

# **HOT TOPICS IN TOBACCO CONTROL**



**NJ Environmental Health Association  
Educational Conference & Exhibition  
March 8, 2010**

Presenter: Karen Blumenfeld, Esq.  
Executive Director  
Global Advisors on Smokefree Policy

Karen.Blumenfeld@verizon.net

(908) 377-3900

7 Cedar Street, Suite A, Summit, NJ 07901

For downloadable information on smokefree casinos, go to [www.njgasp.org](http://www.njgasp.org) and click on *Smokefree Gaming*.

Important:

Please read Disclosures and Disclaimers that apply to this presentation (see end slides). This presentation is not to be construed as legal advice.

# Overall Course Summary

**To understand and learn** how to apply the 2006 NJ Smokefree Air Act and other laws, when identifying and addressing public health threats in tobacco control, plus:

- Updates on new laws
- Handling violations of tobacco control laws
- Emerging concerns with tobacco use/exposure
- GASP's 2010 Smokefree Multi-Unit Housing Initiative

# **Specific Topics to be Addressed:**

- **NJ data on smoking: figures, costs, spending**
- **Second-hand and Third-hand Smoke: 101**
- **2009 Federal law: Family Smoking Prevention and Tobacco Control Act**
- **Taxes, licensing fees on OTPs**
- **E-cigarette use/sales ban takes effect March 13**
- **NJSFAA exemptions: cigar bars, hookah lounges**
- **Outdoor smoking restrictions**
- **Smokefree private settings**
- **Secondhand smoke concerns in multi-unit housing**
- **New HUD smokefree policy memo**
- **Smoking in cars with kids**
- **How secondhand smoke affects pets**

# NJ Data on Smoking

- **Deaths in NJ from smoking:**
  - **11,200 NJ adults die each year from own smoking.**
  - **1,010 adult nonsmokers die each year from exposure to secondhand smoke (SHS)**
  - **168,000 NJ minors will die prematurely from smoking.**
- **Smoking-caused monetary costs in NJ:**
  - **\$3.17 billion in annual health care costs directly caused by smoking.**
  - **\$967 million = portion covered by NJ's medicaid program.**
  - **\$2.6 billion in smoking-caused productivity losses.**

# NJ Data on Smoking

- **85.2% of adults in NJ are nonsmokers.**
- **Of 14.8% adults in NJ who smoke (981,900), 70% want to quit.**
- **15.8% of NJ high school students smoke (74,600).**
- **9% of NJ high school students use smokeless or spit tobacco (cheaper than cigarettes).**
- **9,000 NJ minors become new daily smokers each year.**
- **17.1 million packs of cigarettes bought or smoked by NJ minors each year.**
- **400,000 children affected by SHS in NJ homes/year.**

# State funding of CTCP

- **State funding** of NJ's Comprehensive Tobacco Control Program (CTCP) has decreased, **from \$30 million in FY2003 to just over \$7.5 million** this fiscal year (FY10).
- CDC Best Practice Rate for NJ is \$119,800,000/yr.
- **New Jersey ranks 38<sup>th</sup>** in the nation for funding tobacco control programs, December 2009 report.
- This year, New Jersey to **collect approx \$968 million from tobacco taxes** and the 1998 tobacco settlement; will **spend 0.9 percent on tobacco prevention programs.**
- The tobacco companies spend \$226.3 million a year to market their products in NJ (26 times what the State spends on tobacco prevention).

# Second-hand Smoke Health Concerns

- Secondhand smoke (SHS) is smoke exhaled by smoker, and sidestream smoke (off the tip).
- There is **no known safe level of exposure to SHS** (2006 U.S. Surgeon General's Report).
- SHS is a **known Class A human carcinogen**. Same class as asbestos and benzene (U.S. Environmental Protection Agency).
- Smoking and SHS exposure are **#1 cause of preventable disease/death in world**.

# Second-hand Smoke Health Concerns

- SHS aggravates and increases the risk of chronic diseases such as asthma, allergies, heart disease, lung cancer, pneumonia, emphysema, chronic bronchitis and diabetes (U.S. Centers for Disease Control).
- Chronic exposure to secondhand smoke is almost as deleterious to one's health (80%), as being a pack-a-day smoker (2005 University of California, San Francisco, study published in the peer-reviewed Journal, *Circulation*).

# U.S. Surgeon General's 2006 Report

- **Health effects of SHS on children:**
  - sudden infant death syndrome
  - preterm delivery
  - low birth weight
  - childhood cancer risks

(Ch. 5, pp. 242-243)

- **Studies show that SHS can lead to:**
  - An increase in fetal mutation
  - Increased risk of miscarriage

# New 2010 Study: SHS Exposure Increases A Child's Risk of Heart Disease

- Children exposed to SHS between ages 8 to 13 are more likely to show thickening of blood vessel walls, a precursor to hardening and clogging of arteries.
- Children exposed to the most SHS had higher levels of apolipoprotein B, which contributes to "bad" cholesterol, another heart disease risk factor.
- The findings suggest that children should not be exposed to SHS at any level; even small amounts of shs exposure may be harmful for blood vessels.
- The researchers concluded that children need to be provided with a smokefree environment, according to a recent 2010 study published in the journal, *Circulation: Cardiovascular Quality and Outcomes*.

# New Concerns with Third-hand Smoke

- Third-hand smoke that SHS that **lingers long after** the extinguishing of a cigarette or cigar.
- **Embeds as residue** on any surface: walls, in carpeting, furniture, on clothing, in hair, toys, etc.
- **Carcinogens and toxins** in third-hand smoke may affect brain development in babies and young children.
- **Young children come into contact:** crawl on carpeting suck/teethe on clothing, upholstery, own/family member's skin, etc. that has third-hand smoke residue.

# Higher nicotine levels in babies, even if parent only smokes outside

- Even if a parent who smokes outside the home, still subject their children to nicotine exposure:
  - These children have up to eight times more nicotine in their bodies than the offspring of non-smokers.
  - Higher nicotine levels in babies who have family that smoke outside the home, vs. babies live with only non-smokers.
- Although all smoking was outdoors, children had nicotine in their hair and urine.
- Mothers who smoked away from their children were found to have nearly as much nicotine on their hands as smokers who made no special effort.

# Federal Family Smoking Prevention and Tobacco Control Act

- On June 22, 2009, President Barack Obama signed into law the **Family Smoking Prevention and Tobacco Control Act** (FDA regulations HR 1256).
- Gives the U.S. Food and Drug Administration (FDA) comprehensive authority to regulate the **manufacturing, marketing, and sale of tobacco products**.

(Info on this Act, courtesy of <http://tobaccolawcenter.org/documents/fda-5.pdf>)

# Federal Family Smoking Prevention and Tobacco Control Act

- Restrictions on **Sales** of Tobacco Products
- Requires a number of restrictions on cigarette and/or smokeless tobacco product **marketing and advertising**
- Grants the FDA authority to impose additional restrictions on the advertising, promotion and other marketing of tobacco products in order to promote overall public health.
- All such restrictions would be **subject to the constraints of the First Amendment** (January 2010 Kentucky court ruling, go to appeal).

# June 22, 2010: Implementation Date

- Starting June 22, 2010, no vending machines sales or self-service displays of cigarettes or smokeless tobacco, except allowed in adult-only facilities.
  - KEY: Act does NOT preempt stronger local or state laws, which ban vending machines and/or self-service racks.
  - NJ has more than 100 local ordinances banning 100% cigarette vending machines, self-service displays; local and state laws will remain in effect, not preempted.

