

Bill as Introduced

HB 1186 - AS INTRODUCED

2010 SESSION

10-2116
01/10

HOUSE BILL **1186**

AN ACT prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

SPONSORS: Rep. Kepner, Rock 15; Rep. J. Day, Rock 13; Rep. Bettencourt, Rock 4

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill prohibits smoking within certain areas of New Hampshire state parks and historic sites.

Explanation: Matter added to current law appears in *bold italics*.
 Matter removed from current law appears [~~in brackets and struckthrough.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subdivision; Smoking and Congregate Areas of State Parks and Historic Sites. Amend
2 RSA 155 by inserting after section 42 the following new subdivision:

3 Smoking and Congregate Areas of State Parks and Historic Sites

4 155:42-a Smoking in Congregate Areas of State Parks Prohibited.

5 I. In this subdivision:

6 (a) "Congregate area" means restrooms and places where people gather for events inside
7 or outside, including tours, eating, relaxation, recreation, or information and learning. "Congregate
8 area" also includes, but is not limited to, playgrounds, picnic areas, gazebos, pavilions, and outside
9 stage areas where there may be seating that is fixed or brought by attendees.

10 (b) "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any
11 device designed to produce the effect of smoking.

12 II. Smoking is prohibited in congregate areas of state parks and historic sites.

13 III. Proper signage shall be placed in appropriate places in and around congregate areas.
14 Park officials may call law enforcement authorities if a person refuses to refrain from smoking in
15 congregate areas.

16 IV. Any person who violates paragraph II of this section shall be guilty of a violation and
17 subject to a fine of not less than \$50.

18 2 Effective Date. This act shall take effect January 1, 2011.

Amendments

Amendment to HB 1186

1 Amend the bill by replacing all after the enacting clause with the following:

2

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9 or outside, including tours, eating, relaxation, recreation, or information and learning. "Congregate
10 area" also includes playgrounds, picnic areas, gazebos, pavilions, and outside stage areas where
11 there may be seating that is fixed or brought by attendees.

12 (b) "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any
13 device designed to produce the effect of smoking.

14 II. Smoking is prohibited in congregate areas of state parks and historic sites.

15 III. Proper signage shall be placed in appropriate places in and around congregate areas.
16 Park employees may call law enforcement authorities if a person refuses to refrain from smoking in
17 congregate areas.

18 2 Effective Date. This act shall take effect June 1, 2010.

" Not Adopted "

Amendment to HB 1186

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 New Subdivision; Smoking and Congregate Areas of State Parks and Historic Sites. Amend
4 RSA 155 by inserting after section 42 the following new subdivision:

5 Smoking and Congregate Areas of State Parks and Historic Sites

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9 or outside, including tours, eating, relaxation, recreation, or information and learning. "Congregate
10 area" also includes playgrounds, picnic areas, gazebos, pavilions, and outside stage areas where
11 there may be seating that is fixed or brought by attendees.

12 (b) "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any
13 device designed to produce the effect of smoking.

14 II. Smoking is prohibited in congregated areas of state parks and historic sites.

15 III. Proper signage shall be placed in appropriate places in and around congregated areas.
16 Park employees may call law enforcement authorities if a person refuses to refrain from smoking in
17 congregated areas.

18 2 Effective Date. This act shall take effect June 1, 2010.

Committee Minutes

**Study Committee on House Bill 1194 and House Bill 1186
House Resources, Recreation and Development Committee
Interim Study Report**

During the 2010 legislative year, two bills related to smoking in the New Hampshire State Parks, including beaches and historic sites, were filed by members of the New Hampshire General Court. The House Resources, Recreation and Development Committee voted both of these bills to Interim Study. A study committee was appointed to review and recommend proposed legislation relating to smoking in the New Hampshire State Parks.

The study committee reviewed the two proposed bills and decided to combine the bills into one study. The committee worked from House Bill 1186 as it was introduced. The committee reviewed the Maine statute and worked to incorporate it into House Bill 1186 and the committee also added the reference to beaches from House Bill 1194. The committee heard from members of the public including the New Hampshire Public Health Association, Breathe NH, and the Cigar Association of New Hampshire. The committee reviewed their suggestions and incorporated them into the bill.

The committee is proposing legislation that would not permit smoking in congregate areas and allow smoking in designated areas of state beaches.

On October 4th, 2010, the study committee held a public forum at the Rye Public Library. Members of the public provided their feedback on the proposed legislation as recommended by the study committee. Some of the public comments are below:

- If a smoking ban is enacted on state beaches, this could push beach users to utilize the municipal beaches.
- Trash on the beaches has been an issue and recycling has been improved.
- State Park Patrol should not be asked to enforce this policy.
- Reason for having a ban is to protect marine life.
- There are a lot of cigarette butts on the beaches.
- Have designated areas of smoking on the beaches.
- Smokers will police themselves and if someone abuses the policy, then close the smoking designated area.
- Need a compromise between smokers and non-smokers.
- Agree and support compromise.

The study committee is recommending the proposed legislation by a vote of 4-0 with one member absent.

Members of the Committee: Representative Jeffrey St. Cyr, Representative Henry Parkhurst, Representative Susan Kepner, Representative Yvonne Thomas, and Representative Thomas Howard.

Interim Study for House Bills 1186 and 1194
House Resources, Recreation, and Development Committee
Based on Subcommittee from May 17, 2010

Based on House Bill 1186 as Introduced

AN ACT relative to smoking within certain areas of New Hampshire state parks and historic sites.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; Smoking and Congregate Areas of State Parks and Historic Sites. Amend RSA 155 by inserting after section 42 the following new subdivision:
Smoking and Congregate Areas of State Parks and Historic Sites

155:42-a Smoking in Congregate Areas of State Parks is not Permitted.

I. In this subdivision:

(a) "Congregate area" means restrooms and places where people gather for events inside or outside, including tours, eating, relaxation, recreation, or information and learning. "Congregate area" also includes, but is not limited to, playgrounds, picnic areas, gazebos, pavilions, snack bars, and outside stage areas where there may be seating that is fixed or brought by attendees. Campsites shall be excluded from this section.

(b) Smoking on beaches shall only be in designated areas

(c) "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any device or product designed to produce the effect of smoking.

II. Smoking is not permitted in congregate areas of state parks and historic sites.

III. The department of Resources and Economic Development shall erect signs and may undertake public education initiatives and may partner with public health organizations and interested parties regarding smoking in certain areas of state parks and state historic sites.

2 Effective Date. Shall become effective 45 days after passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

DATE: February 11, 2010

LOB ROOM: 305 **Time Public Hearing Called to Order:** 2:00 p.m.

Time Adjourned: 2:30 p.m.

(please circle if present)

Committee Members: Reps. Spang, Tupper, Parkhurst, Mood, Aguiar, Gottling, Hubbard, Kepner, Thomas, C. Williams, McClammer, D. Russell, Renzullo, C. Christensen, Ahlgren, Kappler, Spaulding, Bolster, T. Howard and St. Cyr.

Bill Sponsors: Rep. Kepner, Rock 15; Rep. J. Day, Rock 13; Rep. Bettencourt, Rock 4

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Susan Kepner - This bill is not here to be a nanny bill but because I have had many, many complaints from my area including the Hampton Beach area about being able to enjoy NH fresh air. What kind of experience do we want people to have when they visit? We have touted boating, hiking, snowmobiling, activity that is healthful. We all know the issues about second hand smoke and the damage it does. Imagine yourself in a gazebo or other area trying to enjoy a concert or if you have lung disease or if you have asthma or if you are a child. Imagine going to the restroom and walking through a gauntlet of smoke. Remember all the hullabaloo from restaurants about losing customers because of no smoking? Problems have not proved true. Do we value the healthy life style experience? I am talking only about places where people gather. Concerning the issue of historic sites. I believe people cannot smoke within the buildings now, but if you consider what a stray cigarette or two tossed in the grass could do to these old buildings. The amendment takes away the fines. We just want to remind people to be mindful of other people. State of Maine has had good effect. Excellent results. Employees are mindful of rules and have been successful without fines. Why can't we be promoting the kind of experience people come to NH for?

