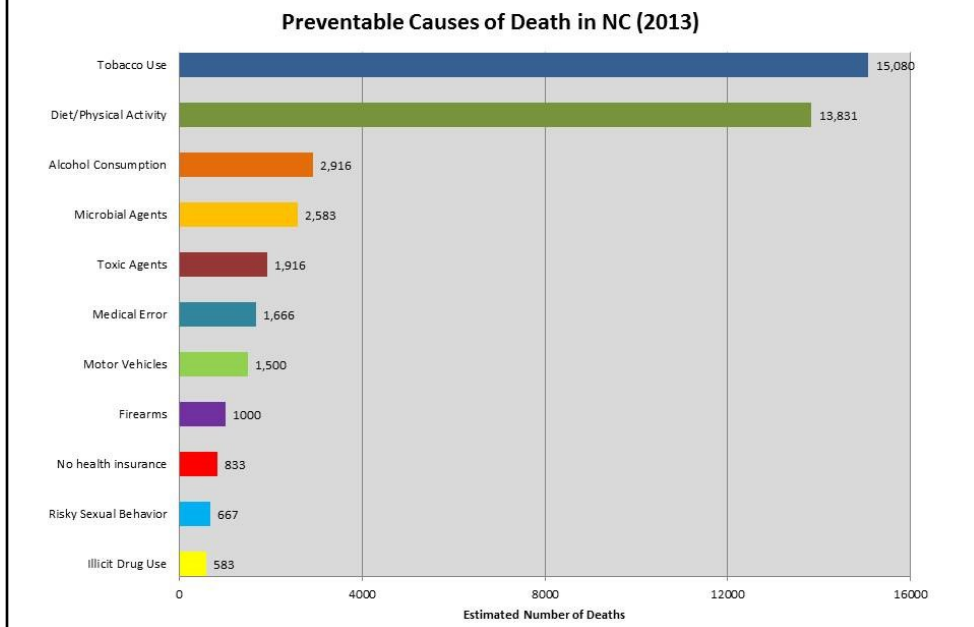


smoking during **pregnancy** increases the risk of babies being born too early **and** too small which can cause a whole host of lifelong complications.

This map from the state center for health statistics. illustrates the smoking rates of women during pregnancy.

Rutherford County - shown here in red has a rate over 2.5 x the state average for women who smoked during pregnancy.

Tobacco Use Is the Leading Preventable Cause of Death in NC (SCHS)



This graph illustrates that Tobacco use is still the leading cause of preventable death in the state,

Over 15,000 people die every year in NC from tobacco use. that is about 41 people every day, which is about like 2 school buses full of people.

For every person who dies from smoking-related disease, 30 more people suffer with at least one serious illness from smoking.

And is still a major public health **threat** that needs to be addressed.

Economic Costs of Smoking in North Carolina

- ▶ NC annual healthcare costs caused by smoking:
\$3.81 billion (direct costs)
- ▶ Rutherford County residents estimated, annual tax burden from smoking –caused government expenditures
\$1,421/ per household
\$39.7 million: Rutherford

the financial costs of smoking are hefty

- Nearly \$4 Billion dollars is spent every year in NC on direct medical costs from just cigarette smoking
- In Rutherford county alone, an estimated \$39.7 million is spent every year on smoking-caused government expenditures (ex. Medicaid costs),

and that breaks down to 1,421 per household every year in taxes for smoking-related expenses.

27,970 households in Rutherford County (2019)

**The Community Preventive Services Task Force
strongly recommends smoke-free policies to**



- Reduce exposure to secondhand smoke
- Reduce the prevalence of tobacco use
- Increase the number of tobacco users who quit
- Reduce the initiation of tobacco use among young people
- Reduce tobacco-related morbidity and mortality, including acute cardiovascular events
- Reduce healthcare costs substantially

According to the science: Tobacco free policies are recommended as one of the **most** effective ways to do all of these things listed here;

Local Government Authority to Regulate Smoking

A local government may adopt and enforce ordinances, board of health rules, and policies restricting or prohibiting smoking that are more restrictive than state law and that apply to:

- Local Government Buildings
- Local Government Vehicles
- Local Government Grounds
- Enclosed Public Places

NCGS § 130A-498

Since the passing of our state SF Restaurants and Bars Law that went into effect January 2010, the law **also** gave local governments authority to further restrict smoking in local government buildings vehicles, grounds and enclosed public places

Local Governments Have Authority to Regulate Smoking in **Local Government Buildings**



“A building owned, leased or occupied by a local government” G.S. §130A-492(8)

- Health Department Buildings
- Courthouses
- Police Departments
- County Libraries
- Other government facilities

a Local Govt. Building by state law is defined a building owned, leased or occupied by a local government.

Examples would be courthouses, townhalls, police departments, county libraries, and such.

