

Sample Ordinance

ORDINANCE NUMBER ____, 20__

**AN ORDINANCE OF (NAME OF MUNICIPALITY), COUNTY OF _____
AND COMMONWEALTH OF PENNSYLVANIA, PROHIBITING THE USE OF
TOBACCO IN RECREATIONAL AREAS, PARKS AND PLAYGROUNDS AND
PROVIDING PENALTIES FOR VIOLATION THEREOF:**

**THE MUNICIPALITY’S PARKS AND RECREATIONAL FACILITIES WILL SERVE TO PROTECT THE
HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF (NAME OF MUNICIPALITY.)**

WHEREAS, the *(Municipal Council)* acknowledges that second hand tobacco smoke poses a threat to the health, safety and welfare of adults and minor children; and

WHEREAS, the U.S. Surgeon General has determined that there is no safe level of exposure to tobacco smoke pollution; and

WHEREAS, secondhand tobacco smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, heroin, homicide, and suicide, accidents, fire and AIDS combined; and

WHEREAS, 80% of smokers started smoking before the age of 18, and the average initiation age is 12 years old; and

WHEREAS, the (Municipal) Council desires to discourage tobacco use and promote the public health by making Municipality owned parks, playgrounds and recreational fields “tobacco free zones.”

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the (Municipal Council of _____) and it is hereby ordained and enacted by the authority of the same as follows:

Section 1: DESIGNATED TOBACCO-FREE AREAS: That the areas of parks and playgrounds where children are present including *(list areas specific to your community: picnic areas, sports and athletic fields, concert venues, etc.)* in the Municipality of _____ be designated tobacco-free and the use of any tobacco product* **or electronic cigarette**, in any form, shall be prohibited hereafter.

Section 2: APPROPRIATE SIGNAGE will be posted delineating the tobacco-free areas.

Section 3: ENFORCEMENT: *Please insert the specific statement or penalty (ies) for violation of this Ordinance*

Council hereby authorizes its elected and appointed officials to take whatever steps are necessary for full participation in and compliance with the Young Lungs at Play Program and/or other such programs of the Commonwealth of Pennsylvania.

Section 4: THE COMMUNITY SHALL BE NOTIFIED OF THIS ORDINANCE.

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***“TOBACCO PRODUCT” INCLUDES:**

(a) Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff¹; and

(b) **Any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah.**

(c) Notwithstanding any provision of subsections (a) and (b) to the contrary, “tobacco product” includes any component, part, or accessory of a tobacco product, whether or not sold separately. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold for such an approved purpose.

¹ This list of products is subject to adjustment to conform to terms used in specific state or local laws.