Rep. Parkhurst: What is meant by "any device designed to produce the effects of smoking?" ANS: That is the generic term...Legislative services legalese.

Rep. Spaulding: Made a comment about historic buildings. I think that is already true. ANS: May be, but they are part of the parks system and I put it in. So is this about healthy air rather than fire damage? ANS: It is primarily a healthy bill but dropped cigarettes could be a problem.

Rep. Howard: Ever been an instance where a fire has occurred? ANS: Not that I know of.

Rep. Bolster: Is moral suasion the tool we are trying to use through signs. ANS: Removed the violation/fine part after finding out about Maine's success. Also our parks people didn't have the time to police this.

Rep. Bolster: There is a law in Maine that pertains to beaches. Has anyone testified to that? ANS: Someone after me will speak to that.

Rep. Ahlgren: Clarified about campsites. Misunderstood. ANS: Does not apply to that. Applies to stage, gazebo, pavilion. I am not saying campsites will be included. I am talking about where the general public would gather. At your campsite, they are probably all your friends. I am talking about where you may not know who is your neighbor?

Rep. Howard: Displayed cigar: It would be illegal for me to smoke this even if I was upwind and careful. ANS: It would within that area.

Rep. Moody: Scientific studies show that smoke goes to non-smokers like a magnet.

Rep. Spang: Read letter from Parks' Director Ted Austin. Attached.

Ed Santamaria, Cigar Association of NH - Opposes the bill. Feel this law takes it too far. Too broad. Although it says campfires excluded doesn't spell it out. Cigar Association of NH.

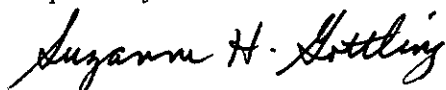
Rep. Kappler: What about idea mentioned that smoke goes to non-smoker? ANS: Don't know and prefer not to comment.

Warren Shane, Representing myself - Opposes the bill. Hampton Beach lifeguard since 2004. Biggest concern is enforcement. Who would be responsible for enforcement. Smoking on the beach is difficult to enforce and would not be my priority. Take my focus off primary goal that is patrolling the waters.

Don De Capot - Opposes the bill. Been in cigar business for 30 years. What is a congregate area? Not clear. If I am having a family picnic, why can't I light up a cigar? Heard before about second hand smoke. Seems to be more of a political issue and think this goes too far.

Bob Clegg, Cigar Association of NH - Opposes the bill. Sponsor said she didn't mean parking lots or campfires. I think the bill includes them. On line 10 and 11 what does any device designed to produce the effect of smoking. Where in here does the money come for signage? Number of historic sites is huge and cost could be great. I smoked for 30 years and stopped while I was still here. Found it very relaxing. As we limit the places, limit the opportunities. On the beaches, it will be next to impossible and I would rather the lifeguard pay attention to water. Where does a beach begin and end. Could be caught just before I got on a boat to smoke with guys who are going out to do nothing but smoke.

Respectfully submitted,



Rep. Suzanne H. Gottling
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

DATE: 2/11/10

LOB ROOM: 305

Time Public Hearing Called to Order: 2:00 pm.

Time Adjourned:

(please circle if present)

Committee Members: Reps. Spang, Tupper, Parkhurst, Moody, Aguiar, Gottling, Hubbard, Kepner, Thomas, C. Williams, McClammer, D. Russell, Renzullo, C. Christensen, Ahlgren, Kappler, Spaulding, Bolster, T. Howard and St. Cyr.

Bill Sponsors: Rep. Kepner, Rock 15; Rep. J. Day, Rock 13; Rep. Bettencourt, Rock 4

TESTIMONY

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Public Hearing on HB 1186

Prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

2/11/10

LOB 305

2:00 p.m.

Introduced by Rep. Kepner: This bill is not here to be a nanny bill but because I have had many, many complaints from my area including the Hampton Beach area about being able to enjoy NH fresh air. What kind of experience do we want people to have when they visit? We have touted boating, hiking, snowmobiling, activity that is healthful. We all know the issues about second hand smoke and the damage it does. Imagine yourself in a gazebo or other area trying to enjoy a concert or if you have lung disease or if you have asthma or if you are a child. Imagine going to the restroom and walking through a gauntlet of smoke. Remember all the hullabaloo from restaurants about losing customers because of no smoking? Problems have not proved true. Do we value the healthy life style experience? I am talking only about places where people gather. Concerning the issue of historic sites. I believe people cannot smoke within the buildings now, but if you consider what a stray cigarette or two tossed in the grass could do to these old buildings. The amendment takes away the fines. We just want to remind people to be mindful of other people. State of Maine has had good effect. Excellent results. Employees are mindful of rules and have been successful without fines. Why can't we be promoting the kind of experience people come to NH for?

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Ans. That is the generic term...Legislative services legalese.

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Ans. May be, but they are part of the parks system and I put it in.

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Adjourned: 2:30 p.m.

Sub-Committee Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

DATE: April 27, 2010

Subcommittee Members: Reps. St. Cyr, Parkhurst, Kepner, Howard, and Thomas

Comments and Recommendations: Please see attached notes.

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Sue Kepner
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

DATE: April 27, 2010

Subcommittee Members: Reps. St. Cyr, Parkhurst, Kepner, Howard, and Thomas

Comments and Recommendations: *See attached,*

Amendments:

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Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.
Seconded by Rep.
Vote:

Respectfully submitted,
Rep.
Subcommittee Chairman/Clerk

Subcommittee on HB 1186 & HB 1194

4/27/10

Chairman J. StCyr

Rep. Y. Thomas

Rep. S. Kepner

Rep. Peter Bolster

Discussion:

Signage, from Prison workshop, American Lung Assn. might help with cost-Cogswell Family Trust grant?

Defintation of congregate area

Could we just encourage no smoking? Or no smoking in congregate areas during public events

No penalties

Look at Maine statutes, and law that Maine passed last year.

Campsites would be exempt, or designated as smoking and non-smoking?

Director Austin was asked to get in touch with his counter-part in Maine to see how the law worked last summer. He is concerned with consistency of regulations, easier to enforce or oversee, if clearly defined

Important to educate the public (Office of Disease Control/ HHS, Breathe NH, American Lung Assn., public awareness campaign, by Parks, Travel & Tourism)

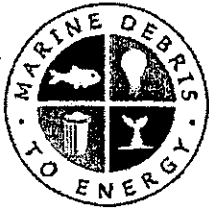
Rep J.Day provided the committee with information re: Popum Beach, Maine that she visits in the summer, which has posted signage, and a map that Maine has developed, and will send e-mail with advertisement information that the state of Maine used to educated the public.

Others in attendance: Nancy Johnson-American Lung lobbyist

Parks Director Ted Austin, man from Cigar Smokers of NH. , Rep Judy Day

S. Kepner

Enclosed map, copies of discussed documents



NH Marine Debris to Energy Project

A New Hampshire-based project to study marine debris at sea and on the shore, incorporating waste-to-energy and recycling as part of cleanup efforts.

Where do you want to go?

