

EMERGING ISSUES IN TOBACCO CONTROL



***NJ Local Boards of Health Association
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For downloadable information on smokefree casinos, go to 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.

- E-cigarettes
- Banning flavored tobacco, not just cigarettes
- Taxes, licensing fees on OTPs
- Outdoor smoking restrictions
- Family Smoking Prevention and Tobacco Control Act
- Hookah smoking
- New HUD smokefree policy memo
- Smoking in cars with kids

E-cigarettes

- 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.

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>

NJ Locals banning e-cigarette use in public places and workplaces

- **Bergen County freeholders** banned e-cigarettes in county buildings, vehicles and parks, in October, effective immediately. **First resolution/law in USA, to take effect that restricts e-cigarette use.**
- **Paramus Board of Health** will vote on an ordinance banning the use of e-cigarettes in indoor public places and workplaces on Nov. 23 (second reading).

Banning e-cigarette use in public places and workplaces, Banning sale to minors

- **Suffolk County Legislature** banned use in public places/workplaces, and sale to minors, effective November 1, 2009.
- **NJ State lawmakers** plan to introduce a bill on November 23, 2009, adding electronic cigarettes to the state Smoke Free Air Act, so that e-cigarettes cannot be used in public places, and workplaces. Also considering banning sale to minors.

Banning flavored tobacco

- November 1, 2008, NJ state law banning sale of flavored cigarettes, except menthol and clove still allowed.
- September 2009, FDA bans flavored cigarettes, except menthol. Result: Clove cigarettes banned in NJ (stronger than 2008 NJ state law).
- October 2009, NYC City Council bans flavored tobacco, except for menthol, mint and wintergreen. **STRONGER THAN FDA LAW.**
- Copy of NYC ordinance at http://njgasp.org/NYC_flcigs_ord2009.pdf
- No bill yet sponsored in NJ, to extend to all tobacco, like NYC's law.

Other Tobacco Products

- Other tobacco Products are taxed much less than cigarettes:
 - July 1, 2009, state tax on cigarettes increased to \$2.70 per pack (3rd highest in nation).
 - Cigars, little cigars, Chew, smoking tobacco: 30% wholesale
 - Snuff: 75 cents/oz
- Only \$50 licensing fee for selling cigarettes (brings in approx \$500,000 to state Treasury, and 80% to TASE). New NY state law has minimum \$2,500 licensing fee, up to \$5,000.
- No licensing fee for OTPs.
- State bills pending to increase fees, taxes.

Outdoor restrictions on smoking

- More than 100 NJ municipalities ban smoking outdoors, in parks, playgrounds, beaches, etc.
- Additional local NJ ordinances that ban smoking within a certain amount of feet of buildings (usually government buildings).
- Municipalities across the country are enacting local laws to restrict smoking within footage of all businesses, apartment buildings, etc.
- Include loitering language to minimize walkers.
- NJ Smokefree Hospital Campus Collaborative – voluntary.

Outdoor restrictions on smoking

- Scientific studies show need to be at least 23 feet from SHS, when outdoors.
- Promote healthful environments for adults and children.
- Small children place butts in mouth.
- Environmental concerns about cigarette butts:
 - Beaches – aquatic life harmed.
 - Many years for cigarette filter to breakdown, clog sewer systems, etc.

Outdoor restrictions on smoking

- 2006 NJSFAA requires that SHS cannot waft or migrate back into a public place or workplace. Example: smoking by doorway, outdoor restaurant seating.
- If smoke wafting into a private place (apartment above outdoor seating), nuisance code may be applicable(key: toxic fumes or substance).

Other Hot Topics

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, giving 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>)

Family Smoking Prevention and Tobacco Control Act

- Requires a number of restrictions on cigarette and smokeless tobacco product advertising and other marketing.
- 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

Family Smoking Prevention and Tobacco Control Act: Marketing/Ad Restrictions

- **Bans outdoor advertising within 1,000 feet of schools and playgrounds**
- Bans brand sponsorships of sports and entertainment events
- **Bans free giveaways of any non-tobacco items with the purchase of a product or in exchange for coupons or proof of purchase**
- Bans free samples and the sale of cigarettes in packages that contain fewer than 20 cigarettes

- Limits any outdoor and all point-of-sale tobacco advertising, except in adult-only facilities, to black text on white background only
- Limits advertising in publications with significant teen readership to black text on white background only
- Limits audio-visual advertising (e.g., at point of purchase), except in adult-only facilities, to black text on white background visuals and spoken words (no music, images or moving images)
- Restricts vending machines and self-service displays to adult-only facilities

- **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)
- **Requires retailers to verify age for all over-the-counter sales by checking a photographic ID**, and provides for federal enforcement and penalties against retailers who sell to minors

State/Local Authority

- **States and localities will retain the authority to** engage in a sweeping array of tobacco control policy actions. FDA regulation will not interfere with, and in some ways will strengthen, state authority to:
 - Prohibit or restrict certain forms of tobacco product marketing
 - Implement counter-marketing campaigns
 - Fund comprehensive state tobacco prevention programs

