

Model Whereas Statements

(Underlined words indicate that a choice needs to be made regarding wording)

Health Effects of Tobacco Use and Secondhand Smoke

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are the leading preventable causes of illness and premature death in North Carolina and the nation;¹

WHEREAS, tobacco is a recognized carcinogen in humans, and health risks associated with the use of tobacco products include myocardial infarction (heart attack), stroke, adverse reproductive outcomes, lung cancer and diabetes;²

WHEREAS, in 2006, the United States Surgeon General determined that secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; that children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma; that smoking around children causes respiratory symptoms and slows their lung growth; and that scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke;³

Vehicles

WHEREAS, in air quality tests, concentrations of secondhand smoke in vehicles have been found to be far greater than in any other micro-environments tested, including smokers' homes, smoke-filled bars, and outdoor air - even with a vehicle's windows open and its fan set on high, and are responsible for up to 45% of children's exposure to secondhand smoke;^{4,5}

Youth Initiation

WHEREAS, the CDC reports that nearly 90% of smoking and smokeless tobacco use are initiated and established before age 18, that most people who begin smoking during adolescence

¹ Centers for Disease Control and Prevention, Smoking and Tobacco Use Fast Facts, http://www.cdc.gov/tobacco/data_statistics/fact_sheets/fast_facts/#toll (last visited July 24, 2015).

² *Id.*

³ U.S. DEP'T OF HEALTH & HUMAN SERVS., THE HEALTH CONSEQUENCES OF INVOLUNTARY EXPOSURE TO TOBACCO SMOKE: A REPORT OF THE SURGEON GENERAL 11 (2006), <http://www.surgeongeneral.gov/library/reports/secondhand-smoke-consumer.pdf>

⁴ Wayne Ott, Neil Klepeis & Paul Switzer, Air Change Rates of Motor Vehicles and In-Vehicle Pollutant Concentrations from Secondhand Smoke, 18 J. EXPOSURE SCI. AND ENVTL. EPIDEMIOLOGY 312, 312 (2007), available at <http://www.nature.com/jes/journal/v18/n3/full/7500601a.html>; see also Ontario Medical Ass'n, Backgrounder -Tobacco Smoke Concentration in Cars

⁵ Vaughan Rees, Gregory Connolly. *Measuring Air Quality to Protect Children from Secondhand Smoke in Cars*. American Journal of Preventative Medicine (2006). <http://www.ncbi.nlm.nih.gov/pubmed/17046406>

are addicted by the age of 20, and that adolescent smokeless tobacco users are more likely than nonusers to become adult cigarette smokers⁶;

WHEREAS, everyday an estimated 3,800 youth aged 18 or younger try their first cigarette and an estimated 2,100 youth become daily cigarette smokers⁷;

WHEREAS, children model adult behavior and benefit from positive models of non-smoking behavior and positive reinforcement of healthy lifestyle messages through exposure to smoke and tobacco free public areas⁸;

Smoking and Tobacco Use on Outdoor Areas

WHEREAS, environmental organizations, such as the Ocean Conservancy, consistently report cigarette butts as a leading cause of litter⁹;

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity, and some hazard exists beyond 30 feet;¹⁰

WHEREAS, children playing on the grounds of the City/Town/County's parks system and in buildings located in the City/Town/County's parks system are more likely to ingest cigarette butts if they are discarded and accessible¹¹;

WHEREAS, in 2013, American Poison Control Centers received over 1,000 reports per month of children under the age of 6 being poisoned by contact with tobacco products¹²;

⁶ Centers for Disease Control and Prevention, Youth and Tobacco Use, http://www.cdc.gov/tobacco/data_statistics/fact_sheets/youth_data/tobacco_use/index.htm (last visited Oct. 7, 2010).

⁷ *Id.*

⁸ *Id.* (stating that one factor associated with youth tobacco use is smoking by parents or guardians).

⁹ OCEAN CONSERVANCY TURNING THE TIDE ON TRASH (2014), <http://www.oceanconservancy.org/our-work/marine-debris/icc-data-2014.pdf>; NC Big Sweep Keep North Carolina Clean, http://www.ncbigsweep.org/?page_id=17 (last visited Oct. 8, 2010); Litter in America – Results from the Nation's Largest Litter Study, http://www.kab.org/site/DocServer/LitterFactSheet_CIGARETTE.pdf?docID=5182 (last visited Oct. 8, 2010).

¹⁰ Neil E. Klepeis, Wayne R. Ott, and Paul Switzer, *Real-time Measurement of Outdoor Tobacco Smoke Particles*, 57 J. AIR & WASTE MGMT. ASS'N 522, 522 (2007); Neil E. Klepeis, Etienne B. Gabel, Wayne R. Ott, and Paul Switzer, *Outdoor Air Pollution in Close Proximity to a Continuous Point Source*, 43 ATMOSPHERIC ENV'T 3155, 3165 (2009); Jihee Hwang, Kiyoun Lee. *Determination of Outdoor Tobacco Smoke Exposure by Distance From a Smoking Source*, NICOTINE & TOBACCO RESEARCH, 1-7 (2013).