- Home
- Program Details
- Get Involved
- Ocean Debris Reporting Forms
- Beach Debris Maps
- Beach Debris Reports
- Beach Debris Data
- Whale Watch Debris
- Whale Watch Debris Maps
- Side Scan Sonar Survey
- Contact Us

Marine Debris-to-Energy Beach Cleanup Summaries

The Beach debris consists of charts showing beach cleanup summaries for various beaches in which cleanups have been held.

To display the beach information please select a beach from the drop menu:

Hampton Beach - South

Hampton, NH

Organization: Blue Ocean Society
Contact Person: Jen Kennedy

Start Latitude: 0.000 Start Longitude: 0.000

End Latitude: 0.000 End Longitude: 0.000

Used when more then one section of Hampton beach is cleaned!

Cormorant Sunning!



Hampton Beach - South Debris Data

Years

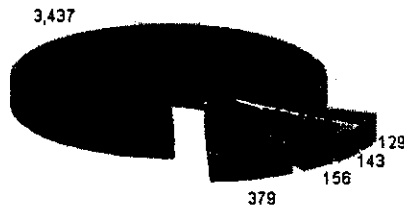
- 2009

Click on the year to display the cleanup data for that period.

Beach Cleanup - All Years

Debris Collected

- Cigarette Butts
- Bottle Caps
- Styrofoam Cups
- Straws
- Beverage bottles



About this Graph:

- These are the top 5 types of debris for that year.

Clean up Facts

- Number of beach cleanups: 1
- Number of volunteers: 100
- Volunteer hours: 200
- Amount of debris removed: 254 lbs

This study is funded by NH Sea Grant and through a grant from the NOAA Marine Debris Program. Site design and hosting by the University of New Hampshire Cooperative Extension.



UNIVERSITY of NEW HAMPSHIRE
COOPERATIVE EXTENSION



Tobacco's Impact on the Environment

FACT SHEET



From growing tobacco plants to the disposal of cigarette butts, the whole life cycle of a cigarette takes a heavy toll on the environment. The ecological impacts of tobacco are serious cause for concern.

- **What's in a cigarette butt?** A cigarette butt contains the remnant tobacco portion of a cigarette, a filter that is NOT cotton, and **165 toxic chemicals**. 95% of cigarette filters are made of cellulose acetate, a **thermoplastic** formed by the reaction of cellulose, acetic acid and acetic anhydride that is slow to degrade in the environment. It may take two months in favorable atmospheric conditions; and up to 3 years or more in seawater for a cigarette butt to degrade (*Source: California Waste Management Bulletin*).

Cigarette butt filters trap the dangerous by-products of smoking by accumulating particulate smoke components and **165 toxic chemicals**. These chemicals leach into the environment:

• Arsenic	used in rat poison	• Acetic acid	in hair dye and photo developing fluid
• Acetone	main ingredient in paint thinner and nail polish remover	• Ammonia	a typical household cleaning fluid
• Benzene	found in rubber cement	• Butane	cigarette lighter fluid
• Cadmium	found in batteries and artist's oil paints	• Carbon Monoxide	a poisonous gas found in car exhaust
• DDT/Dieldrin	Insecticides	• Formaldehyde	used to embalm dead bodies
• Hexamine	in barbecue lighter fluid	• Hydrazine	used in jet and rocket fuels
• Hydrogen Cyanide	used as a poison in gas chambers	• Lead	a highly poisonous metal
• Naphthalenes	used in explosives and moth balls	• Nitrobenzene	a gasoline additive
• Phenol	used in disinfectants and plastics	• Polonium-210	a highly radioactive element
• Stearic acid	found in candle wax	• Toluene	found in embalmer's glue

- **Why is there so much butt litter?** Litter breeds litter ~ occurring most often where litter has accumulated. Butts are the first discarded item in a chain reaction of all litter ~ called the "gateway theory," which posits that "once litter appears, litter of all sorts will follow." The increase of butt disposal directly into the environment may be a side-effect of restrictions on smoking in workplaces, bars and restaurants (*Source: Keep America Beautiful; Francis T. McAndrew, Professor of Environmental Psychology, Knox College, Galesburg, Illinois*).
- **How do cigarette butts contribute to water pollution?** Cigarette butts are the most littered item accumulating in our waste stream. Worldwide, 4.3 trillion are littered annually. Their chemicals contribute to non-point source pollution when carried through storm drains by rainfall and urban runoff to our lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water. Non point source pollution has harmful effects on drinking water supplies, recreation, fisheries, and wildlife (*Source: CigaretteLitter.org*).
- **How significant is the impact of non-point source pollution on water quality?** Non-point source pollution is the result of a variety of human activities on land that cannot be identified from a single source. Pollutants can include insecticides, oil, trash, sediment and toxic chemicals in cigarette butts. The EPA estimates that non-point source pollution accounts for 65% of pollution in rivers, 76% in lakes, and 45% in estuaries in the United States. Underwater plants and aquatic animals, such as oysters, herring, striped bass, and submerged aquatic vegetation (considered to be the foundation of a stable aquatic ecosystem) are particularly threatened or damaged by non-point source pollution. Beach closures, destroyed habitat, unsafe drinking water, and many other severe environmental and human health problems result from NPS pollutants (*Source: EPA National Assessment Database*).
- **How do cigarette butts impact aquatic life?** The EPA's aquatic bioassay studies provide evidentiary conclusion that **one cigarette butt per 2 liters of water is acutely toxic** to water fleas ~ a planktonic animal that occupies a critical position in the food chain of aquatic ecosystems by transferring energy and organic matter from algae to higher consumers such as fish. Water fleas are widely used to determine acute toxicity of chemicals in aquatic invertebrates. The **165 toxic chemicals** that leach from a cigarette's cellulose acetate filter and remnant tobacco are a biohazard to the water flea. 100% of the animals died after 48 hours in the concentrations that were equivalent to the chemicals found in two or more used cigarette filters (*Source: US EPA, Aquatic Invertebrate Acute Toxicity Test for Freshwater Daphnids, 1996*).



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2/6/2010

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A community for NHPR's most devoted supporters

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BROWSE REGIONS

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- Monadnock
- North Country
- Seacoast
- Upper Valley

Do discarded cigarettes affect the environment?

By EarthTalk on Sunday, October 25, 2009.

EarthTalk®
From the Editors of E/The Environmental Magazine

Dear EarthTalk: Has anyone ever studied the environmental impact of discarded cigarettes? I'm constantly appalled at the number of drivers I see pitching their butts out their car windows. -- Ned Jordan, via email

It's true that littered cigarette butts are a public nuisance, and not just for aesthetic reasons. The filters on cigarettes—four fifths of all cigarettes have them—are made of cellulose acetate, a form of plastic that is very slow to degrade in the environment. A typical cigarette butt can take anywhere from 18 months to 10 years to decompose, depending on environmental conditions.

But beyond the plastic, these filters—which are on cigarettes in the first place to absorb contaminants to prevent them from going into the lungs—contain trace amounts of toxins like cadmium, arsenic and lead. Thus when smokers discard their butts improperly—out the car window or off the end of a pier or onto the sidewalk below—they are essentially tossing these substances willy-nilly into the environment.

Studies done by Johns Hopkins University, the U.S. Centers for Disease Control and Prevention (CDC) and even the tobacco industry itself show that these contaminants can get into soils and waterways, harm or kill living organisms and generally degrade surrounding ecosystems.

