

RESOLUTION NO. 091123-3

A RESOLUTION ESTABLISHING THE CITY OF ABILENE'S POLICY CONCERNING TOBACCO-FREE RECREATIONAL AREAS WITHIN THE CITY OF ABILENE, KANSAS.

WHEREAS, the governing body of the City of Abilene, Kansas ("City") acknowledges that secondhand tobacco smoke poses a threat to the health, safety, and welfare of adults and children; and

WHEREAS, the governing body believes that tobacco and e-cigarette use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated facilities is detrimental to their health; and

WHEREAS, the City has a unique opportunity to create and sustain an environment that supports a non-commercial tobacco and non-e-cigarette norm through a tobacco and e-cigarette free policy, rule enforcement, and adult-peer role modeling on city-owned outdoor recreational facilities; and

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

WHEREAS, electronic smoking devices, more commonly referred to as electronic cigarettes or e-cigarettes, typically contain nicotine, which is highly addictive, and their use (1) often closely resembles and purposely mimics the act of smoking, (2) produces an aerosol or vapor of undetermined and potentially harmful substances, (3) is increasing among both adults and youth, (4) is especially concerning among youth because of the negative impacts of nicotine on the developing adolescent brain, (5) threatens to re-normalize smoking, potentially jeopardizing tobacco control efforts of the past and present, and (6) creates confusion and leads to difficulties enforcing smoking prohibitions; and

WHEREAS, tobacco products, including electronic smoking devices, consumed in outdoor public places are often discarded on the ground as an environmental blight, diminishing the beauty of recreational areas, requiring additional maintenance expenses to clean up, and posing a fire risk as well as risk to human and animal health through potential ingestion and contamination of water sources; and

WHEREAS, the tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation; and

WHEREAS, the governing body believes parents, coaches, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, the governing body desires to promote the public health by making City-owned outdoor recreational areas, including parks and playgrounds, "tobacco-free zones."

Section 1. Definitions. For purposes of this policy, the following words and phrases shall mean:

- (a) “City” means the City of Abilene, Kansas.
- (b) “Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.
- (c) “Recreational area” means all facilities owned, leased, rented, used, or controlled by the City for recreational purposes, including, but not limited to, parks, playgrounds, athletic fields, walking trails, bike paths, gardens, aquatic areas, restrooms, and spectator and concession areas. “Recreational area” does not include the space within an enclosed private motor vehicle lawfully parked on any street, road, or parking lot within a city outdoor recreational area.
- (d) “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted, heated or activated product containing, made, or derived from nicotine, tobacco, cannabis, or other plant, whether natural or synthetic, that is intended for inhalation. “Smoking” includes carrying or using an activated electronic smoking device or e-hookah.
- (e) “Tobacco product” means: 1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, cigar, pipe tobacco, chewing tobacco, snuff, or snus; 2) any electronic smoking device as defined in this policy and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or 3) any component, part, accessory, of 1) or 2), whether or not any of these contains tobacco or nicotine, including but not limited to filters, rolling papers, blunt or hemp wraps, hookahs, and pipes. “Tobacco product” does not mean drugs, devices, or combination products authorized for sale by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug, and Cosmetic Act.
- (f) “Tobacco use” or “use tobacco” mean the act of smoking or the use of any other tobacco product in any form.

Section 2. Tobacco Use is Prohibited in Outdoor Recreational Areas.

- (a) No person shall use tobacco or an electronic smoking device at or on any outdoor recreational areas in the City.
- (b) It is not a violation of this policy to use sacred tobacco in or on recreational areas as part of Native American religious, spiritual, or cultural ceremony or practice.

Section 3. Signage; notification of policy.

- (a) Signage will be posted at strategic locations at all outdoor recreational areas to inform the community and recreational area users about this policy. Ash receptacles for the disposal

of tobacco products, including, but not limited to, ashtrays or ashcans, will not be permitted where smoking and tobacco use is prohibited.

(b) City staff and volunteers will be notified about this policy through the employee manual.

Section 4. Compliance Procedures.

(a) The success of this policy depends on the consideration and cooperation of all. Enforcement of this policy is a shared responsibility of City staff and recreational area users. City staff will communicate the policy to event organizers. City staff will also make periodic observations of recreational areas to monitor for compliance and promote awareness of this policy.

(b) Any individual found violating this policy will first be reminded of the policy and asked to comply. Failure to thereafter comply with the policy shall result in the individual being asked to leave the recreational area.

(c) City staff found violating this policy may be subject to disciplinary action.

(d) The City is committed to assisting all persons who use tobacco, including electronic smoking devices, in overcoming nicotine dependency. Persons who violate this policy may be referred to Kansas's Tobacco Quitline (KanQuit), 1-800-QUIT-NOW, which is a free tobacco cessation resource.

Section 5. Additional Pledges and Commitments. The Governing Body affirms the City's commitments and pledges described in the *Pathways to a Healthy Community Pledge*, dated April 4, 2023, a copy of which is attached hereto as Exhibit "A", and authorizes the City Manager, or his designee, to adopt and implement additional policies consistent with such commitments and pledges and to otherwise coordinate with the Quality of Life Coalition to implement the policies.

Section 6. Effective. This resolution shall be in full force and effect from and after its adoption.

Adopted by the Governing Body of the City of Abilene, Kansas and signed by the Mayor this 11th day of September 2023.



Shayla L. Mohr, City Clerk

Trevor D. Witt, Mayor