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# Introduction

*Major Local Tobacco Ordinances in the United States* is a departure in both scope and format from the previous efforts in this monograph series. While our earlier monographs examined new and emerging information concerning our scientific knowledge about cigarette smoking and smokeless tobacco and interventions that may affect these behaviors (US DHHS, 1991 and 1992), this volume identifies, in matrix format, all known tobacco control ordinances at the local level in the United States through mid-1992.

While the primary purpose of the STCP monograph series is to summarize information and findings from NCI-funded trials and studies, the monographs are intended also to serve as “a mechanism for codification and synthesis of information relevant to the use of those agencies, institutions, and individuals in the Nation that can affect the formulation of public policy related to smoking and tobacco use” (US DHHS, 1991).

The first STCP monograph (US DHHS, 1991) clearly demonstrated that, while interventions directed toward the individual are important, to accelerate the decline in smoking rates, comprehensive approaches are now required which emphasize changes to the smoker’s (and potential smoker’s) larger social environment. The environmental changes believed most important to influence smoking initiation and cessation include

- Increased tobacco costs;
- Media campaigns;
- Declining social acceptability of smoking;
- Limitations on where smoking is permitted; and
- Restriction of minors’ access to tobacco.

This monograph examines trends in the passage of local ordinances in two major policy areas: (1) limiting smoking to protect nonsmokers and (2) reducing youth access to tobacco. In addition to an examination of local ordinances, this volume includes model ordinances based on existing laws for the assistance of policymakers at the community level. Two model ordinances address the issue of protecting nonsmokers in enclosed public places and workplaces, and three address minors’ access to tobacco. These latter models address tobacco vending machines,

free tobacco samples, and licensure for retail sales of tobacco products.

**MONOGRAPH  
ORGANIZATION  
AND DATA  
COLLECTION**

Information contained in this volume was developed for the National Cancer Institute by Americans for Nonsmokers' Rights of Berkeley, California. This publication covers ordinances adopted through September 1992.

The ordinances included in the data base came from several sources. The first is ANR's collection of local tobacco ordinances. Other ordinances were identified and obtained through mailings to agencies in all 50 states. Those surveyed included local nonsmokers' rights groups, State health officers, and voluntary health agencies, including the American Lung Association, American Heart Association, and American Cancer Society.

Other ordinances were identified from media sources such as news clips. Some were identified from existing lists of ordinances, including those of the Tobacco Free America Clearinghouse, the Texas Health Department, Colorado GASP, and Massachusetts GASP. In all cases, ordinance texts were collected and analyzed.

Charts I through III cover the provisions of ordinances that restrict smoking to protect nonsmokers. To be included, such ordinances must have as their purpose and effect the protection of nonsmokers from the health effects of passive smoking. Not included are older ordinances that merely limit smoking to prevent fires. There are also numerous ordinances and administrative policies adopted by cities and counties that limit smoking only in government offices. Because of their limited impact on the public at large, these ordinances are not listed here; however, they may be obtained through city or county clerks.

Charts IV and V cover ordinances restricting youth access to tobacco products. Chart IV covers ordinances eliminating or restricting the placement of cigarette vending machines. Chart V covers ordinances that ban or limit distribution of free tobacco product samples and ordinances mandating tobacco retail licensing. Licensing ordinances are included only if they provide a mechanism for revocation to enforce the law against sales to minors.

Appendix A contains two tables listing the number of local tobacco control ordinances, by state. Table 1 covers smoking ordinances, while Table 2 covers youth access ordinances.

Appendix B contains information on State tobacco control laws. Table 1 covers clean indoor air laws, Table 2 lists age

restrictions for tobacco sales, Table 3 covers State vending machine laws, and Table 4 covers State restrictions on the free sampling of tobacco products.

Appendix C contains model local ordinances.

New tobacco control ordinances are continually being passed. The editors greatly appreciate readers' contributions to future updates of this publication. Please mail copies or lists of ordinances to ANR, 2530 San Pablo Avenue, Suite J, Berkeley, CA 94702, or telephone (510) 841-3032.

## **HOW TO USE THE CHARTS**

To condense a large amount of information into a small space, abbreviations are used extensively. The word "yes" in a given column indicates that smoking is restricted in the given environment or that an ordinance contains the given provision.

- **Chart I, Smoking Ordinances: Summary of Provisions**, is a quick reference to the current provisions of local smoking ordinances. It lists the original date of enactment, population of affected areas, and whether smoking is limited in workplaces, restaurants, and retail stores. An asterisk marks the original date of passage of an ordinance that has since been amended.
- **Chart II, Smoking Ordinances: Workplace Provisions**, is a matrix of the workplace provisions of smoking ordinances. It lists whether smoking is limited in meeting rooms, whether nonsmokers are entitled to designate their own work areas as no-smoking areas, whether nonsmokers are given a preference in disputes over smoking policy, whether retaliation against employees who assert rights under the ordinance is prohibited, whether smoking is limited in common work areas, and whether smoking is completely eliminated.
- **Chart III, Smoking Ordinances: Other Provisions**, lists miscellaneous other provisions of smoking ordinances. This includes whether smoking is limited in food markets, health facilities, public transportation, enclosed public places, and schools. Chart III also lists the enforcement agency or mechanism specified in the ordinance.
- **Chart IV, Access to Minors: Vending Machine Ordinances**, lists the provisions of local ordinances that limit cigarette vending machines.

- **Chart V, Access to Minors: Sampling and Licensing Ordinances**, lists the provisions of ordinances limiting the free sampling of tobacco products and/or requiring licensing of tobacco retailers.