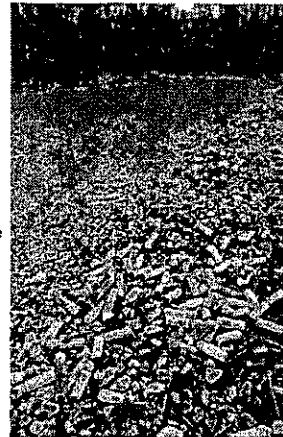
While individual discarded cigarette butts may be small, they add up to a huge problem. Some 5.5 trillion cigarettes are consumed worldwide each year. The non-profit Keep America Beautiful reports that cigarette butts constitute as much as one-third of all litter nationwide when measured by the number of discarded items, not volume. According to the Ocean Conservancy, a non-profit that advocates for stronger protection of marine ecosystems, cigarette butts are the most commonly littered item found on America's salt and fresh water beaches according to feedback received by hundreds of thousands of volunteers taking part in the group's annual Coastal Clean-up event.

While the tobacco industry may have its hands full just trying to stay afloat in the maelstrom of ongoing bad publicity, critics say it should be doing more to prevent cigarette butt litter. "Just as beverage manufacturers contribute to anti-litter campaigns, and have invested in public education on litter issues, so too should the tobacco industry," says Kathleen Register, founder and executive director of Clean Virginia Waterways, a non-profit that has spearheaded the fight against cigarette butt litter in the mid-Atlantic region of the U.S. She adds that cigarette manufacturers "need to take an active and responsible role in educating smokers about this issue and devote resources to the cleanup of cigarette litter."

Register suggests a number of strategies including putting anti-litter messages on all cigarette packaging and advertisements, distributing small, free portable ashtrays, and placing and maintaining outdoor ashtrays in areas where smokers congregate. She also suggests putting an extra tax on cigarette sales, with proceeds going toward anti-litter education efforts and to defray the costs of cleaning up butts. "Picking up littered cigarette butts costs schools, businesses and park agencies money," she says. "By taxing smokers for anti-litter educational efforts, some of the costs of cleaning up cigarette butts will shift onto smokers." One way or another, Register hopes, smokers will learn that the Earth is not one giant ashtray.

CONTACTS: CDC, www.cdc.gov; Clean Virginia Waterways, www.longwood.edu/cleanva.

GOT AN ENVIRONMENTAL QUESTION? Send it to: EarthTalk, P.O. Box 5098, Westport, CT 06881; earthtalk@emagazine.com. Read past columns at: www.emagazine.com/earthtalk/archives.php. EarthTalk is now a book! Details and order information at: www.emagazine.com/earthtalkbook.



Studies done by Johns Hopkins University, the U.S. Centers for Disease Control and Prevention and even the tobacco industry itself show that contaminants from cigarette butts can get into soils and waterways, harm or kill living organisms and generally degrade surrounding ecosystems. (Jason Means, courtesy Flickr)

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CHAPTER 65
S.P. 26 - L.D. 67

An Act To Protect Maine's State Parks and State Historic Sites

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the 2009 summer recreational season begins; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §1580-E is enacted to read:

§ 1580-E. Smoking in state parks and state historic sites

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings:

- A. "Enclosed area" has the same meaning as in section 1541, subsection 2;
- B. "Public place" has the same meaning as in section 1541, subsection 4;
- C. "Smoking" has the same meaning as in section 1541, subsection 6;
- D. "State historic site" has the same meaning as "historic site" in Title 12, section 1801, subsection 5; and
- E. "State park" has the same meaning as "park" in Title 12, section 1801, subsection 7.

2. Smoking prohibited. A person may not smoke tobacco or any other substance in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site.

3. Signs; public education. To the extent possible within existing budgeted resources, the Maine Center for Disease Control and Prevention shall erect signs and undertake public education initiatives regarding the prohibition on smoking in certain areas of state parks and state historic sites.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Effective May 1, 2009.

senator John Nutting



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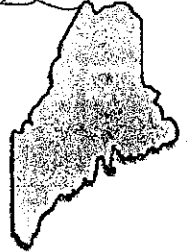
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207-287-1515
State House

NEWS: Maine

NO Penalty

This section offers up-to-date news for the state of Maine.



MAINERS DISAGREE ON BEACH SMOKING BAN

SCARBOROUGH (May 26, 2009): Smokers heading to Crescent Beach in Cape Elizabeth and Scarborough Beach will no longer be allowed to light up there.

Gov. John Baldacci earlier this month signed into law a bill prohibiting smoking at Maine's state park beaches, which include Crescent and Scarborough.

The bill, LD 67 - "An Act To Protect Beaches in Maine's State Parks" - was sponsored by state Sen. John Nutting, D-Leeds, and passed in the state Senate in April. Baldacci signed it on May 13.

The smoking ban applies to areas within 20 feet of beaches, playgrounds, snack bars, group picnic shelters, enclosed areas or public restrooms.

Maine District 6 Sen. Phil Bartlett, who represents Gorham, part of Scarborough and Westbrook, voted in favor of the ban.

"When you are talking about beaches, you are talking about the harm and impact not just for public health, but also wildlife," Bartlett said. "I think it's an extension of what's been done in the past to making sure that people can be in public places and not be exposed to smoking, particularly those who have kids."

Not everyone agrees with Bartlett's assessment, especially those who will no longer be allowed to smoke.

"I totally disagree with it," said Bobby Hughes of Portland, who was smoking a cigarette on Crescent Beach Thursday and said he was unaware of the new law. "It's outdoors. There should be a law about picking up your cigarette butts, but at this rate we should just stop making cigarettes all together."

David Mallon of South Portland, who was playing with his kids at Crescent Beach on Thursday, said he had mixed feelings about the bill.

"I think it's only a problem if people leave their butts behind," he said. "The bill does seem a little unnecessary. It's also going to be tough to enforce."

State park wardens and staff will enforce the ban, Bartlett said. He noted that penalties for breaking the ban have not been decided.

The bill goes into effect immediately.

That is good news, said Shawna Jette of Falmouth while playing with her son at Crescent Beach on Thursday.

"I think it should be done everywhere," she said. "Cigarettes kill people and not just the people who smoke them, but everyone around them too."

"I'm even a smoker, but no one wants butts on the beach," said Crystal Aube of Cape Elizabeth. "I don't think it's really the smoke that bothers people, but the trash and the butts left behind from the people who smoke."

State Rep. Sean Flaherty, a Democrat from Scarborough, said he supported the bill because it will prevent butts from being left behind at Maine's beaches.

"Quite frankly, the law will prevent littering on and around our beaches," he said. "We've all dug our toes into the sand and exposed a gross cigarette butt. It will also help keep the air clean for our residents and tourists."

Hughes said he wondered why the state is banning smoking when it should be more focused on

add event
and pavilions

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preventing people from throwing their smoked cigarettes away on the beach.

"That would make more sense than banning smoking," he said. "I think they've gone too far."

Bartlett said he understands Hughes' philosophy, but creating a law against littering wouldn't work.

"There already is a law against littering and it's not effective," Bartlett said. "So a new law in that regard wouldn't be effective either."

Most state laws go into effect 90 days after the Legislature adjourns. This bill went into effect immediately because it is considered an emergency bill that needed to be in place before the summer season, according to the bill's language.

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SMOKING BANNED AT STATE PARKS AND BEACHES

MAY 13 - Governor John Baldacci today signed into law a bill to prohibit smoking at state parks, beaches and historic sites. The bill's sponsor and the Department of Conservation don't think it will be difficult to enforce, but others question the need for such legislation.

