



**ChangeLab Solutions**  
Law & policy innovation for the common good.

# Model Tobacco-free or Smokefree Event Policy

March 2008

Developed by ChangeLab Solutions

This material was made possible by funds received from the California Department of Public Health, under contract #04-35336.

*ChangeLab Solutions is a nonprofit organization that provides legal information on matters relating to public health. The legal information provided in this document does not constitute legal advice or legal representation. For legal advice, readers should consult a lawyer in their state.*

## Introduction

ChangeLab Solutions developed the following two Model Policies to help organizations limit tobacco use and exposure to secondhand smoke at events they sponsor, produce, or operate.

These policies can be used for events of all types, from members-only gatherings to events open to the general public. Possible events include fundraisers, health fairs, antique or craft fairs, youth or adult sporting events, farmers' markets, rodeos, and auto or motorcycle races. The policies can be used for onetime events as well as for activities that occur on a regular basis. The two policies are written to apply to the entire area where the event takes place; all event activities from set-up to take-down; and everyone who is present at the event site, including members of the public, event employees, and volunteers.

The first Model Policy limits all *tobacco use* at the event (including cigarettes, cigars, chew, dip, snuff, etc.), while the second Model Policy limits all *smoking* at the event. Organizations can choose either of the two Model Policies. The second policy includes an option to permit smoking in certain designated areas, which might be adopted by an organization that currently allows smoking at its events but is phasing in a total no-smoking policy or by an organization that wants to limit smoking in all but a few places. (Note: if smoking in designated areas is to be permitted, some of the language in the Model Smokefree Event Policy will need to be modified to reflect the fact that the event is not truly a “smokefree” event.)

Because each policy would be adopted *voluntarily* by an organization, it is not likely to raise legal questions or challenges – but it also does not have the same force and effect as a state or local law. (If you are interested in developing a local smokefree or tobacco-free *law*, please visit ChangeLab Solutions' website for a list of model ordinances.)

Please note that whichever policy you choose, it should be customized so that it is consistent with other policies adopted by the organization and is tailored to meet the organization's particular needs.

**If you have questions, please contact ChangeLab Solutions at**  
[www.changelabsolutions.org/tobacco-control](http://www.changelabsolutions.org/tobacco-control).

## Option #1

### Model *Tobacco-free* Event Policy

[*Name of organization*] adopts the following Tobacco-free Event Policy:

#### I. Policy Purpose

The purpose of this policy is to establish a tobacco-free environment for all Events organized, operated, or owned by [*name of organization*].

#### II. Definitions

Whenever the following words are used in this policy, they will be understood to mean:

- (a) *Event*: Any organized activity that is sponsored or operated either totally or in part by [*name of organization*], and over which it has control or responsibility. This definition includes activities related to the scheduled Event itself as well as Event set-up and take-down.
- (b) *Event Site*: The entire physical area in which an Event is being staged and over which [*name of organization*] has control or responsibility. The Event Site includes all open, semi-open, and enclosed spaces and structures, including for example parking lots, loading docks, exhibit halls or vendor booths, conference rooms, dining areas, bathrooms, performance stages, sports or other recreational areas or facilities, pedestrian walkways or pathways, and roads accessible to motorized vehicles.
- (c) *Tobacco*: Any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, or any other preparation of tobacco.

#### III. Tobacco-free Event Policy and Procedures

[*Name of organization*] wants to provide everyone who attends or works at an Event with a healthy and safe environment. Tobacco use is counterproductive to this goal, as documented in the attached “Findings.”