# Federal ban on sales of cigarettes and smokeless tobacco, via vending machines and self-service displays, 6/22/10

- In NJ, minors allowed to enter bars, just not served alcohol; so NJ bars are NOT adult-only facilities, and ban should be in effect in these locations.
- Clubs that hold 'teen nights' are NOT adult-only facilities, so ban should be in effect in clubs holding teen nights

## Federal ban on sale of loosies, 6/22/10

- Act bans sale of cigarettes in packages that contain fewer than 20 cigarettes.
  - New Jersey already bans the sale or giving away of single cigarettes (loosies), or in sealed packs of less than 20 cigarettes. Violation for a cigarette vending machine owner, and for each over-the-counter sale. NJSA 54:40A-1 and 2.

# Federal ban on flavored cigarettes (except menthol), 9/20/09

- On 9/20/09, characterizing flavors, other than tobacco or menthol banned from all cigarettes.
  - Since November 2008, NJ already bans sale or furnishing of cigarettes with characterizing flavors, other than tobacco, clove or menthol. NJSA 2A:170-51.5.
  - Federal Act is broader than NJ state law: clove flavor is banned under Federal Act.

# Federal law requires sales of cigarettes and smokeless tobacco to 18+ years old

- Establishes 18 as a federal nationwide minimum age for legal cigarette and smokeless tobacco sales with strong federal penalties, e.g. loss of right to sell tobacco products for chronic, repeat offenders (with no preemption of existing state laws or penalties, preserving state authority to impose higher minimum-age laws).
  - NJ law already bans sale, furnish or giving of tobacco to those under age 19. NJSA 2A:170-51.4.

## June 22, 2010: Implementation Date

- **Bans free samples of tobacco products**, except allow free samples of smokeless tobacco in adult-only facilities in restricted locations.
- **Bans free giveaways of any non-tobacco items** with the purchase of a product or in exchange for coupons or proof of purchase.
- **Bans outdoor advertising within 1,000 feet** of schools and playgrounds.
- **Bans brand sponsorships** of sports and entertainment events.

## January 2010 court ruling

- January 2010, Federal judge in Kentucky struck down two provisions of the 2009 Fed Reg:
  - Struck down provision to ban the use of color and imagery in tobacco advertising in locations viewed by large numbers of youth. Provision originally limited advertising to black and white text.
  - Struck down provision to prohibit claims implying that a tobacco product is safer because of FDA approval.
- **More info on FDA Reg at [njgasp.org/d2b\\_det.htm](http://njgasp.org/d2b_det.htm)**

# Concerns with Other Tobacco Products (OTPs)

- **OTPs are taxed much less than cigarettes:**
  - July 1, 2009, state tax on cigarettes increased to \$2.70 per pack (3<sup>rd</sup> highest in nation).
  - Cigars, little cigars, Chew, smoking tobacco: only 30% wholesale.
  - Snuff: 75 cents/oz.
- **Cigarette companies buying little cigar manufacturers:**
  - OTPs are inexpensive alternative to highly taxed cigarettes,
  - Sell little cigars loose or in 2 packs – appeal to poor, kids.

# Licensing fees to sell cigarettes, OTPs

- Only \$50 licensing fee for selling cigarettes, per retailer (brings in only approx. \$500,000 to state Treasury, and 80% to TASE).
- New NY state law has minimum \$2,500 licensing fee, up to \$5,000, per retailer.
- No licensing fee system to track OTP retailers, distributors, etc.
- State bills pending to increase licensing fees, OTP taxes.

# Onto NJ smokefree air laws, trends...

## Key with any smokefree air law:

- With smokefree policies... only the **behavior** of smoking is prohibited, **not the person.**
- There is **no constitutional right to smoke.**

# Electronic Cigarettes (e-cigarettes)

## **NEWS FLASH: EFFECTIVE MARCH 13, 2010:**

- USE OF E-CIGS BANNED IN PUBLIC PLACES AND WORKPLACES.
- SALE OF E-CIGS BANNED TO PERSONS UNDER AGE 19.

## **First state law of its kind, in nation!**

January 2010, NJ Legislature voted unanimously in favor of this bill, Governor Corzine signed bill into law.

# NJ State law bans e-cigarettes use/sales

NJ State laws restricting e-cigs into effect 3/13/10:

- NJ Smokefree Air Act: as of 3/13/10, no use of e-cigs in public places/workplaces covered by 2006 SFAA;
- State law banning sale of tobacco products to persons under age 19 extends to e-cigs, 3/13/10.

**Enforce new law**, just like 2006 Smokefree Air Act: e.g. provide notice of violation to smoker, property manager; if not rectified, issue summons.

Learn more at [www.njgasp.org](http://www.njgasp.org). Click on News/Action Alert for links to law, GASP research paper on health concerns of e-cigarettes, etc.

# History of NJ state law on e-cigarettes

## Local NJ Health Dept spots health issue in 2009:

- Paramus Health Officer, John Hopper witnessed e-cigarettes sampled at a Paramus mall kiosk; brought to attention of Paramus Board of Health.
- **Result:** 11/23/09, BOH ordinance banning the use of e-cigarettes in public places and workplaces (similar to 2006 NJ SFAA).
- Bergen County Board of Chosen Freeholders' resolution banning e-cig use in county buildings and county parks, in October 2009.
- **Local efforts in Bergen County garnered statewide attention: NJ state laws in 2010.**

# Other jurisdictions regulating e-cigarettes

- **Suffolk County Legislature** banned use in public places/workplaces, and sale to minors, effective November 1, 2009.
- Utah Legislature has pending bill.
- Other jurisdictions exploring as well.

## E-cigarettes – what are they?

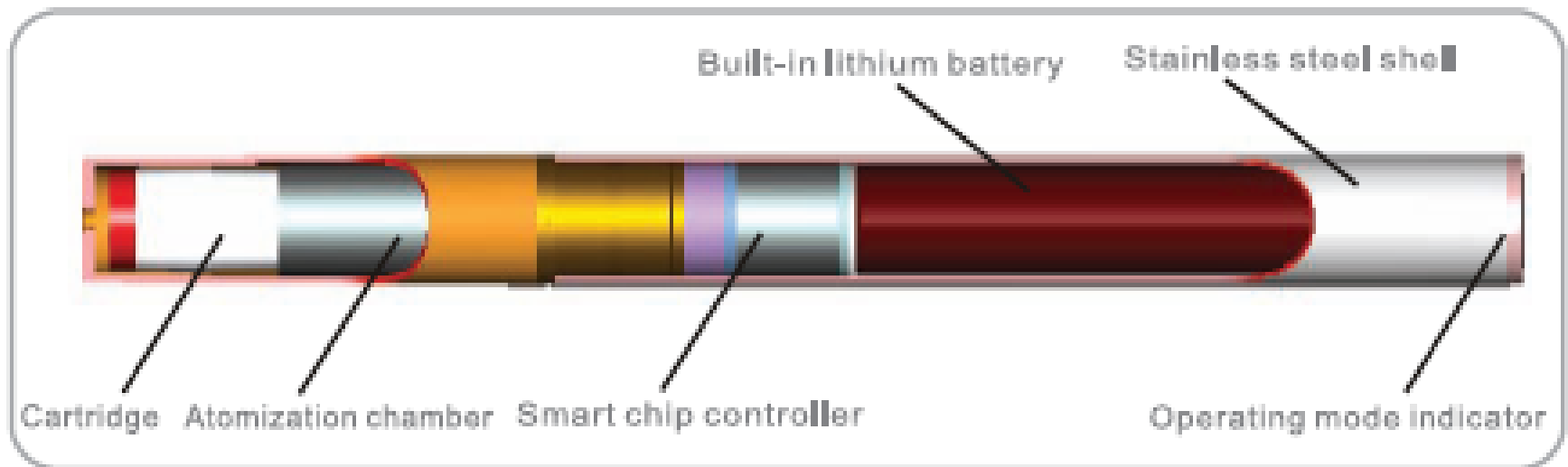
- Electronic cigarettes are battery-powered devices that contain a liquid solution.
- Solution in different concentrations of nicotine and in flavors, including mint, strawberry and chocolate (enticing to teens).
- When a user inhales, a sensor detects the air movement and triggers a heating element, which activates a chemical that vaporizes the liquid, delivering it to the user's lungs.
- The user exhales a vapor that looks like smoke, which contains substances that may be harmful.