Democratic state Senator John Nutting, of Leeds, says his bill to ban smoking cigarettes and other tobacco products at Maine's public parks and beaches stems from concerns about second hand smoke and littering. "A constituent last fall wrote me a very impassioned letter, who had taken her young two-year-old daughter to several state park beaches and always being a typical two-year-old, when she was on the beach she liked to put things in her mouth and ended up putting a lot of cigarette butts in her mouth."

Nutting says that story prompted him to put forth the bill, which was passed as emergency legislation. It took effect immediately this afternoon with Governor Baldacci's signature. The bill was rushed as local parks and beaches are opening for the season. The law prohibits smoking at Maine state parks and historic sites, and includes beaches, playgrounds, snack bars and group picnic shelters. Nutting says each site will set aside a designated space for smokers. "I think the public, for the most part, is going to comply with this but if there's a problem we can address it next year with enforcement."

Nutting says there are no plans to punish smokers, and the rule will be enforced by lifeguards and park rangers. Signs are going up this week to make the public aware of the new law.

Such a rule has existed for a few years at Range Pond in Poland. Ron Hunt, a regional manager for the Department of Conservation's Bureau of Parks and Lands, says the smoking ban has not been difficult to enforce there. "We try to make certain that people are aware of the rule, number one, and number two that they understand why it's in place. And usually we get voluntary compliance as a result of that effort."

Hunt says he's convinced second hand smoke, even outdoors, is harmful. "When there's a stiff breeze, it usually blows it away, but when things are very still then the smoke hangs in the immediate area of the individual that's smoking and that sometimes becomes somewhat disagreeable with the other people that are in the area."

But Robert Levy, chairman of the Cato Institute in Washington, D.C. has criticized similar legislation in California. He says banning smoking in public places could be considered an infringement of civil liberties. "This legislation is pretty silly. The science is disputable about any harm that's done from smoking in an outdoor setting, and surely people could resolve this problem a whole lot easier by taking a step or two away, by putting their beach blanket down in a different place, so that smokers had their own section and nonsmokers had their section."


Levy says the argument that hundreds, if not thousands of cigarette butts are being tossed on the ground in parks is an issue of littering, not smoking.

Governor Baldacci says the legislation will ensure that tourists find Maine's beaches and parks clean and family-friendly. "It's a way to make the great outdoors greater and kind of reinforce the message that when you're in Maine you can still breathe easy."

A second, related bill was also passed as emergency legislation today to allow the state to rent equipment at parks and to sell appropriate merchandise. The proceeds will be spent on operation and maintenance of state parks.

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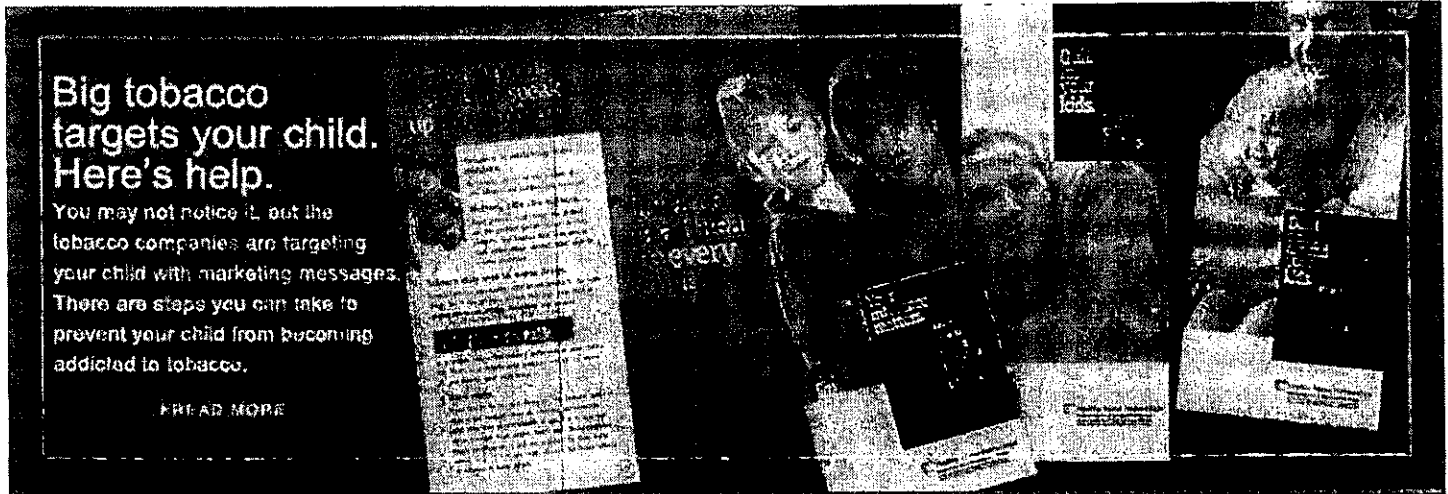
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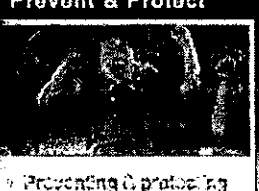





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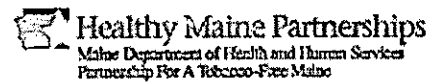
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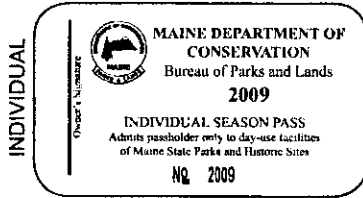


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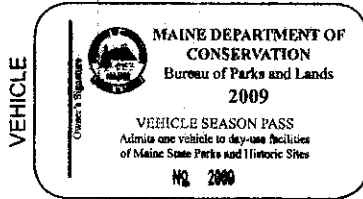
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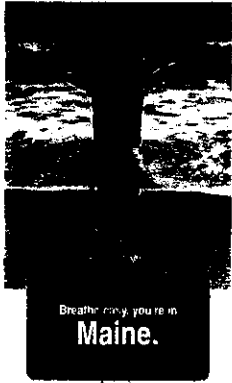


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HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

DATE: May 17, 2010

Subcommittee Members: Reps. St. Cyr, Parkhurst, Kepner, Howard, and Thomas

Comments and Recommendations: Please see attached notes.

Amendments:

Sponsor: Rep. OLS Document #:

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Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Sue Kepner
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

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Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.
Subcommittee Chairman/Clerk

Ebbs, Heather

From: Susan Kepner [srkepner@earthlink.net]

Sent: Monday, May 24, 2010 10:41 PM

To: Ebbs, Heather

Cc: StCyr, Jeffrey

Subject: Interim Study HB1186 and HB 1194

Heather ,

The following are the minutes of our last meeting on May 17.

Members Rep. StCyr

in Attendance: Cynthia Diamond - NH Public Health Ass.

Rep.

Parkhurst

Nancy Johnson - American Lung Ass.

Rep. Kepner

Robert Clegg - NH Cigar Smokers

Joined by Rep. Bolster

Others

Rep. StCyr presented a "draft" bill that includes "congregate areas" as well as beaches. The bill entitled, "An Act relative to smoking in certain areas of New Hampshire State Parks and Historic sites." Removed the word "prohibited" as it was seen as too strong.

Camp sites would be the only exception where smoking would be excluded from section 1 subdivision, a.

Added the words "or product " after the word "any" to line (b) section 1. Suggested by Sen. Clegg.

Add to section 3 that Parks and DRED would be responsible to erect signs and partner with Public health and other interested parties to educate the public.

Rep. Parkhurst was not for a total ban, but suggested "designated areas" on the beaches be allowed for smokers. (1 per beach as designated by the Division of Parks as an appropriate.)

Rep. Bolster suggested that appropriate receptacles be placed in the designated smoking areas.