In order to safeguard the health, safety, and general welfare of everyone present at an Event, [*name of organization*] adopts the following policy and procedures:

- (a) **No Tobacco Use at Event**: [*Name of organization*] will not allow Tobacco to be used during an Event and on the Event Site. This policy applies at all times during the Event and to everyone, including:

- all [*name of organization*] board members, officers, employees, volunteers and agents;
  - Event exhibitors and their employees, volunteers or agents;
  - independent contractors working at the Event Site;
  - Event facility staff and employees;
  - Event performers, participants, or contributors; and
  - all Event attendees.
- (b) **Policy Communication:** [*Name of organization*] will communicate its Tobacco-free Event Policy as widely as possible through press releases, website announcements, public service announcements, printed ticket reminders, Event materials and instructions, Event maps, and all other forms of communication (both internal and external) about the Event.
- (c) **Event Signage:** [*Name of organization*] will make sure that numerous easy-to-read posters or signs are posted prominently at the Event (including at entrances, exits, and other appropriate areas) to inform all attendees of the policy. The signs will indicate that Tobacco use is not permitted anywhere on the Event Site.
- (d) **Policy Enforcement:** [*Name of organization*] employees and volunteers will make sure that they communicate the Tobacco-free Event Policy to anyone at the Event found using Tobacco. If the person continues to use Tobacco at the Event, they will be warned that they are no longer welcome at the Event.

#### **IV. State and Local Laws**

This Tobacco-free Event Policy is in addition to any federal, state, or local laws that restrict or otherwise regulate the use of Tobacco.

#### **V. Policy Effective Date**

This Tobacco-free Event Policy is effective as of [*month*] [*day*], [*year*], and applies to all Events on or after that date.

## VI. Policy Contact Information

For questions about this Tobacco-free Event Policy, contact: [*Name, Title, & Contact Information*]

This Tobacco-free Event Policy is accepted by and for [*name of organization*]:

---

Name

---

Date

## Findings in Support of Tobacco-free Event Policy

[*Name of Organization*] recognizes that tobacco use and exposure to secondhand smoke cause death and disease and impose great social and economic costs, as evidenced by the following:

- More than 438,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable death;<sup>1</sup> and
- Scientific studies have concluded that cigarette smoking can cause chronic lung disease, coronary heart disease, and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth;<sup>2</sup> and
- Smokeless tobacco use causes leukoplakia, a disease causing white patches that can become cancerous to form in the user's mouth;<sup>3</sup> smokeless tobacco products and cigars are known to cause lung, larynx, esophageal, and oral cancer;<sup>4</sup> and the regular use of snuff doubles the user's risk of cardiovascular disease and death;<sup>5</sup> and
- Secondhand smoke is responsible for an estimated 38,000 deaths among nonsmokers each year in the United States, which includes 3,000 lung cancer deaths and 35,000 deaths due to heart disease;<sup>6</sup> and
- The Surgeon General has determined that secondhand smoke contains hundreds of chemicals that are known carcinogens or poisons, including formaldehyde, polonium-210, benzene, lead, cadmium, and nickel;<sup>7</sup> and
- The California Air Resources Board has declared secondhand smoke a toxic air contaminant, the same category as the most toxic automotive and industrial air pollutants for which there is no safe level of exposure;<sup>8</sup> and
- The California Environmental Protection Agency has included secondhand smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm;<sup>9</sup> and
- Tobacco use begins young: most new cigarette smokers were between the ages of 12 and 17 when they smoked their first cigarette, and the average age of first smokeless tobacco use is 16.7 years old;<sup>10</sup> and
- Smoking incurs over \$9 billion worth of medical costs per year in California and \$8.5 billion in lost productivity due to premature deaths;<sup>11</sup> and
- Smokefree events protect the 86.7% of Californians who are nonsmokers;<sup>12</sup> and
- More than 500 California events or organizations have adopted policies to create smokefree areas or prohibit smoking.<sup>13</sup>

## Option #2

### Model *Smokefree* Event Policy

[Name of organization] adopts the following Smokefree Event Policy:

#### I. Policy Purpose

The purpose of this policy is to establish a smokefree environment for all Events organized, operated, or owned by [name of organization].