# E-cigarette component diagram (from FDA Analysis, May 4, 2009)

**Nicotine and/or other flavorants are housed in the white cartridge shown at the left:**

## Cigarette body

The cigarette body is an integrated structure consisting of stainless steel shell, lithium ion battery assembly, smart chip and program controlled circuits, atomization chamber and cartridge and so on. In the front of it, there exists an operating mode indicator.



# July 2009 FDA analysis of e-cigarettes

- **Health effects** of using electronic cigarettes or inhaling their vapors second-hand are not known.
- FDA analysis of 18 cartridges found **toxic chemicals and carcinogens**, including diethylene glycol, an ingredient found in **antifreeze**.
- **See GASP white paper** for more information at <http://njgasp.org/E-Cigs%20White%20Paper.pdf>

# Smoking in Cigar Bars/Lounges and Hookah Lounges in NJ

## Local and county health departments:

- **Receive requests** to open up new cigar bar/lounges and hookah lounges.
- **Respond to possible violations** of cigar bars/lounges or hookah lounges allowing smoking indoors, w/o obtaining an approved annual waiver, from the local or county health department.

# Water pipe/Hookah smoking

- **Background** on Hookah smoking
- **Health concerns** – infectious disease, smoking related
- **Application** of 2006 NJ Smokefree Air Act / 2007 NJ Regs, to cigar bars/lounges and hookah lounges.

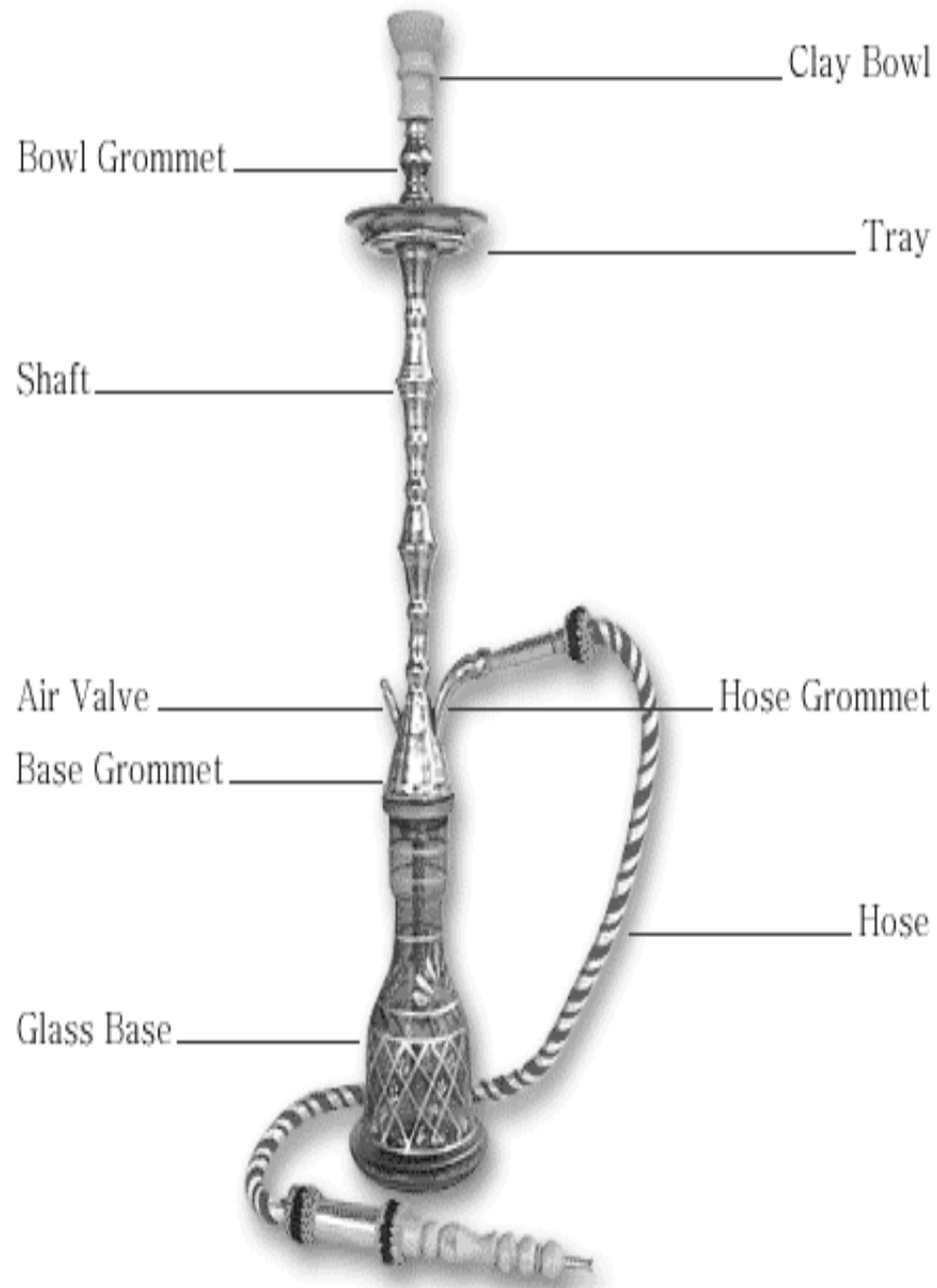
# Background info on hookah smoking

- Thought to have originated at least 4 centuries ago in Africa or Asia.
- One account is invented by doctor from India: smoke filtering thru water would make it harmless. To date, this misperception that water cleans the smoke, is still strongly believed.
- Since 1990's, hookah smoking popular in U.S. and Europe.

## Water pipes also known as:

- *Hookah* – India
- *Shisha or Goza* – Egypt, North Africa
- *Narghile* – Turkey, Syria, East Mediterranean

Waterpipe tobacco also called *maassel*.



# Apparatus Description

- **Head**: at top, holds lit charcoal, perforated aluminum foil, and moist sweet-flavored tobacco. Head has holes in bottom, to let smoke pass thru into body of hookah.
- **Body/Shaft**: smoke drawn down from head, into water bowl.
- **Water bowl**: half filled with water.
- **Hose w/ mouthpiece**: attached to top of bowl, hose not submersed into the water.