Local Governments Have Authority to Regulate Smoking in **Local Vehicles**



“A passenger-carrying vehicle owned, leased, or otherwise controlled by local government”
G.S. §130A-492(9)

- County and Municipal Vehicles
- Buses



A local vehicle is defined by the law, as



Local Governments Have Authority to Regulate Smoking on Local Government Grounds

“An unenclosed area owned, leased or occupied by local government” G.S. § 130A-492(6)

- Grounds on or next to city or county government buildings
- Parking lots
- Parks
- Sidewalks maintained/controlled by the city or county
- Bus stops
- Other outdoor facilities

Local government grounds are defined as an unenclosed area ...



Local Governments Have Authority to Regulate Smoking in **Public Places**

“An enclosed area to which the public is invited or in which the public is permitted”
G.S. §130A-492(14)

- Grocery stores
- Shopping centers
- Banks
- Laundry mats
- Bowling alleys
- Movie theaters
- Other places where the public is permitted

And, local governments do have authority under this law to prohibit smoking in enclosed areas that the public is invited or permitted, such as:

Public places where public is allowed or permitted.

Laundry mats
Gas stations
Convenience stores

Who Can Regulate Smoking?

Board of County Commissioners

- May adopt an ordinance that applies to unincorporated areas
- If city agrees, ordinance may apply within incorporated areas

Municipal Governing Board

- May adopt an ordinance that applies within the city limits
- May pass a resolution agreeing to have county ordinance apply within the city

- The boards that have authority to regulate smoking
- a BOCC can adopt an ordinance in the unincorporated areas in the county.
 - And if a city or town agrees the ordinance can also apply to the incorporated areas
- city or town council, can restrict smoking within their jurisdiction
 - or they may also pass a resolution allowing the county ordinance apply within the city or town limits

Who Can Regulate Smoking?

Local Board of Health / District Board of Health

- Rules apply throughout the county or district
- Rule must be approved by an ordinance adopted by the Board of County Commissioners (BOCC)
- After BOCC approves the rule by ordinance, it applies throughout the county
- No additional action or approval of city or town councils is required

Board of Health can regulate smoking with a BOH Rule

And that would apply to both the unincorporated and incorporated areas of the county and municipalities.

But, the Rule must also be approved by the Board of County Commissioners (BOCC)

After BOCC approves the rule by ordinance, it applies throughout the county

What About OTHER Tobacco Products?

- Prior law preempted local governments' authority to regulate *smoking*
- There was no pre-emption related to local authority to regulate the use of other tobacco products
- 2010 changes removed the preemption related to smoking; still no preemption for other tobacco products
- Local governments can pass such regulations under their basic authority to pass regulations to protect the health and welfare of the community.

Before 2010, prior law preempted local governments' authority to regulate **smoking**

There was never any pre-emption related to local authority for regulating other tobacco products, like smokeless tobacco and e-cigarettes..

2010 changes in the law removed the preemption related to smoking; and there is still no preemption for other tobacco products

Since e-cigarettes are defined as a tobacco product by NC law, they are included in the authority to regulate tobacco products.

In summary, yes you can prohibit the use of all tobacco products: including, combustibles – like cigarettes, cigars, pipes, as well as smokeless products, e-cigarettes, and synthetic tobacco products.

Types of E-Cigarettes



Disposables



Rechargeable –
Replacement
Cartridges



JUUL



Rechargeable –
Refillable Tank System



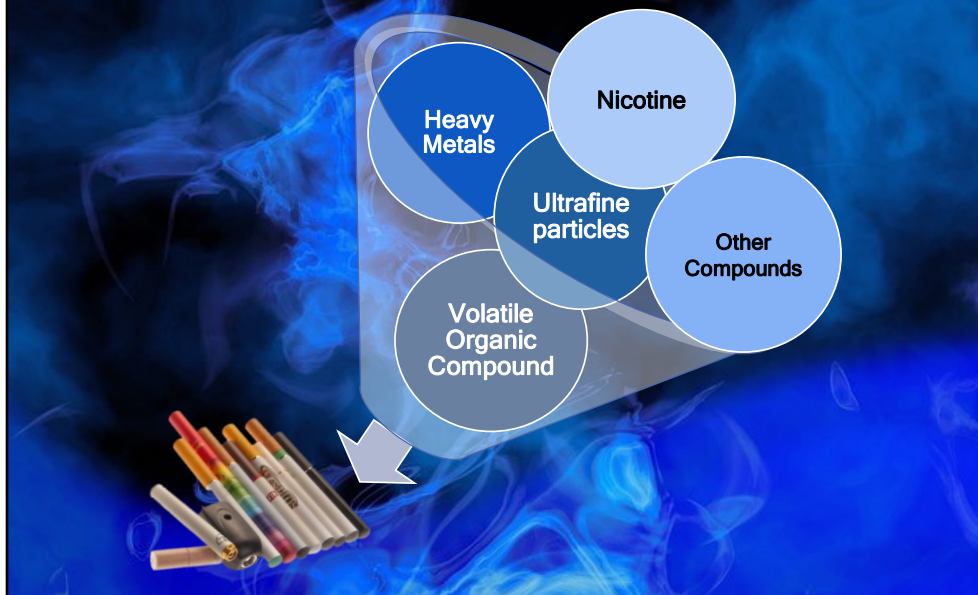
Mods

Image Source: Wake Forest Baptist Health; ecigaretteb2c.com

There are several different forms of e-cigarettes –

They all function basically the same way to deliver nicotine to the user in the form of an aerosol.