¹¹ Thomas Novotny, Sarah Hardin, Lynn Hovda, Dale Novotny, Mary McLean, Safdar Khan. *Tobacco Control. Tobacco and cigarette butt consumption in humans and animal* (2011). <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3088460/>

¹² James B. Mowry, Daniel A. Spyker, Louis R. Cantilena Jr., Naya McMillan, Marsha Ford, *2013 Annual Report of the American Association of Poison Control Centers' National Poison Data System (NPDS): 31st Annual Report*, 47 CLINICAL TOXICOLOGY 52, 1032-1283 (2014), https://aapcc.s3.amazonaws.com/pdfs/annual_reports/2013_NPDS_Annual_Report.pdf

E-cigarettes

WHEREAS, in 2016, the U.S. Surgeon General’s Report on E-cigarette Use Among Youth and Young Adults stated that emitted e-cigarette aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air. Furthermore, e-cigarette use has the potential to involuntarily expose children and adolescents, pregnant women, and non-users to aerosolized nicotine and, if the products are altered, to other psychoactive substances. Therefore, clean air—free of both smoke and e-cigarette aerosol—remains the standard to protect health;¹³

WHEREAS, the use of e-cigarettes in places where smoking traditional tobacco products is prohibited could lead to difficulties in enforcing smoke-free policies and renormalize tobacco use;

WHEREAS, in 2009, the United States Food and Drug Administration (FDA) announced that an analysis of e-cigarette samples indicated that the e-cigarettes contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze; and it has been found that the emitted aerosol is not just water vapor, but contains nicotine and can contain additional toxins, making it less safe than clean air to the nearby non-user;¹⁴

WHEREAS, experimentation with and use of e-cigarettes have risen sharply among young people according to the recently released Youth Tobacco Survey: current use of electronic cigarettes among North Carolina high school students jumped by 888 percent from 1.7 percent in 2011 to 16.8 percent in 2015. Twenty-seven percent of high school students said they are considering using electronic cigarettes in the next year. Overall tobacco use among NC high school students increased from 25.8 percent to 27.5 percent from 2011 to 2015;¹⁵

Public Health Protection

WHEREAS, the _____ County Board of Health adopted a resolution on _____ (date) recommending that the City/Town/County adopt an ordinance to prohibit smoking and the use of tobacco products in City/Town/County buildings, grounds and vehicles and in public places; and (*NOTE: utilize this WHEREAS statement only if Board of Health has adopted a resolution*)

¹³ U.S. DEP’T OF HEALTH & HUMAN SERVS., E-cigarette Use Among Youth and Young Adults: A Report of the Surgeon General, 2016, <https://www.surgeongeneral.gov/library/2016ecigarettes/index.html>

¹⁴ Memorandum from B.J. Westenberg, Deputy Director, CDER/OPS/OTR, Division of Pharmaceutical Analysis to Michael Levy, Supervisor Regulatory Counsel, CDER, Office of Compliance Division of New Drugs and Labeling Compliance (May 4, 2009), available at <http://www.fda.gov/downloads/Drugs/ScienceResearch/UCM173250.pdf>; see also Press Release, United States Food and Drug Administration, FDA & Public Health Experts Warn About Electronic Cigarettes (July 22, 2009), available at <http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm173222.htm>.

¹⁵ North Carolina Division of Public Health, Tobacco Prevention and Control Branch, 2015 Youth Tobacco Survey Factsheet, available at <http://www.tobaccopreventionandcontrol.ncdhhs.gov/data/yts/docs/2015-NC-YTSFactSheet-WEBFINAL-v2.pdf>.

WHEREAS, the City/Town/County of _____ is committed to protecting the health and environment of individuals, children, and employees in the county buildings, vehicles, and grounds by eliminating exposure to secondhand smoke and eliminating the amount of litter caused by discarded cigarette butts;

WHEREAS, the City/Town/County of _____ provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-869);

WHEREAS, the City/Town/County of _____ wishes to minimize the harmful effects of tobacco use among employees and eliminate secondhand smoke exposure for employees and the public in and on those buildings, vehicles and grounds controlled by the City/Town/County and in public places;

Legal Authority

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment," North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;"

WHEREAS, according to NCGS § 160A-174(a) a town or city council / NCGS 153A-121(a) a county commissioners / NCGS 130A-39(a) a Board of Health, may find and declare that, in order to protect the public health and welfare, it is in the best interest of the residents of the City / Town / County to adopt an ordinance/rule prohibiting smoking and the use of tobacco products in City / Town / County buildings, grounds, and vehicles, and in public places.