# How a Water Pipe Works

- **When breathe in through its mouthpiece**, suction formed and vacuum draws outside air into the top of the head, then over lit charcoal and through tobacco, creating smoke.
- **Smoke goes thru the body of vessel**, causing the water to bubble in the bowl.
- **The water cools the smoke**, and the smoke rises from the water, and through the hose, into mouthpiece, and inhaled by smoker.
- **Smoker then exhales, releasing secondhand smoke into air.**

# Public Health Hazard: Infectious Disease

## U.S. Centers for Disease Control, 2007:

- "Over recent years, there has been a resurgence of use around the world, most notably among youth.... ***Sharing a hookah may increase the risk of transmission of tuberculosis, viruses such as herpes or hepatitis, and other illnesses.***"

*U.S. Centers for Disease Control: Fact sheet on hookahs, updated April 2007.*

[http://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/tobacco\\_industry/hookahs.htm](http://www.cdc.gov/tobacco/data_statistics/fact_sheets/tobacco_industry/hookahs.htm)

# Public Health Hazard: Infectious Disease

- “...Sheesha pipes are ***an ideal tool for users to catch the [H1N1] virus since they are often passed from person to person.***” The warning was recently added to the Bahrain Health Ministry's swine flu awareness campaign.

<http://www.tradearabia.com/news/newsdetails.asp?Sn=HEAL&artid=167292>

# Public Health Hazard: Infectious Disease

“The World Health Organization regional office in Cairo estimates that **17 percent of TB cases in the eastern Mediterranean are attributable to the smoking of water pipes.**”

March 24, 2008 newsclip from IRIN, the humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs.

<http://www.irinnews.org/report.aspx?ReportID=77426>

# Public Health Hazard: Infectious Disease

- “...water pipe smoking (WPS) and the sharing of the pipe with someone with pulmonary TB led to a **great risk of TB transmission...**”
- “You still have **water in the container where the bacteria resides...**”

<http://www.irinnews.org/report.aspx?ReportID=77426>

# Apply general nuisance code to control the spread of infectious disease

- Guarantee that complete waterpipe is sterilized?  
Use Autoclave?
- Even with Disposable hoses, is rest of waterpipe apparatus sterilized?
- **Consider applying General Nuisance code** to protect general health/welfare of people regarding:
  - Control spread of infectious disease risks (TB, flu, etc).
  - concerns with noxious fumes.

# Public Health Hazards of Hookah Smoking

## WHO's 2005 Advisory Note:

- Waterpipe smoke contains numerous toxicants known to **cause lung cancer, heart disease and other diseases**, adverse effects on pregnancy.
- **Same secondhand smoke disease risks caused by cigarette smoking.**

# Public Health Hazards of Hookah Smoking

**August 2009 study by Tobacco Control Collaborating Centre (UK):**

- one session of smoking shisha resulted in **carbon monoxide levels at least four to five times higher than** the amount produced by **one cigarette**.
- High levels of carbon monoxide can lead to **brain damage and unconsciousness**.

# Public Health Hazards of Hookah Smoking

- In one waterpipe smoking session, **waterpipe smoker may inhale up to equivalent of 100 cigarettes:**
  - Waterpipe session lasts 20-80 minutes, 50-200 puffs with each puff inhaling vs.
  - Cigarette smoker takes 8-12 puffs over 5-7 minutes.

# Public Health Hazards of Hookah Smoking

**Shisha smokers had 40-70 ppm of CO** in their breath, affecting 8-12% of their blood:

## **CARBON MONOXIDE LEVELS, PARTS PER MILLION:**

- Normal level: 3 ppm
- Light smoker: 10-20 ppm
- Heavy smoker 30-40 ppm
- **Faulty boiler/fire levels: Upwards of 100 ppm**
- Severe symptoms: 100 ppm
- Lethal levels: More than 300 ppm

<http://news.bbc.co.uk/2/hi/health/8214097.stm>

[http://www.pmaresearch.co.uk/Tobacco\\_Control\\_Collaborating\\_Centre.html](http://www.pmaresearch.co.uk/Tobacco_Control_Collaborating_Centre.html)

# Public Health Hazards of Hookah Smoking

- Contains addictive **nicotine**, from tobacco.
- Some waterpipe herbal maassel does not contain nicotine, but still **produces tar and carbon monoxide**, when heated in waterpipe.

Source: Center for Substance Abuse Research,  
University of Maryland, June 9, 2008.

<http://sdfs.ucps.k12.nc.us/sdfs/documents/HealthRisksofHookahSmoking.pdf>

# Public Health Hazards of Hookah Smoking

- "Using a water pipe to smoke tobacco **poses a serious potential health risk to smokers and others exposed to the smoke emitted....** [T]he **sweet smell and taste** of the smoke may explain why some people, particularly **young people** who would not otherwise use tobacco, **begin to use waterpipes.**"

[http://www.who.int/tobacco/global\\_interaction/tobreg/Waterpipe%20recommendation\\_Final.pdf](http://www.who.int/tobacco/global_interaction/tobreg/Waterpipe%20recommendation_Final.pdf)

## Hookahs Appeal to Youth, College-age

- Fruit/candy flavorings mask tobacco flavor.
- Water cools smoke, creating false impression that smoke is safe.
- Some may not contain tobacco, so false impression that is safe to use.
- **Trend: hookah lounges/cafes opening in college towns** (unless prohibited smokefree air law).

## Virginia college student survey

- Recent study conducted with 744 students at Virginia Commonwealth University:
  - **43% of those surveyed smoked tobacco using a hookah in the past year.**
  - **20%** of them had smoked tobacco from a hookah **in the past few months.**

<http://media.www.thebrownandwhite.com/media/storage/paper1233/news/2009/03/24/News/Survey.Shows.Hookah.Use.Increasing.At.Local.Colleges-3679235.shtml>

# 2007 American Legacy Foundation survey

- Surveyed 18-24 year olds:
  - **40%** of participants said that they had **smoked from a hookah**.
  - **42% said** that hookah smoking is **less dangerous** than cigarette smoking.
  - **32% said** that smoking from a hookah is **less addictive** than smoking cigarettes.

# 2008 Survey of 647 Students at University of Pittsburgh

- More students had smoked tobacco from a hookah (water pipe), than had smoked cigarettes.
- 40.5% reported smoking a hookah, and 88% said they smoke a hookah again.
- Among students surveyed who never had smoked a hookah, 20 percent said they intended to do so.
- "Over half of the sample (52.1%) perceived that tobacco smoking from a waterpipe was less addictive than cigarette smoking."

<http://www.springerlink.com/content/0478718411012xk4/?p=797c71a7c4dc455985f76f3afd45256c&pi=1>

<http://www.jointogether.org/news/research/summaries/2008/hookahs-more-popular-than.html?print=t>

# Resources on Hookah/Waterpipe concerns:

- WHO, CDC
- California's Clean Air Project's paper, Hookah - In Your Community: Ideas for Action.  
[http://www.ccap.etr.org/base/documents/hookah\\_toolkitOpt.pdf](http://www.ccap.etr.org/base/documents/hookah_toolkitOpt.pdf)
- Presentations at November 2009 APHA Conference, Philadelphia, PA.
- Presentations at June 2009 National Conference on Tobacco or Health, Phoenix, AZ
- Tobacco.org newsclips under “hookah” category

# Secondhand Smoke from Outdoor Hookah/Waterpipes Migrating Indoors

- NJSFAA, NJ Regs **not allow migration of secondhand smoke from outside,** into a public place or workplace.
- Outdoor waterpipe smoking, on sidewalk, deck, etc., is not permissible, if it migrates/wafts into indoor public places or workplaces.
- Includes migration into common areas of apartment buildings.