Rep Kepner suggested that any Park employee, except lifeguards, would be responsible for reminding the park attendees of the law.

Other discussion : e cigarettes would be included as well as any other smoke or vapor causing product. People can still smoke in campsites, on side walks or boardwalks, parking lots, and open areas in the parks. Effective dates were offered, Immediately on signage of bill, 30, 45, or 60 days after signage- agreed on 45 days after signage by the Governor.

Rep. StCyr will get you a clean copy of final draft bill for the file.

Susan

Representative Susan R. Kepner

District 15

5/25/2010

105 Mill Rd.
Hampton, NH 03842
603-926-3051
Resources, Recreation and Development Committee
"We must be the change we wish to see in the world" Gandhi

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§1580-D

Title 22: HEALTH AND WELFARE

§1580-G

Subtitle 2: HEALTH

Part 3: PUBLIC HEALTH HEADING: PL 1989, C. 487, §11 (RPR)

Chapter 263: OFFENSES AGAINST PUBLIC HEALTH

Subchapter 2: SMOKING HEADING: PL 1995, C. 470, §11 (NEW)

§1580-E. Smoking in state parks and state historic sites

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings:

A. "Enclosed area" has the same meaning as in section 1541, subsection 2; [2009, c. 65, §1 (NEW) .]

B. "Public place" has the same meaning as in section 1541, subsection 4; [2009, c. 65, §1 (NEW) .]

C. "Smoking" has the same meaning as in section 1541, subsection 6; [2009, c. 65, §1 (NEW) .]

D. "State historic site" has the same meaning as "historic site" in Title 12, section 1801, subsection 5; and [2009, c. 65, §1 (NEW) .]

E. "State park" has the same meaning as "park" in Title 12, section 1801, subsection 7. [2009, c. 65, §1 (NEW) .]

[2009, c. 65, §1 (NEW) .]

2. Smoking prohibited. A person may not smoke tobacco or any other substance in, on or within 20 feet of a beach, playground, snack bar, group picnic shelter, business facility, enclosed area, public place or restroom in a state park or state historic site.

[2009, c. 65, §1 (NEW) .]

3. Signs; public education. To the extent possible within existing budgeted resources, the Maine Center for Disease Control and Prevention shall erect signs and undertake public education initiatives regarding the prohibition on smoking in certain areas of state parks and state historic sites.

[2009, c. 65, §1 (NEW) .]

SECTION HISTORY
2009, c. 65, §1 (NEW) .

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Interim Study for House Bills 1186 and 1194
House Resources, Recreation, and Development Committee
Subcommittee for May 17, 2010

Based in House Bill 1186 as Introduced

AN ACT prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; Smoking and Congregate Areas of State Parks and Historic Sites. Amend RSA 155 by inserting after section 42 the following new subdivision:

Smoking and Congregate Areas of State Parks and Historic Sites

155:42-a Smoking in Congregate Areas of State Parks Prohibited.

I. In this subdivision:

(a) "Congregate area" means restrooms and places where people gather for events inside or outside, including tours, eating, relaxation, recreation, or information and learning. "Congregate area" also includes, but is not limited to, playgrounds, picnic areas, gazebos, pavilions, *beaches, snack bars, restrooms*, and outside stage areas where there may be seating that is fixed or brought by attendees. *Campsites shall be excluded from this section.*

(b) "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any device designed to produce the effect of smoking.

II. Smoking is prohibited in congregate areas of state parks and historic sites.

III. *To the extent possible within existing budgeted resources, the department of Resources and Economic Development shall erect signs and undertake public education initiatives regarding the prohibition on smoking in certain areas of state parks and state historic sites.*

~~Proper signage shall be placed in appropriate places in and around congregate areas. Park officials may call law enforcement authorities if a person refuses to refrain from smoking in congregate areas.~~

~~IV. Any person who violates paragraph II of this section shall be guilty of a violation and subject to a fine of not less than \$50.~~

2 Effective Date. ~~This act shall take effect January 1, 2011.~~ *To Be Determined*

Interim Study for House Bills 1186 and 1194
House Resources, Recreation, and Development Committee
Subcommittee for May 17, 2010

Based in House Bill 1186 as Introduced

AN ACT prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; Smoking and Congregate Areas of State Parks and Historic Sites. Amend RSA 155 by inserting after section 42 the following new subdivision:

Smoking and Congregate Areas of State Parks and Historic Sites

155:42-a Smoking in Congregate Areas of State Parks Prohibited.

I. In this subdivision:

(a) "Congregate area" means restrooms and places where people gather for events inside or outside, including tours, eating, relaxation, recreation, or information and learning. "Congregate area" also includes, but is not limited to, playgrounds, picnic areas, gazebos, pavilions, **beaches, snack bars, restrooms**, and outside stage areas where there may be seating that is fixed or brought by attendees. **Campsites shall be excluded from this section.**

(b) "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any device designed to produce the effect of smoking.

II. Smoking is prohibited in congregate areas of state parks and historic sites.

III. **To the extent possible within existing budgeted resources, the department of Resources and Economic Development shall erect signs and undertake public education initiatives regarding the prohibition on smoking in certain areas of state parks and state historic sites.**

2 Effective Date. To Be Determined

**Interim Study for House Bills 1186 and 1194
House Resources, Recreation, and Development Committee
Based on Subcommittee from May 17, 2010**

Based on House Bill 1186 as Introduced

AN ACT relative to smoking within certain areas of New Hampshire state parks and historic sites.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; Smoking and Congregate Areas of State Parks and Historic Sites. Amend RSA 155 by inserting after section 42 the following new subdivision:

Smoking and Congregate Areas of State Parks and Historic Sites

155:42-a Smoking in Congregate Areas of State Parks is not Permitted.

I. In this subdivision:

(a) "Congregate area" means restrooms and places where people gather for events inside or outside, including tours, eating, relaxation, recreation, or information and learning. "Congregate area" also includes, but is not limited to, playgrounds, picnic areas, gazebos, pavilions, **snack bars**, and outside stage areas where there may be seating that is fixed or brought by attendees. **Campsites shall be excluded from this section.**

(b) Smoking on beaches shall only be in designated areas

(c) "Smoking" means having in one's possession a lighted cigarette, cigar, or pipe, or any device or product designed to produce the effect of smoking.

II. Smoking is not permitted in congregate areas of state parks and historic sites.

III. **The department of Resources and Economic Development shall erect signs and may undertake public education initiatives and may partner with public health organizations and interested parties regarding smoking in certain areas of state parks and state historic sites.**

2 Effective Date. Shall become effective 45 days after passage.

Testimony

20 Warren St., Suite 4
Concord, NH 03301
Tel: (603) 369-3977
Fax: (603) 369-3978

1-800-LUNG USA
lungne.org

***Testimony in Support of HB 1186, Prohibiting Smoking Within Certain
Areas of New Hampshire State Parks and Historic Sites and HB1194,
Prohibiting Smoking on Beaches at State Parks***

February 11, 2010

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Richard G. Rumba (Peterborough)

Linda L. Sirak (Manchester)

Paula K. Smith (Raymond)

Jonathan Stewart (Bow)

Madam Chair and members of the Resources, Recreation and Development Committee, my name is Nancy Johnson. I am representing the American Lung Association in New Hampshire. Today, I am speaking in support of HB 1186, Prohibiting Smoking Within Certain Areas of New Hampshire State Parks and Historic Sites and HB1194, Prohibiting Smoking on Beaches at State Parks

The mission of the American Lung Association in New Hampshire is to save lives by improving lung health and preventing lung disease.