#### II. Definitions

Whenever the following words are used in this policy, they will be understood to mean:

- (a) *Event*: Any organized activity that is sponsored or operated either totally or in part by [name of organization], and over which it has control or responsibility. This definition includes activities related to the scheduled Event itself as well as Event set-up and take-down.
- (b) *Event Site*: The entire physical area in which an Event is being staged and over which [name of organization] has control or responsibility. The Event Site includes all open, semi-open, and enclosed spaces and structures, including for example, parking lots, loading docks, exhibit halls or vendor booths, conference rooms, dining areas, bathrooms, performance stages, sports or other recreational areas or facilities, pedestrian walkways or pathways, and roads accessible to motorized vehicles.
- (c) *“Smoking” and “to Smoke”*: Inhaling, exhaling, burning or carrying any lighted substance containing tobacco leaf, including but not limited to cigars, cigarettes, pipes, and hookah pipes.

#### III. Smokefree Event Policy and Procedures

[Name of organization] wants to provide everyone who attends or works at an Event with a healthy and safe environment. Smoking is counterproductive to this goal, as documented in the attached “Findings.”

In order to safeguard the health, safety, and general welfare of everyone present at an Event, [name of organization] adopts the following policy and procedures:

- (a) **No Smoking at Event**: [Name of organization] will not allow Smoking during an Event or on the Event Site. This policy applies at all times during the Event and to everyone, including:

- all [*name of organization*] board members, officers, employees, volunteers and agents;
- Event exhibitors and their employees, volunteers or agents;
- independent contractors working at the Event Site;
- Event facility staff and employees;
- Event performers, participants, or contributors; and
- all Event attendees.

**OPTIONAL:** [*Name of organization*] will permit Smoking during an Event only at the following designated location(s) within the Event Site: [*name of the location(s)*]. All other areas within the Event Site shall be Smokefree.

- (b) **Policy Communication:** [*Name of organization*] will communicate its Smokefree Event Policy as widely as possible through press releases, website announcements, public service announcements, printed ticket reminders, Event materials and instructions, Event maps, and all other forms of communication (both internal and external) about the Event.
- (c) **Event Signage:** [*Name of organization*] will make sure that numerous easy-to-read posters or signs are posted prominently at the Event (including at entrances, exits, and other appropriate areas) to inform all attendees of the policy. The signs will indicate that Smoking is not permitted anywhere on the Event Site. [**Note:** If the policy includes designated smoking areas, then signs should also be posted to indicate the smoking area(s).]
- (d) **Policy Enforcement:** [*Name of organization*] employees and volunteers will make sure that they communicate the Smokefree Event Policy to anyone at the Event found Smoking. If the person continues to Smoke at the Event, they will be warned that they are no longer welcome at the Event.

#### IV. State and Local Laws

This Smokefree Event Policy is in addition to any federal, state, or local laws that restrict or otherwise regulate the use of tobacco.

#### V. Policy Effective Date

This Smokefree Event Policy is effective as of [*month*] [*day*], [*year*], and applies to all Events on or after that date.



## VI. Policy Contact Information

For questions about this Smokefree Event Policy, contact: [*Name, Title, & Contact Information*]

This Smokefree Event Policy is accepted by and for [*name of organization*]:

---

Name

---

Date

## Findings in Support of Smokefree Event Policy

[*Name of Organization*] recognizes that tobacco use and exposure to secondhand smoke cause death and disease and impose great social and economic costs, as evidenced by the following:

- More than 438,000 people die in the United States from tobacco-related diseases every year, making it the nation's leading cause of preventable death;<sup>14</sup> and
- Scientific studies have concluded that cigarette smoking can cause chronic lung disease, coronary heart disease, and stroke, in addition to cancer of the lungs, larynx, esophagus, and mouth;<sup>15</sup> and
- Secondhand smoke is responsible for an estimated 38,000 deaths among nonsmokers each year in the United States, which includes 3,000 lung cancer deaths and 35,000 deaths due to heart disease;<sup>16</sup> and
- The Surgeon General has determined that secondhand smoke contains hundreds of chemicals that are known carcinogens or poisons, including formaldehyde, polonium-210, benzene, lead, cadmium, and nickel;<sup>17</sup> and
- The California Air Resources Board has put secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which there is no safe level of exposure;<sup>18</sup> and
- The California Environmental Protection Agency has included smoke on the Proposition 65 list of chemicals known to the state of California to cause cancer, birth defects, and other reproductive harm;<sup>19</sup> and
- Tobacco use begins young: most new cigarette smokers were between the ages of 12 and 17 when they smoked their first cigarette;<sup>20</sup> and
- Smoking incurs over \$9 billion worth of medical costs per year in California and \$8.5 billion in lost productivity due to premature deaths;<sup>21</sup> and
- Smokefree events protect the 86.7% of Californians who are nonsmokers;<sup>22</sup> and
- More than 500 California events or organizations have adopted policies to create smokefree areas or prohibit smoking.<sup>23</sup>

- 
- <sup>1</sup> Centers for Disease Control and Prevention, Targeting Tobacco Use: The Nation’s Leading Cause of Death 2 (2007) [hereinafter Targeting Tobacco Use], available at [www.cdc.gov/tobacco/basic\\_information/00\\_pdfs/AAGTobacco2007.pdf](http://www.cdc.gov/tobacco/basic_information/00_pdfs/AAGTobacco2007.pdf).
- <sup>2</sup> *Id.*
- <sup>3</sup> National Cancer Institute, Smokeless Tobacco and Cancer: Questions and Answers 2 (2003), available at [www.cancer.gov/images/Documents/018bcc3a-06d0-4858-bfb9-85acff215e9c/fs10\\_15.pdf](http://www.cancer.gov/images/Documents/018bcc3a-06d0-4858-bfb9-85acff215e9c/fs10_15.pdf).
- <sup>4</sup> Targeting Tobacco Use, *supra* note 1, at 2.
- <sup>5</sup> Dorothy K. Hatsukami and Herbert H. Severson, *Oral Spit Tobacco: Addiction, Prevention, and Treatment*, 1 *Nicotine & Tobacco Research* 21-44, 29 (1999).
- <sup>6</sup> Nat’l Cancer Inst., NCI Health Information Tip Sheet for Writers: Secondhand Smoke (2005), available at [www.cancer.gov/newscenter/tip-sheet-secondhand-smoke](http://www.cancer.gov/newscenter/tip-sheet-secondhand-smoke).
- <sup>7</sup> U.S. Surgeon General’s Office, The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General 31-32 (2006) available at [www.surgeongeneral.gov/library/secondhandsmoke/report/chapter2.pdf](http://www.surgeongeneral.gov/library/secondhandsmoke/report/chapter2.pdf).
- <sup>8</sup> Resolution 06-01, Cal. Air Resources Bd. (2006) at 5, available at [www.arb.ca.gov/regact/ets2006/res0601.pdf](http://www.arb.ca.gov/regact/ets2006/res0601.pdf).
- <sup>9</sup> Cal. Environmental Protection Agency, Chemicals Known to the State to Cause Cancer or Reproductive Toxicity 8, 17 (2006), available at [www.oehha.ca.gov/prop65/prop65\\_list/files/P65single081106.pdf](http://www.oehha.ca.gov/prop65/prop65_list/files/P65single081106.pdf).
- <sup>10</sup> U.S. Dept. of Health and Human Services, Tobacco Use in America: Findings from the 1999 National Household Survey on Drug Abuse 3-4 (2001) available at [www.oas.samhsa.gov/nhsda/tobacco/tobacco.pdf](http://www.oas.samhsa.gov/nhsda/tobacco/tobacco.pdf).
- <sup>11</sup> Centers for Disease Control and Prevention, Sustaining State Programs for Tobacco Control: Data Highlights 2006 (2006) 16, available at [www.cdc.gov/tobacco/data\\_statistics/state\\_data/data\\_highlights/2006/00\\_pdfs/DataHighlights06rev.pdf](http://www.cdc.gov/tobacco/data_statistics/state_data/data_highlights/2006/00_pdfs/DataHighlights06rev.pdf).
- <sup>12</sup> Cal. Dep’t of Health Services, *Smoking Prevalence Among California Adults 1984-2006*, available at [www.dhs.ca.gov/tobacco/documents/press/2006SmokingPrevalenceCharts.xls](http://www.dhs.ca.gov/tobacco/documents/press/2006SmokingPrevalenceCharts.xls).
- <sup>13</sup> Department of Health and Human Services, California Tobacco Control Update (2004) 7, available at [www.dhs.ca.gov/ps/cdic/tcs/documents/eval/RPT\\_2004TCSupdate.pdf](http://www.dhs.ca.gov/ps/cdic/tcs/documents/eval/RPT_2004TCSupdate.pdf).
- <sup>14</sup> Centers for Disease Control and Prevention, Targeting Tobacco Use: The Nation’s Leading Cause of Death 2 (2007), available at [www.cdc.gov/tobacco/basic\\_information/00\\_pdfs/AAGTobacco2007.pdf](http://www.cdc.gov/tobacco/basic_information/00_pdfs/AAGTobacco2007.pdf).
- <sup>15</sup> *Id.*
- <sup>16</sup> Cancer Inst., NCI Health Information Tip Sheet for Writers: Secondhand Smoke (2005), available at [www.cancer.gov/newscenter/tip-sheet-secondhand-smoke](http://www.cancer.gov/newscenter/tip-sheet-secondhand-smoke).
- <sup>17</sup> U.S. Surgeon General’s Office, The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General 31-32 (2006) available at [www.surgeongeneral.gov/library/secondhandsmoke/report/chapter2.pdf](http://www.surgeongeneral.gov/library/secondhandsmoke/report/chapter2.pdf).
- <sup>18</sup> Resolution 06-01, Cal. Air Resources Bd. (2006) at 5, available at [www.arb.ca.gov/regact/ets2006/res0601.pdf](http://www.arb.ca.gov/regact/ets2006/res0601.pdf).
- <sup>19</sup> Cal. Environmental Protection Agency, Chemicals Known to the State to Cause Cancer or Reproductive Toxicity 8, 17 (2006), available at [www.oehha.ca.gov/prop65/prop65\\_list/files/P65single081106.pdf](http://www.oehha.ca.gov/prop65/prop65_list/files/P65single081106.pdf). Please note: Cal. EPA uses the term “Environmental Tobacco Smoke” to refer to secondhand smoke.
- <sup>20</sup> U.S. Dept. of Health and Human Services, Tobacco Use in America: Findings from the 1999 National