# Cigar Bars and Hookah Lounges

- New Jersey Smokefree air Act (NJSFAA), NJSA 26:3D-55 et.seq., took effect April 15, 2006.  
**“Smoking” definition includes “any matter that can be smoked...”**, e.g. cigars, water pipes (hookahs) etc.
- New Jersey Department of Health and Senior Services **adopted regulations in 2007** (NJRegs), NJAC 8:6, to help implement the NJSFAA (May and October 2007).
- **2007 NJ Regs explicitly state that hookah smoking** is covered by 2006 Act.

## Frequent questions asked....

1. Can I open up a new cigar bar or hookah lounge and have smoking inside? **No.**
  - **Don't meet 'cigar bar' exemption** requirement of needing to be in operation as of 12/31/04.
  - **Don't meet 'tobacco retail establishment' exemption** b/c TRE waiver is intended to only allow **'sampling'** of tobacco products, rather than consuming product on-premises. Intent of TRE is for **'cash and carry'**, rather than consuming on-premises.
    - **Evidence that TRE is unlawfully operating as a cigar bar or lounge**, is witnessing furniture such as **chairs, tables, tv**, etc. for patrons to use while consuming the tobacco products indoors.

## Questions asked....

2. I am applying for a TRE exemption, and will only allow sampling of tobacco products. Can I also **sell coffee, tea and dessert** to be consumed on-premises? **No.**

- TREs that are granted a smoking waiver by a local health department are **only permitted to sell products that are “merely incidental”**.
- The 2007 NJRegs define **“food and beverage” sales as NOT INCIDENTAL.**

## Questions asked....

3. My cigar lounge existed as of 12/31/04. Do I need a waiver from the local health dept to allow smoking? **Yes.**
- Need to file your waiver application with the local health dept, for their review to approve/deny.
  - Link to NJDHSS' application is on GASP website.
4. Can I move my existing cigar lounge (if it existed as of 12/31/04) to a new location, or expand its size, and allow smoking? **No.**
- NJSFAA clearly states that the exemption is rescinded if the cigar bar/lounge moves or expands.

# NJSFAA: Cigar Bar exemption

NJSFAA definition of a “Cigar Bar” is not limited to cigars; can be any matter that can be smoked, like hookah waterpipes.

- **Part 1 of Four-Part Test: to meet the exemption, existence date is time-sensitive:**
  - To operate a “cigar bar” with smoking in it, must have existed as of **December 31, 2004**. If operating before 12/31/04....

# NJSFAA: Cigar Bar/Lounge exemption

- **Part 2 of test: need to meet stringent construction and ventilation requirements:**
  - Enclosed by solid walls or windows, ceiling and solid door.
  - Ventilation system is separately exhausted, so no recirculation or backstreaming.
  - Application reviewed, and either approved or denied by local health dept.
  - Must be met at initial registration process, and annual renewal registrations.

(More details on requirements at [http://njgasp.org/h1\\_smokefreeairact\\_b\\_exempt.htm](http://njgasp.org/h1_smokefreeairact_b_exempt.htm))

# NJSFAA: Cigar Bar/Lounge exemption

## ➤ **Part 3 of test: need to meet stringent revenue requirements:**

- As of calendar yr-ending 12/31/04, generated **15% or more** of its total annual gross income from the on-site sale of tobacco products (excluding cigarettes) and the rental of on-site humidors, not including any sales from vending machines.

(More details on requirements at [http://njgasp.org/h1\\_smokefreeairact\\_b\\_exempt.htm](http://njgasp.org/h1_smokefreeairact_b_exempt.htm))

# NJSFAA: Cigar Bar/Lounge exemption

- **Part 3 of test: need to meet stringent registration requirements:**
  - Register with the local board of health in the municipality in which the bar or lounge is located, with **registration in effect for one year, and renewable only if:**
    - **in the preceding calendar year, the cigar bar or lounge generated 15% or more if its total annual gross income from the on-site sale of tobacco products (excluding cigarettes, see note) and the rental of on-site humidors)**

# NJSFAA: Cigar Bar/Lounge exemption

- **Part 4 of test:** if existed as of 12/31/04, and meet requirements above, **can't change location, expand in size:**
  - Confirmed upon registration (in effect for one year), and
  - Confirmed upon each annual renewal.

## NJSFAA: Cigar Bar exemption

**Result: Stringent requirements, so not that many indoor “cigar bars”** (cigar, hookah, other smoking) qualify for the NJSFAA cigar bar exemption.

How about the NJSFAA’s ***“Tobacco Retail Establishment” exemption?.....***

# NJSFAA: “Tobacco Retail Establishment” (TRE) exemption

**To operate a TRE, NJSFAA requires:**

- **At least 51%** of the tobacco retail establishment's business must be the sale of tobacco products (excluding cigarettes) and accessories (**application to be reviewed and approved/not by local health** dept thru initial registration, and annual renewal registrations).

# NJSFAA: “Tobacco Retail Establishment” (TRE) exemption

To operate a TRE, NJSFAA also requires:

- **Sale of other products must be “merely incidental”** (NJ Regs define “merely incidental”)
- No date sensitive requirement.
- No ventilation or location requirements.

# 2007 NJ Regulations: “Tobacco Retail Establishment” (TRE) exemption

**NJ Regulations** also require that a TRE:

1. Be a ‘**Cash and Carry**’ business:
  - **Only allow smoking inside to sample** expensive product before purchasing (e.g. expensive cigars prior to large purchase).
  - **Intent is to use products off-premises.**

# “Cash and Carry” Observation

- **If hookah waterpipes are intended to be used inside the premises, not just sampled.**
- Evidence includes tables and chairs. Indicates that **‘cash and carry’ requirement NOT met.**
- Commonplace to purchase products prior to consuming off-premises: liquor store, supermarket, etc.

## NJ Regs also require TRE to:

2. TRE can **only sell products that are “merely incidental”**:
  - The 2007 NJ regs define “food and beverage” sales as NOT INCIDENTAL
  - TRE cannot sell food, coffee, etc.

# “Merely Incidental” Observation

- **Observation: If a tobacco or hookah lounge sells coffee, desserts, or is in a room of a restaurant**, that establishment is selling products that **are more than “merely incidental”**.
- Cannot permit smoking indoors, under TRE definition of NJ smokefree air law.

# Checklist for “cigar bar/lounge”, TREs

- Can't convert a room in a restaurant for smoking cigars, hookahs, etc.
- Can't open a new cigar bar or hookah lounge with the intent to smoke the product inside;
- Can sell the tobacco, but not to be wholly consumed in-store (sample only).
- Can't sell food or beverages in TRE.
- Can't move an approved cigar bar or hookah lounge that existed prior to 12/31/04, to another location, or expand it.
- OK to set up outdoor smoking patio, but can't migrate into indoor public place or workplace.<sup>73</sup>

# In addition to NJSFAA, NJ state and local nuisance codes may apply:

General Nuisance codes to protect general health and welfare of people, concerns with noxious fumes:

- Outdoor secondhand smoke migrates/wafts inside a public place, workplace or **private place** or **creates outdoor nuisance**.
- Control spread of **infectious disease risks (TB, flu, etc)**.
- **Amend local nuisance code to classify “Secondhand Smoke” as a “Nuisance Per Se.”**

# Outdoor smoking violations

- Smoke cannot waft or migrate from outdoors, into a public place or workplace, per 2007 NJDHSS Regulations (NJAC 8:6-2.3):
  - Exterior area of indoor public place or a workplace (a) ... smoking is prohibited at an exterior area if smoking in the exterior area **results in migration, seepage, or recirculation of smoke** to an indoor public place or a workplace at which smoking is prohibited.
- Violations can occur when secondhand smoke wafts from outside to inside:
  - **By entrances, exits, windows.**
  - **At outdoor area of restaurant/bar, into interior of restaurant/bar.**

# Smoking in Tents

## (event, restaurant, bar, country club)

### Tents can be workplace and/or a public place:

- Use a tent regularly, or host an event inside a tent (CIGAR DINNERS, HOOKAH EVENTS).
- 2007 NJDHSS regulations are clear that can't smoke in the tent, if it has walls that can roll down. Even if walls are rolled up, smoking not permitted. **Why?** Smoking-permitted vs. restricted is not seasonally dependent; if walls can be rolled down, ... no smoking. Smoker and business manager in violation.