State and Local Authority

- Expand the law's requirement that retail ads for cigarettes and smokeless tobacco products be limited to black-and-white text to cigar and other tobacco product advertisements
- **Restrict or eliminate the display of so-called power walls** of cigarette packages at retail outlets, which will be the only presentation of cigarette brand logos, labels and colors permitted in retail outlets under the new law (“power walls” are the large displays of cigarettes found near cash registers at such places as convenience stores and gas stations)

State and Local Authority

- Limit the number and size of tobacco ads at retail outlets
- Require that tobacco products and advertisements be kept a minimum distance from cash registers in order to reduce impulse purchases by smokers trying to quit
- **The caveat is that the enactment of some of the measures noted above may face legal challenges by tobacco or allied interests, e.g. First Amendment; test case could be NYC law to require warnings at point of sale.**

Water pipe/Hookah smoking

- Background on Hookah smoking
- Health concerns – infectious disease, smoking related
- Application of 2006 NJ Smokefree Air Act to public places with hookah smoking

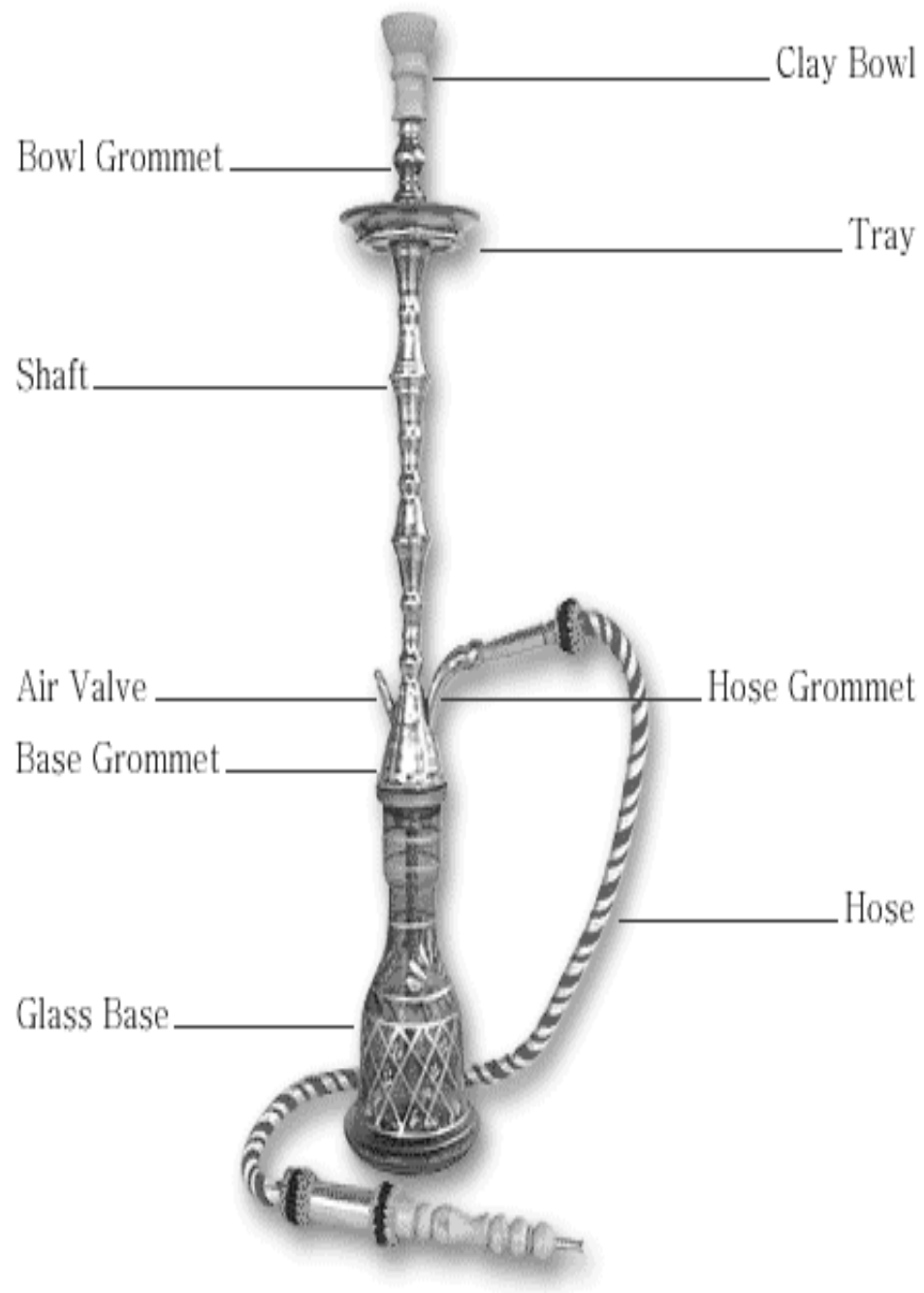
Background

- 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 thru 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, 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

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>

Infectious Disease concerns

- Guarantee that complete waterpipe is sterilized? Use Autoclave?
- Even with Disposable hoses, is rest of waterpipe apparatus sterilized?