A few quick facts about secondhand smoke:

- Second hand smoke is a class A carcinogen- it causes cancers in humans. It also means that there is no known "safe" level of exposure.
- Second hand smoke causes approximately 55,000 deaths per year among nonsmokers.
- Second hand smoke is more deadly than arsenic, asbestos or lead and a whole host of other toxins that we strictly regulate.

Reliable and credible sources such as our nation's highest medical official, the U.S. Surgeon General, as well as Stanford University researchers and Repace & Associates have all published reports warning about the dangers of secondhand smoke in outdoor settings. This research proves that drifting secondhand smoke can indeed pose a significant health risk for nonsmokers sitting or standing near smokers in any outdoor setting - including beaches and parks. Conclusions from researchers include that smokers need to be at least 20 feet away from non-smokers in order to avoid concentrations of secondhand smoke and that contaminant levels can be as high in outdoor settings as it is in indoor settings.

Testimony Supporting HB 1186
Page 2 of 2

The reason this type of policy change works is simple- this is what the vast majority of New Hampshire people want. A recent survey by UNH demonstrates that over 85% of New Hampshire residents recognize that secondhand smoke is a serious health hazard.

The U. S. Surgeon General said it best when he said, "The debate is over. The science is clear. Secondhand smoke is not a mere annoyance but a serious health hazard for which there is no safe level of exposure." The latest research by Repace, Stanford and others confirms that the dangers exist both indoors and out. This is your opportunity to take the appropriate action to protect the health of the public, especially children.

A similar law making Maine state beaches and certain common areas of state parks smoke free was passed last year by greater than a two thirds majority of the House and Senate. There was widespread public acceptance and implementation last summer was uneventful. The public "gets it".

In closing, I urge you to pass legislation that would substantially reduce the danger of secondhand smoke exposure in many of New Hampshire's most popular family recreation areas.

We all have a right to breathe clean and healthy air.



Testimony
Marie Mulroy

Tobacco Program Manager

HB 1194 a bill that would ban smoking on beaches in public parks

HB1186 a bill to ban smoking in public parks

My name is Marie Mulroy and I am Tobacco Program Manager for Breathe New Hampshire. I am here today in support of HB1194 and HB 1186 a bill which would ban smoking at beaches and in public parks.

As the science behind the dangers of secondhand smoke become more robust with each passing year, laws which are designed to limit citizens' exposure to tobacco smoke provide a real public health benefit. At least 250 chemicals known to be toxic, including arsenic and lead. While being outdoors helps dissipate the smoke, studies have shown that even a brief exposure by someone who is within 20 feet of someone with respiratory or coronary conditions can pose an immediate threat to their health. When crowds gather and there are multiple smokers, it does pose both an annoyance and a risk. Children are particularly vulnerable as are those with respiratory diseases. Residents of New Hampshire are becoming more aware of the dangers from tobacco smoke and are becoming more vocal about the need to keep areas where they gather with their families smoke free.

Another issue is the cigarette butts which are discarded by smokers. Cigarette butts constitute an overwhelming majority of litter on New Hampshire's public beaches. Children pick them up, birds swallow them and people step on them. I have a friend who plays volleyball at Hampton Beach. She indicates that she is constantly stepping on cigarette butts in her bare feet. The morning beach sweepers pick up the large items, but cigarette butts slip through.

What is in a cigarette butt? Cigarette butts are not cotton but are made from cellulose acetate and can take anywhere from 2 months and up to 3 years in seawater to degrade. These filters are designed to trap the most harmful of chemicals from the cigarette and by carelessly discarded them on the ground these chemicals leech out into the surrounding areas. CDC, Johns Hopkins University and the tobacco industry studies show that these substances get into the soils and the waterways.

People who would not think of littering, do not even consider cigarette butts to be litter. This results in what Francis McAndrew of Knox College calls the "gateway theory" which says that once litter appears – all sorts of litter follows. New Hampshire has approximately 175,000 smokers. If each of these smokers threw just 2 cigarettes a day on the ground that would be 350,000 butts a day that maintenance workers, cities and towns would have to clean and for those that are missed these would leech into the ground, our waterways and on our beaches.

Smoking bans have been shown to reduce litter substantially; and, therefore the cost of cleaning up the beaches and areas in public parks where people congregate. Smoking bans will also help to insure that everyone who wants to spend time with their family in one of our beautiful public areas can enjoy them. I urge you to support HB 1194 and HB1186. Thank you.

Tobacco's Impact on the Environment

FACT SHEET



From growing tobacco plants to the disposal of cigarette butts, the whole life cycle of a cigarette takes a heavy toll on the environment. The ecological impacts of tobacco are serious cause for concern.

- **What's in a cigarette butt?** A cigarette butt contains the remnant tobacco portion of a cigarette, a filter that is NOT cotton, and **165 toxic chemicals**. 95% of cigarette filters are made of cellulose acetate, a thermoplastic formed by the reaction of cellulose, acetic acid and acetic anhydride that is slow to degrade in the environment. It may take two months in favorable atmospheric conditions; and up to 3 years or more in seawater for a cigarette butt to degrade (*Source: California Waste Management Bulletin*).

Cigarette butt filters trap the dangerous by-products of smoking by accumulating particulate smoke components and **165 toxic chemicals**. These chemicals leach into the environment:

• Arsenic	used in rat poison	• Acetic acid	in hair dye and photo developing fluid
• Acetone	main ingredient in paint thinner and nail polish remover	• Ammonia	a typical household cleaning fluid
• Benzene	found in rubber cement	• Butane	cigarette lighter fluid
• Cadmium	found in batteries and artist's oil paints	• Carbon Monoxide	a poisonous gas found in car exhaust
• DDT/Dieldrin	Insecticides	• Formaldehyde	used to embalm dead bodies
• Hexamine	in barbecue lighter fluid	• Hydrazine	used in jet and rocket fuels
• Hydrogen Cyanide	used as a poison in gas chambers	• Lead	a highly poisonous metal
• Napthalenes	used in explosives and moth balls	• Nitrobenzene	a gasoline additive
• Phenol	used in disinfectants and plastics	• Polonium-210	a highly radioactive element
• Stearic acid	found in candle wax	• Toluene	found in embalmer's glue

- **Why is there so much butt litter?** Litter breeds litter ~ occurring most often where litter has accumulated. Butts are the first discarded item in a chain reaction of all litter ~ called the "gateway theory," which posits that "once litter appears, litter of all sorts will follow." The increase of butt disposal directly into the environment may be a side-effect of restrictions on smoking in workplaces, bars and restaurants (*Source: Keep America Beautiful; Francis T. McAndrew, Professor of Environmental Psychology, Knox College, Galesburg, Illinois*).
- **How do cigarette butts contribute to water pollution?** Cigarette butts are the most littered item accumulating in our waste stream. Worldwide, 4.3 trillion are littered annually. Their chemicals contribute to non-point source pollution when carried through storm drains by rainfall and urban runoff to our lakes, rivers, wetlands, coastal waters, and even our underground sources of drinking water. Non point source pollution has harmful effects on drinking water supplies, recreation, fisheries, and wildlife (*Source: CigaretteLitter.org*).
- **How significant is the impact of non-point source pollution on water quality?** Non-point source pollution is the result of a variety of human activities on land that cannot be identified from a single source. Pollutants can include insecticides, oil, trash, sediment and toxic chemicals in cigarette butts. The EPA estimates that non-point source pollution accounts for 65% of pollution in rivers, 76% in lakes, and 45% in estuaries in the United States. Underwater plants and aquatic animals, such as oysters, herring, striped bass, and submerged aquatic vegetation (considered to be the foundation of a stable aquatic ecosystem) are particularly threatened or damaged by non-point source pollution. Beach closures, destroyed habitat, unsafe drinking water, and many other severe environmental and human health problems result from NPS pollutants (*Source: EPA National Assessment Database*).
- **How do cigarette butts impact aquatic life?** The EPA's aquatic bioassay studies provide evidentiary conclusion that **one cigarette butt per 2 liters of water is acutely toxic** to water fleas ~ a planktonic animal that occupies a critical position in the food chain of aquatic ecosystems by transferring energy and organic matter from algae to higher consumers such as fish. Water fleas are widely used to determine acute toxicity of chemicals in aquatic invertebrates. The **165 toxic chemicals** that leach from a cigarettes' cellulose acetate filter and remnant tobacco are a biohazard to the water flea. 100% of the animals died after 48 hours in the concentrations that were equivalent to the chemicals found in two or more used cigarette filters (*Source: US EPA, Aquatic Invertebrate Acute Toxicity Test for Freshwater Daphnids, 1996*).