# Smoking in Tents or Outdoor Areas (of a public place or workplace)

- **READ LOCAL PAPERS FOR ADVERTISING OF SMOKING EVENTS**; contact establishment if smoking will/does take place indoors, or under an outdoor tent; remind manager of law.
- Outdoor smoking areas of restaurants, bars, clubs, etc. can result in **SHS migrating into a nearby private residence**:
  - **Nuisance code may apply** (key: toxic fumes or substance).
  - **Create local/county ordinance** that specifically prohibits SHS wafting into private residences.

# Voluntary Outdoor Smokefree Options

NJ owners of public places can impose a voluntary 100% smokefree property policy:

- Smoking or carrying lighted tobacco may be prohibited by the owner or person responsible for operating any public place, under NJSA 2C:33-13b and c.
- **Examples of application: Policy to create 100% smokefree property, 25-foot smokefree doorway perimeter, 100% smokefree parking lots, casino floors.**
- **NJ Smokefree Hospital Campus Collaborative led to more than 50 hospitals to go 100% smokefree campus-wide.**

# TREND:

## 100% Smokefree Recreational Areas

### Recent buzz in NJ Legislature:

- 4 bills introduced to create 100% smokefree recreational areas. Senate bills heard last month in Senate Health Committee, minor tweaking, plans to be voted on this Spring.
- **Why?**
- Concentrated levels of SHS outdoors, at a cafe, can equal levels inside smoking-permitted venue.
- Scientific studies conclude the need to be at least 23 feet from SHS, when outdoors.

# Reasons for Smokefree Recreational Areas

- Smokefree outdoor environments promote healthy environments for adults and children, normalizing smokefree environments.
- Small children and pets ingest tobacco butts.
- Environmental concerns about tobacco litter:
  - Beaches: aquatic life harmed, pollutes waters.
  - Cigarette filters are NOT biodegradable, clogging sewer systems, etc.
  - #1 type of beach litter is cigarette butts, per Clean Water Council, #2 is tobacco litter (wrappers, lighters, etc).

# Local Laws Restricting Outdoor Smoking

- More than 100 NJ municipalities ban smoking outdoors, in parks, playgrounds, beaches, etc.  
**Laws mostly self-enforced by public.**
- Additional local NJ ordinances ban smoking within a certain footage of buildings (usually government buildings).
- Municipalities across the country are enacting local laws to restrict smoking within footage of all businesses, apartment buildings, etc.
- **If your Board of Health is interested, GASP has an educational toolkit.**

# Private Settings 100% Smokefree, By Law

- 2006 NJ Smoke-free Air Act, 2007 NJ Regs, other state regs **require 100% smokefree private settings (they are workplaces)**:
  - All college dormitories, public and private.
  - Faculty housing, rectories, convents when open to public, students, or a workplace
  - Nursing homes, residential healthcare facilities
  - Drug Treatment Facilities
  - Correctional Facilities

# NJ Law Requires 100% Smokefree Homes/Cars For Resource Family Children

- N.J.A.C. 10:122C-7.2(a)(3) Defines resource family homes as foster homes, adoptive homes, family friend homes and relative care homes. **NJ law requires to be smokefree:**
  - Resource family **homes**
  - **Vehicles** transporting the resource family child
  - **Outdoors** when resource family child is present

<http://www.state.nj.us/dcf/divisions/licensing/RFmanual.pdf>

# U.S. Surgeon General's 2006 Report

- Concluded that smoke-free rules in homes and vehicles can reduce SHS exposure among children and nonsmoking adults (Section IV).
- **The home remains the most serious venue for secondhand smoke exposure, more so than workplaces.** In the U.S.:
  - Almost 60% of children ages 3-11 (approx. 22 million children) are exposed to SHS.
  - 25% of children ages 3-11 live with at least one smoker.

# U.S. Surgeon General's 2006 Report

- Smokefree homes protect children, pregnant women, nonsmoking adults, esp. with health conditions, and sets a good example.

<http://surgeongeneral.gov/library/secondhandsmokereport> , chapters 5 and 10.

# Smoking Complaints in Multi-unit Housing

- Types of multi-unit housing:
  - Apartments
  - Condominiums
  - Two-family homes
- There is no constitutional right to smoke.
- Overwhelming scientific evidence on dangerous health effects of SHS exposure.

# Types of SHS Complaints

- **Tenant complaints that SHS migrates, wafts, seeps into common space and/or their unit**
  1. ETS drifts from private unit into an indoor common area, e.g. *a shared hallway, foyer, laundry room.*
  2. ETS drifts from an indoor common area, e.g. *shared hallway, into a private unit.*
  3. ETS drifts from one apartment/condominium to another (through floorboards, electrical outlets, shared ventilation/heating units).
  4. ETS drifts up from a private patio/balcony or window, into the private unit above.
  5. ETS drifts from an outdoor common area, into a private unit.

# How is SHS entering a multi-housing unit?

- SHS migrates from indoor common area into unit:
  - Spaces around nonsmoking unit's front door
- SHS migrates from unit to unit, seeping through:
  - Floorboard spacing
  - Electrical outlets, light fixtures in ceiling/walls
  - Cracks in walls
  - Around plumbing/radiator seals
  - Shared ventilation systems (heat, air conditioning)
- SHS migrates from outdoors into unit (door, window):
  - Neighboring private balcony, patio, porch
  - Common outdoor areas around the unit

# Common Areas of Multi-unit Housing Required to be 100% Smokefree

- **2006 NJ Smoke-free Air Act, 2007 NJ Regs require 100% smokefree common areas for multi-unit housing:**
  - NJSA 26:3D-57: “Indoor public place means...**apartment building lobby or other public area in an otherwise private building...**”
  - **Violators: Smoker** (tenant) **AND owner or person in control** (landlord, property manager, superintendent)
- **Traditional public areas:** Foyers, hallways, stairwells, laundry rooms, common rooms, elevators, etc.
- **Nontraditional shared areas** may be required to be 100% smokefree, e.g. spaces between floorboards, walls of neighboring units.

# NJ SFAA Covers Workplaces: Units/Common Areas

- Private units or common areas can be places of employment.
- Workers work in common areas of multi-unit housing, e.g. **superintendent, contractors.**
- Workers work within units where smoking takes place, **social workers, contractors.**
- Enforce nonsmoking requirements under NJSFAA if workers present in common area or in unit (overseas – local laws in UK require no-smoking in units prior to, during social worker visits)

# Creativity in Resolving SHS in Multi-Units

- Interior of a unit is not referenced in NJSFAA.
- How else to help a nonsmoking tenant with SHS migrating into premises?
- **Be creative:** If complaint of SHS wafting into unit, good likelihood of SHS wafting into common area. **Inspect common areas, etc. for SHS.** If SHS is evident, issue notice of violation under NJSFAA for common area violation.
- Compliance with NJSFAA's restrictions in common areas may reduce smoking in smoker's unit, and help to alleviate migrating smoke into nonsmoking unit.