Public Health Hazards

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

- 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

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**.

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

Public Health Hazards

- 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

- "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

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).

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.

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>

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=797c71a7c4dc455985f76f3af445256c&pi=1>

<http://www.jointogether.org/news/research/summaries/2008/hookahs-more-popular-than.html?print=t> 41

Application of 2006 NJ Smokefree Air Act

- New Jersey Smokefree air Act (NJSFAA), took effect April 15, 2006. **“Smoking” definition includes “any matter that can be smoked”**, e.g. waterpipes.
- New Jersey Department of Health and Senior Services **adopted regulations in 2007** (NJRegs), to help implement the 2006 Act.
- **2007 regulations explicitly state that hookah smoking** is covered by 2006 Act.

NJSFAA: Cigar Bar exemption

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

➤ **Part 1 of Test: meet the exemption is date 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 exemption

- **Part 2 of test: meet stringent revenue and construction requirements**
 - Application reviewed and approved/not by local health dept, thru initial registration process, and annual renewal registrations).
- **Part 3 of test: if existed as of 12/31/04, and meet requirements above, can't change location, expand in size.**

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

- **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 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.

Secondhand waterpipe smoke migrates

- 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.

Bottom line in NJ

- Can't convert a room in a restaurant for hookah smoking.
- Can't open a new hookah lounge with smoking inside; can sell the waterpipe, tobacco, etc. but not to be wholly consumed in-store.
- Can't sell food or beverages in TRE.
- Can't move an approved hookah lounge that existed prior to 12/31/04, to another location, or expand it.

NJ state and local nuisance codes

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).**

Resources on 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
- 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

Smoking in Multi-unit housing

Board of Health Concern:

- **Neighbor complaints that SHS migrates, wafts, seeps:**
 - from one apartment/condominium to another (through floorboards, electrical outlets, shared ventilation/heating units).
 - ETS drifts from an indoor common area, like a hallway, into a private unit, and visa versa.
 - ETS drifts up from a private patio/balcony or window, into the private unit above.
 - ETS drifts from an outdoor common area, into a private unit.

- **2006 NJ Smokefree Air Act bans migrating smoke from a unit into a common area – hall, stairs, common rooms.**
- **For public housing, HUD announced a policy memo in July 2009, strongly encouraging housing authorities to create smokefree policies.**
- **Application of new HUD policy could be for private units.**

- 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)

- 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.***

Smokefree housing trend

- 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.
- 80+% 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?

- **“Strongly encouraged”** by 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

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.

Limit Liability of Property Managers, PHA

Help avoid potential legal liability due to nonsmoking tenants' exposure to SHS:

- Breach of warranty of habitability / quiet enjoyment
- Nuisance / trespass
- complaints under the Fair Housing Act
- Workers entering units where smoking takes place:
 - Violations of NJ Law Against Discrimination
 - Violations 2009 Americans with Disabilities Act Amendment Act

2009 Americans with Disabilities Act Amendment Act

- Amended in January 2009 to now allow for:
 - Perceived disabilities
 - Intermittent disabilities
- Person who is breathing disabled permanently, or temporarily brought on by SHS exposure, cannot be discriminated against.

“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.

What can Local Boards of Health, Health Departments do?

- **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** for step-by-step implementation process.

NJ private settings 100% smokefree

- 2006 NJ Smoke-free Air Act (N.J.S. 26:3D-55) and 2007 NJ Dept of Health rules:
 - Common areas of multi-unit housing (foyers, hallways, stairwells, laundry rooms, common rooms, elevators, etc.)
 - No wafting from outside to interior of building.
 - 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
- **Resource family homes/cars**
 - 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>

SMOKEFREE CARS FOR KIDS.....

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.

- 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.

Resource family/foster homes and cars

New Jersey's state regulations:

- 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

- Should protect ALL children from SHS in cars, not only foster/resource family children:
- **Local ordinances in NJ:**
 - Keyport BOH, Long Branch
 - Sample ordinances
- **NJ State bills A2597/S366 introduced, awaiting posting for vote.**

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

Private settings required to be smokefree

Example: New Jersey SFAA, regulations:

- All college dormitories, public and private,
- Faculty housing, rectories, convents when open to public, students, or a workplace
- Common areas of multi-unit housing
- Ocean City Housing Authority residential units
- Nursing homes
- Residential healthcare facilities
- Drug treatment facilities
- Correctional Facilities

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)

Medical and public health community support

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

U.S. Surgeon General's 2006 Report

- Concluded that smoke-free rules in vehicles and homes can reduce SHS exposure among children and nonsmoking adults (Section IV).
- The home remains the most serious venue for secondhand smoke exposure, moreso 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

- Health effects of SHS on:
 - 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

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.

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 CARS TESTED**

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).

2005 UCSF study published in the journal
Circulation:

– chronic exposure to secondhand smoke
is almost as deleterious to one's health
(80%), as being a pack-a-day smoker

2007 U.S. Surgeon General's campaign

- 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/

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

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, 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**
FluffyQuits.com

Smokefree Cars for Children: Resources

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

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