



# Frequently Asked Questions

## about Tobacco-Free Policies for Park Areas in Minnesota

### What is current Minnesota state law on smoking outdoors?

There is currently no state law that regulates tobacco use in outdoor areas.

### Are local governments able to enact policies restricting tobacco use?

Neither federal nor state law prohibits local governments from regulating tobacco use outdoors.<sup>1</sup>

### What is the difference between a park policy and an ordinance?

In general, *park policies* are rules regarding city or county-owned park property that are established by local park boards and are often approved by city councils or county boards. Generally, those who ignore park policies do not receive a fine, but are asked to refrain from using tobacco or leave the premises.

*Ordinances* are local government enactments that regulate people or property and carry a penalty such as a fine for violations. Ordinances often originate from a recommendation passed by the park board.<sup>2</sup>

For both park policies and ordinances, tobacco use is prohibited on park property.

### Should a policy cover all property and activities or just youth events?

In Minnesota, both types of policies exist, but the recent trend is toward “all property” policies because they may be simpler for citizens to understand, rather than to determine which activities qualify as “youth events.”

### How do other Minnesota communities enforce their policies?

Minnesota communities with tobacco-free park policies post signs in their park areas that announce the policy. These signs provide communities with the ability to rely on community and self-enforcement. Many tobacco users look for “no tobacco” signs. These signs empower everyone using the parks to provide friendly reminders about the policy to violators. Signs also help to eliminate the need for any law enforcement presence. The majority of Minnesota communities with policies have utilized Tobacco-Free Youth Recreation’s free signs.

In addition to signs, communities notify their residents in a variety of ways: local media, newsletters, policy reminder cards, recreation program brochures, policy statements sent to sports associations, and coaches’ trainings.

### Are existing policies working?

Yes! According to a 2004 University of Minnesota survey of Minnesota park directors in cities with such policies, 88% of park directors reported no change in park usage (no loss of park users), 71% reported less smoking in parks, and 58% reported cleaner park areas.

### What effect do tobacco-free park policies have on youth?

Research has not been completed on this particular topic, but in general, tobacco-free policies help prevent youth tobacco use, particularly by establishing tobacco-free community norms and by providing adults the opportunity to be tobacco-free role models throughout the community.<sup>3</sup>

### What other benefits result from tobacco-free policies?

Cigarette filters are not biodegradable, so they do not decay and cannot be absorbed by the environment. A policy reduces park and beach litter and protects toddlers from ingesting filters that are discarded. In Minnesota, smoking-related debris accounted for 62% of total debris during a 2005 coastal cleanup.<sup>4</sup>

### Will policies keep some people from using public park and recreation areas?

Tobacco-free policies for park areas ensure that all citizens have a healthy recreational environment. People go to parks to exercise or relax, not to use tobacco. Smokers work, eat, shop, travel, and reside in smoke-free environments every day. No court has determined that smoking is a constitutionally protected right.<sup>5</sup>

### Aren’t tobacco-free policies for parks a needless regulation?

These policies are similar to those prohibiting alcohol and litter or requiring that pets be leashed. It is the duty of policy makers to enact policies that protect the health of their citizens.

<sup>1</sup> Minnesota Attorney General Mike Hatch. (5/4/00). Legal opinion letter to Peter Vogel.

<sup>2</sup> League of Minnesota Cities. (2003). *Handbook for Minnesota Cities*. [Online]. Available: <http://www.lmnc.org/handbook/chapter07.pdf>.

<sup>3</sup> Perry, C. (1999). *Creating Health Behavior Change: How to Develop Community-Wide Programs for Youth*. Thousand Oaks, CA: Sage Publications.

<sup>4</sup> The Ocean Conservancy. (2006). *International Coastal Cleanup 2005 Minnesota Summary Report*. [Online]. Available: <http://www.coastalcleanup.org>.

<sup>5</sup> Tobacco Control Legal Consortium. (2004). “Legal Authority to Regulate Smoking and Common Legal Threats and Challenges.”