# Check for NJSFAA Required Signage

- **During inspection, look for signage evidence** that landlord/property manager in compliance with NJSFAA's requirement to post no-smoking signs in common areas (hallways, laundry rooms, etc.)
- **Additional signs can be posted outside** by entrances, to inform residents/visitors to refrain from smoking outdoors near entrances, exits, windows, so that building is in compliance with no migrating SHS into common areas.

# Nuisance Codes

- State or local nuisance code covers “noxious odors or fumes”. SHS is a “noxious odor or fume”.
- Ask local/county Board of Health to amend current local public and private nuisance codes:
  - Specify that SHS is classified as a ‘nuisance per se’.
  - Helps to relieve need to prove to a judge that SHS is a nuisance.
  - After conducting inspection, and finding evidence of SHS, can proceed.

# Nonsmoking Tenant's Role: Ask Tenant to....

- **Keep time/place log** on how often SHS enters their unit and common areas, the dates and time when noticeable, where SHS is seeping into their unit.
- **Share specific health effects** when exposed to SHS, e.g. wheeze, cough, headaches, sleep loss.
- **Share or get medical documentation** (doctor's note) that SHS exposure in their unit is causing new, or exacerbating existing health conditions.
- **Share behavioral limitations** due to SHS in unit, e.g. can't sleep in smoky bedroom.
- **Share damage to personal belongings**, e.g. clothing in closets smell of SHS, furniture, rugs.

# Refer Tenant to GASP Re: Other Options

- All tenants entitled to implied covenants warranted by a landlord, with or w/o a lease:
  - **Implied warranty of habitability**
  - **Implied warranty of quiet enjoyment**
- Tenants with a lease: most leases contain express covenants warranted by a landlord:
  - **Express warranty of habitability**
  - **Express warranty of quiet enjoyment**
- When SHS migrates into unit, and causes limitations on use of rented space, landlord may be in breach of warranties.

# Refer Tenant to GASP Re: Other Options

- Condominium association regulations may contain provisions against nuisance and disturbance of neighbors.
- If lease contains a nonsmoking provision, tenant can enforce against landlord and/or tenant, depending on lease language.
- Additional common law (court cases) causes of action: **trespass** (SHS enters unit).
- Legal cases ruled in favor of nonsmoking tenants and condominium owners, in NJ/other jurisdictions (NJ court granted injunction, stopped smoking in unit)

# Limit Liability of Property Owners and Managers, Public Housing Authorities

1. Complaints under Fair Housing Act
2. Complaints under Laws against Discrimination:
  - **Violations of NJ Law Against Discrimination**
  - **Violations of federal 2009 Americans with Disabilities Act Amendment Act: (ADAAA):**
    - Amended in January 2009 to now allow for:
      - **Perceived disabilities**
      - **Intermittent disabilities**
    - **Person who is breathing disabled, either permanently or temporarily due to SHS exposure, cannot be discriminated against.**
    - Important to address SHS complaints.

## Coordinate with Local Health Educator

- Offer information on cessation programs to tenants who smoke and would like to quit. Health educator has materials, plus online info.
- The NJ State Department of Health offers free and low-cost quit services at [nj.quitnet.com](http://nj.quitnet.com). Contact GASP for details.
- If landlord/property manager interested in creating a smokefree policy for the multi-unit building, contact GASP about our 2010 Smokefree Multi-Unit Housing Initiative (go to <http://njgasp.org/housing.htm>)

# Smokefree Public Housing Initiative

- In recent years, Public Housing Authorities (PHAs) across the nation have taken the initiatives to create smokefree housing policies (house rule or lease amendment).
- As of August 2009, 120 PHAs in 17 States, have a smokefree policy.
- Behavior of smoking is restricted; not banning the person who smokes.
- Examples of NJ PHAs with smokefree policies: Paterson, Madison, Ocean City, Woodbridge, Summit.

# High Market Demand

- **Woodbridge and Summit PHAs** report approximately 90% of PHA apartments are nonsmoking, prior to their smokefree policy.
- 84% of New Jerseyans are nonsmokers; 70% of smokers want to quit.
- Fewer units vacated in a smokefree building; no smoke seepage problems that cause tenants to move.

# Why smokefree multi-unit housing?

- **HUD “Strongly encourages” housing authorities to create smokefree policies for private units and common areas.** U.S. Department of Housing and Urban Development (HUD), July 2009 Notice.
- **HUD Healthy Homes program**, supported by U.S. Surgeon General.
- **EPA/HHS Smokefree Homes and Cars Program for *Head Start Families*.**

## On July 17, 2009, HUD) issued a Notice:

- “***PHAs are permitted and strongly encouraged*** to implement a non-smoking policy at their discretion”
- “... in some or all of their public housing units”
- “... this notice will enhance the effectiveness of the Department’s efforts to ***provide increased public health protection for residents of public housing.***”
- “***Smoking is also an important source of fires*** and fire-related deaths and injuries.”(emphasis added)

# HUD Notice refers to U.S. Green Building Council and Indoor Air Quality (IAQ) requirements:

- “[Environmental Tobacco Smoke] ETS is known to be an indoor air pollutant; as a ***result it would be difficult for a PHA to achieve good IAQ in its buildings if residents are allowed to smoke,*** especially indoors. “
- “If a PHA does conduct renovations to improve IAQ ***without also implementing a non-smoking policy, the IAQ benefits of the renovation will not be fully realized.***”
- ***A non-smoking policy is an excellent approach*** for those PHAs that are trying ***to achieve improved IAQ without the retrofit costs.***

# HUD Healthy Homes Program

- **Tobacco smoke is listed on HUD's website as a trigger for allergies and asthma.**

<http://www.hud.gov/offices/lead/healthyhomes/allergens.cfm>

<http://www.hud.gov/offices/lead/healthyhomes/asthma.cfm>

- **HUD's strategic plan for their *Healthy Homes* program, supports the Surgeon General's June 2009 Call to Action to Promote Healthy Homes:**

<http://www.surgeongeneral.gov/topics/healthyhomes/transcript.html>

<http://www.hud.gov/offices/lead/hhi/index.cfm>

<http://www.hud.gov/offices/lead/healthyhomes/index.cfm>

# HUD Healthy Homes Program

- The fifth of HUD's *Seven Healthy Homes Principles* addresses secondhand smoke:

**"Keep your home Contaminant-Free:** Chemical exposures include lead, radon, pesticides, volatile organic compounds, and **environmental tobacco smoke**. **Exposures to** asbestos particles, radon gas, carbon monoxide, **and second-hand tobacco smoke are far higher indoors than outside."**

## Reduced Fire Risk and Damage

- Smoking is lead cause of residential fires.
- Smoking near portable oxygen equipment has resulted in explosions and fires.
- National Fire Prevention Association recommends no smoking during home oxygen use in any portion of a residence.