E-Cigarette Aerosol Contains Harmful & Potentially Harmful Ingredients



E-cigarettes have a dangerous mixture of chemicals that produce harmful aerosols (not harmless water vapor).

The aerosol contains harmful ingredients that can penetrate deeply into the lungs.

E-cigarettes can be Modified to use other Psychoactive Substances



E-cigarette products can also be used – and are being used by some adults and adolescents - as a delivery system for other substances - like marijuana and other illicit drugs.

clean air—free of both smoke and e-cigarette aerosol—remains the standard to protect health.

What is Left Unchecked in Your Communities



Tobacco-free government buildings, vehicles, and grounds, including parks



Smoke-free public places, including e-cigarettes

What is left unchecked in Ruth, in terms of government buildings, vehicles, grounds, and parks, as well as, enclosed public places

A FEW NORTH CAROLINA **MUNICIPALITIES** WITH **100% TOBACCO-FREE OR SMOKE-FREE** **WRITTEN REGULATIONS**



	County	Local Health Dept. Region	Gov't Buildings	Gov't Vehicles	Gov't Grounds	Gov't Owned Parks/Orch	Recreation Areas	Public Places
Belmont	GASTON	4	☑	☑	☑	☑	☑	☑
Bessemer City	GASTON	4	☑	☑	☑	☑	☑	☑
Boone	WATAUGA	3	☑	☑	☑	☑	☑	☑
Carrboro	ORANGE	5	☑	☑	☑	☑	☑	☑
Chapel Hill	ORANGE	5	☑	☑	☑	☑	☑	☑
Cherryville	GASTON	4	☑	☑	☑	☑	☑	☑
Conover	CATAWBA	4	☑	☑	☑	☑	☑	☑
Cramerton	GASTON	4	☑	☑	☑	☑	☑	☑
Dallas	GASTON	4	☑	☑	☑	☑	☑	☑
Durham	DURHAM	5	☑	☑	☑	☑	☑	☑
Gastonia	GASTON	4	☑	☑	☑	☑	☑	☑
Green Level	ALAMANCE	5	☑	☑	☑	☑	☑	☑
High Shoals	GASTON	4	☑	☑	☑	☑	☑	☑
Hillsborough	ORANGE	5	☑	☑	☑	☑	☑	☑
Lowell	GASTON	4	☑	☑	☑	☑	☑	☑
McAdenville	GASTON	4	☑	☑	☑	☑	☑	☑
Mount Holly	GASTON	4	☑	☑	☑	☑	☑	☑
Ramlo	GASTON	4	☑	☑	☑	☑	☑	☑
Ruth	RUTHERFORD	2	⊗	⊗	⊗	⊗	⊗	⊗
Rutherfordton	RUTHERFORD	2	☑	☑	☑	☑	☑	⊗
Spencer Mountain	GASTON	4	☑	☑	☑	☑	☑	☑
Stanley	GASTON	4	☑	☑	☑	☑	☑	☑
TOTAL # OF PLACES STATEWIDE		241	170	84	118	116	29	

LEGEND:

-  100% Tobacco Free Policy
-  100% Smoke Free Policy
-  No Written Regulation or Less than 100% Written Regulation

The NC Tobacco Prevention and Control Branch has created a dashboard of tobacco regulations for all 100 counties across the state, and all municipalities.

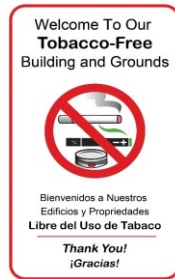
To show up on the dashboard, there must be a written policy/ordinance with a 100% either smoke-free or tobacco-free regulation - and not allow for any exceptions or designated areas.

As you can see on the legend, the purple shade means it is 100% tobacco free and the yellow shade means it is 100% smoke -free

Looking at the tabs along the top you can quickly identify which of the properties provide protections to residents.

Enforcement is About Education

Signage and communication are keys to compliance



Communication

Signage

Cessation

Shift in
cultural
norms

What we have experienced all across the state, is that enforcement is primarily about good communication and education. Most people will comply with a policy, if they know about it.

Good Compliance is achieved through

- effective communication strategies (that is - news and media messages to create public awareness,
- sufficient signage posted in and around properties, ,
- and by promoting cessation services and resources to help those who want to quit, especially when a new policy goes into effect.

If violations occur—provide further education, warnings, and if needed, impose penalties as you would for other policies or ordinances.

Further Information or Assistance

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Region 2

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Region 2 Counties:
Avery, Buncombe, Burke, Caldwell, Henderson
Madison, McDowell, Mitchell, Polk, Rutherford, Yancey