---

Household Survey on Drug Abuse 3-4 (2001) available at [www.oas.samhsa.gov/nhsda/tobacco/tobacco.pdf](http://www.oas.samhsa.gov/nhsda/tobacco/tobacco.pdf).

- <sup>21</sup> Centers for Disease Control and Prevention, Sustaining State Programs for Tobacco Control: Data Highlights 2006 (2006) at 16, available at [www.cdc.gov/tobacco/data\\_statistics/state\\_data/data\\_highlights/2006/00\\_pdfs/DataHighlights06rev.pdf](http://www.cdc.gov/tobacco/data_statistics/state_data/data_highlights/2006/00_pdfs/DataHighlights06rev.pdf).
- <sup>22</sup> Cal. Dep't of Health Services, Smoking Prevalence Among California Adults 1984-2006, available at [www.dhs.ca.gov/tobacco/documents/press/2006SmokingPrevalenceCharts.xls](http://www.dhs.ca.gov/tobacco/documents/press/2006SmokingPrevalenceCharts.xls).
- <sup>23</sup> Department of Health and Human Services, California Tobacco Control Update (2004) 7, available at [www.dhs.ca.gov/ps/cdic/tcs/documents/eval/RPT\\_2004TCSupdate.pdf](http://www.dhs.ca.gov/ps/cdic/tcs/documents/eval/RPT_2004TCSupdate.pdf).