# Local/County Health Departments Promoting Smokefree Homes

- **Educate Local PHA on new HUD policy:**
  - PHAs can create a 100% smokefree **“house rule” or model lease policy**
    - GASP can provide models/samples
  - “PHAs should consult with their resident boards...” (HUD Notice, para. 4)
  - **Grandfathering** only required for as long as the NJ state law requires.
  - **See GASP brochure’s** step-by-step process at <http://njgasp.org/HousingBrochure2009.pdf>

# “Green” Incentives benefit local PHA

- **2009 Federal stimulus funding application awards 1 point for 100% smokefree PHA policy:**
  - HUD 2009 Notice of Funding Availability (NOFA) for Capital Fund Recovery Competition Grants under the American Recovery and Reinvestment Act of 2009
  - PHA agrees to “**enforce a ‘no-smoking’ policy in all common and individual living areas** in all buildings”
  - page 79 of Notice, "**Strategy for Green Communities**"  
<http://www.hud.gov/offices/pih/programs/ph/capfund/cir/recoverynofa.pdf>
  - Application deadline August 2009; future grants may include similar point award for 100% smokefree policy.

**SMOKEFREE CARS FOR KIDS.....**

## 9 Laws in U.S. that ban smoking in cars when children are present

- Arkansas – under age 6 or 60 pounds in weight
- California – under age 18, 2008
- Louisiana – under age 13, 2006
- Maine – under age 16, 2008
- Bangor, Maine – under age 18, 2007
- **Keyport, NJ – under age 18, 2007**
- Monroe County, Indiana, under age 14, 2009
- Rockland County, NY – under age 18, 2007
- **West Long Branch, NJ - under age 18, 2007**

## NJ Bills introduced

- NJ State bills A1591/S475 would ban smoking in cars when children are present.
  - Pre-filed for 2010-11 legislative session, await posting for committee hearing/vote.
- Senate and Assembly bills introduced in last legislative session (Senator Lesniak, Assemblyman Scalera).

# Protecting children from SHS in cars

- Legal/Ethical/Moral – Government obligation to ensure a child is in a safe and healthy environments, including private settings like cars.
- Small children cannot communicate, or fearful to talk.
- Consistent with what children are taught in school, that SHS is harmful, which may prevent a child from starting to smoke.

# Protecting children from SHS in cars

- Children exposed to SHS may have increased medical and healthcare costs covered by state or federal government.
- Judicial notice of the harm of SHS is applied in child custody and visitation matters (court considers data as an undisputed fact).
- Some smokefree car laws do not require a parent to quit smoking, just forego smoking in the car.

# Public support for smokefree cars for children

## Smokers and Nonsmokers support:

- Arkansas survey: 73% support (2008)
- Canadian Cancer Society survey: support of 82% nonsmokers, 69% of smokers (2008)
- Ontario survey: support of 81% nonsmokers, 66% of smokers (2007)
- Western Australia: support of 87% of nonsmokers, 80% smokers
- Queensland, Australia: 89% support (2008)

# Air testing studies of vehicle interiors, when exposed to SHS

- *Nicotine and Tobacco Research* (Sendzik, Fong, Travers and Hyland), April 2009
- *European Respiratory Journal*, April 2009
- Harvard School of Public Health (2006)
- University of Waterloo / Roswell Park Cancer Institute
- Wellington School of Medicine, New Zealand
- Australia

**ALL CONCLUDED HIGH LEVELS OF SHS  
MEASURED IN TESTED CARS.**

# Air testing studies of vehicle interiors, when exposed to SHS

- Ontario Medical Association concluded that SHS exposure in cars may be 23 times greater than in a home (2004).
- New Zealand study found that being in a car with a smoker was the equivalent to sitting in a smoky bar, even with the car window fully down (2006).
- Australian study found that exposing 14 year old asthmatics to SHS in cars doubled their risk of wheezing (2006).

## 2005 study shows high smoking rates in cars with kids

A 2005 study of 1,770 parents and guardians in NJ and NY:

- children were exposed to SHS in more than 50% of family cars and 40% of homes
- despite health warnings about the hazards of SHS.

(see Families, Systems & Health, Spring 2005, published by American Psychological Association).

# Medical and public health community support for smokefree cars

- U.S. Surgeon General's Report; EPA
- CDC Recommendations
- World Health Organization
- Canadian Medical Association, 2007 meeting: recommend nationwide ban on smoking in cars

# 2007 U.S. Surgeon General's campaign for smokefree homes and cars

- Announced September 18, 2007.
- Goal: reduce SHS exposure to children younger than 7 years old, to 6% by 2010.
- Partner with parents and community groups.
- Pediatricians to screen children for parents who smoke, distribute cessation materials.
- Sabemos “We Know” toolkit for Hispanic community, on protecting children from SHS.  
[http://www.cdc.gov/tobacco/secondhand\\_smoke/sabemos/](http://www.cdc.gov/tobacco/secondhand_smoke/sabemos/)

# 2007 U.S. EPA Campaign: Smoke-free Homes and Cars Program

- Outreach to 1 million Head Start families:
  - Community events
  - Brochures, placemats, decals
  - Smokefree homes action kit CD-Rom
  - Pledge posters
  - Booklets on local programs promoting smokefree homes

<http://www.epa.gov/smokefree/>

<http://www.epa.gov/iaq/headstart/index.html>

<http://www.epa.gov/smokefree/publications.html>



# Support from Global Health Experts

- UICC World Cancer Campaign 2007-2012:
  - Theme is “Today’s children, tomorrow’s world”
  - “To provide a smokefree environment for children (‘no smoking in homes’)”

<http://www.worldcancercampaign.org/>

# WHO Policy Recommendation #4

## May 2007

- Use public education to reduce smoking in the home: smokefree legislation increases the likelihood that people will make their homes smokefree. (p. 6)
- “Policies need to be developed to address this setting, if public health is to be adequately protected.” (p. 21)

## Health Impact on Pets: Smokefree homes and cars

- Cats exposed to SHS were twice as likely to develop the feline lymphoma.
- Risk tripled with 5 years of SHS exposure.
- Two smokers in house, 4 times more likely.

2002 American Journal of Epidemiology

<http://news.bbc.co.uk/2/hi/health/2165722.stm>

[www.livescience.com/animals/070831\\_pets\\_smoking.html](http://www.livescience.com/animals/070831_pets_smoking.html)

# Smokefree homes and cars for pets

- Pets can develop respiratory infections, lung inflammation or asthma when breathing in SHS.
- Tobacco, cigarette butts, chew and other tobacco products are attractive to pets. If eaten, these items could be also be toxic to pets.

[www.fluffyquits.com](http://www.fluffyquits.com), Erie-Niagara Tobacco-Free Coalition, New York



I love you...



...but the smoke is *killing* me!

Remember, when you smoke  
so does your pet!



WNY  
Veterinary  
Medical  
Association



Erie-Niagara  
Tobacco-Free  
Coalition



For help call  
1.800.QUIT.NOW

**SMOKEFREE and SO FREAKIN' HAPPY**



**Fluffy**  **Quits**.com

# Smokefree Cars for Children: Resources

- New Jersey GASP (supporting studies, track list of jurisdictions that require smokefree cars, foster homes) [www.njgasp.org](http://www.njgasp.org)
- New York: (Creating smokefree cars, list of action items, making pledges) [www.smokefreehome.org/car2.htm](http://www.smokefreehome.org/car2.htm)
- California KISS program (Protecting Kids from Secondhand Smoke) [www.kiss.org](http://www.kiss.org)
- California's Clean Air Project [www.ccap.etr.org](http://www.ccap.etr.org)
- California Department of Health
- California EPA Air Resources Board
- [www.tobaccofreecatalog.com](http://www.tobaccofreecatalog.com)

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