- How does cigarette butt litter affect beaches?** In 2003, and for more than **15 consecutive years**, cigarette butts have ranked as the **#1 littered item** collected from our sandy shores during California's Coastal Clean Up Day. Ecologically, sand on beaches is an essential habitat to many coastal-dependent species ~ including some of the 23 endangered species of the Monterey and Gulf of Farallones National Marine Sanctuaries. Shorebirds, such as terns, sandpipers, and snowy plovers feed on microscopic creatures, diatoms and bacteria found in grains of sand. Tumors found in turtles returning to beaches to lay eggs in the sand have been linked to cigarette butt pollution in Hawaii. Sea lions, elephant seals and harbor seals haul out daily on beaches to absorb the heat from the sun, give birth and feed their newborn pups. Crabs, clams, starfish and sea urchins are commonly found on nearly all beaches. According to the UN International Maritime Organization, 177 species of marine animals and 111 species of shorebirds are affected by tobacco litter causing unnecessary malnutrition, starvation, and death (Source: *California Coastal Commission 2003, UN International Maritime Organization 2003*).
- How does cigarette butt litter affect the food chain?** Ingestion of plastic cigarette filters is a serious threat to wildlife. A visible consequence is being witnessed higher up on the food chain by field biologists and wildlife rehabilitators who routinely find cigarette butts in the intestines, stomachs, and X-rays of dead or sick sea turtles, birds, fish, and dolphins. Seabirds that forage for food near dunes have been observed ingesting cigarette butts. Biologists suspect even trace amounts of chemicals may have harmful effects at the origins of the food web. In particular, nicotine poisoning may cause tiny invertebrates, such as coquina clams to be groggy, reducing their reaction time and more apt to becoming prey for predators. The coquina clam is important food for pompano fish. Higher concentrations of toxins can accumulate in the bodies of larger animals as they move up the food chain. By comparison, most cases of nicotine poisoning among children result from their ingestion of cigarettes (Source: *University of Central Florida, American Association of Poison Control Center*).
- How does tobacco contribute to outdoor air pollution?** The EPA classifies environmental tobacco smoke, or "secondhand smoke," as a Class A carcinogen, in the same category as asbestos and radon, both known to cause cancer in humans. Secondhand smoke contains **more than 4,000 chemicals**, including nicotine, arsenic, benzene, formaldehyde, carbon monoxide, and polonium 210 ~ a radioactive element. While smoke dissipates more quickly outdoors, atmospheric dispersion testing assessing the environmental impact from cigarette smoke under numerous meteorological conditions has shown smoke plumes rise to a certain height, then descend because the combustion particles and gases in secondhand smoke are heavier than air. Deadly particles linger in the air long enough to be breathed into the lungs. Secondhand smoke can cause cardiovascular and cerebrovascular disease; cancer and respiratory diseases and related disorders. It is associated with an increased risk for sudden infant death syndrome, asthma, bronchitis, and pneumonia in young children (Source: *Centers for Disease Control; National Center for Chronic Disease Prevention and Health Promotion; Secondhand Smoke Consultants, Repace Association, Inc.*).
- What are other impacts of tobacco and cigarette butts on the environment?**

Wildfires: In much of the western United States, wildland fires are a natural event where ecosystems adapt to periodic recurrences to recycle nutrients and renew system functions. And while wildfires can be initiated by dry season lightning storms or fire management agencies, the growing human population moving into wildland-urban interface areas is increasing the number of fires inadvertently caused by discarded cigarette butts. From an ecological perspective, these fires unnecessarily destroy wildlife habitat and do not fit within a natural occurrence where flora and fauna have adapted. Extreme fire behavior can result in loss in soil productivity, increase sedimentation in streams and water supplies, degrade or destroy critical habitat for fish, wildlife, and plant species (including those at risk of extinction), and increase the spread of invasive weeds or non-native plants. Fires also emit millions of tons of gases and particulate matter into the air, with serious consequences for human health and carbon balances that contribute to global climate change (Source: *USDA Forest Service*).

Tobacco Production: Tobacco is grown in more than 100 countries worldwide, mostly in developing countries. As a crop, it is responsible for damage to ancient forests (deforestation), soil nutrient depletion, green tobacco disease in farm workers, and pollution from pesticides and fertilizers. After harvesting, tobacco is dried and cured to preserve it for storage, transport and processing. Indigenous trees are cut down to provide fuel for the curing process and construction of curing barns. Tobacco is a sensitive plant prone to many diseases, and requires up to 16 applications of pesticide ~ including DDT and methyl bromide ~ during a 3-month growing period. Methyl bromide contributes significantly to ozone depletion (Source: *Action on Smoking and Health*).



NH Marine Debris to Energy Project

A New Hampshire-based project to study marine debris at sea and on the shore, incorporating waste-to-energy recycling as part of cleanup efforts.

Where do you want to go?

- Home
- Program Details
- Get Involved
- Ocean Debris Reporting Forms
- Beach Debris Maps
- Beach Debris Reports
- Beach Debris Data
- Whale Watch Debris
- Whale Watch Debris Maps
- Side Scan Sonar Survey
- Contact Us

Marine Debris-to-Energy Beach Cleanup Summaries

The Beach debris consists of charts showing beach cleanup summaries for various beaches in which cleanups have been held.

To display the beach information please select a beach from the drop menu:

North Beach - North

North Beach - North

Route 1A

Hampton, NH 03842

Organization: NH Surfrider

Contact Person: Preston Smith

Start Latitude: 42.932

Start Longitude: -70.797

End Latitude: 42.943

End Longitude: -70.791

Cormorant Sunning



North Beach - North Debris Data

Years

- 2006
- 2007
- 2008
- 2009
- All years

Beach Cleanup summary for 2009

Debris Collected

- Cigarette Butts
- Metal beverage cans
- Plastic bottles
- Beverage bottles
- Bottle Caps



Click on the year to display the cleanup data for that period.

About this Graph:

- These are the top 5 types of debris for that year.

Clean up Facts

- Number of beach cleanups: 8
- Number of volunteers: 163
- Volunteer hours: 234
- Amount of debris removed: 1,971 lbs

This study is funded by NH Sea Grant and through a grant from the NOAA Marine Debris Program. Site design and hosting by the University of New Hampshire Cooperative Extension.



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NH Marine Debris to Energy Project

A New Hampshire-based project to study marine debris at sea and on the shore, incorporating waste-to-energy and recycling as part of cleanup efforts.

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Marine Debris-to-Energy Beach Cleanup Summaries

The Beach debris consists of charts showing beach cleanup summaries for various beaches in which cleanups have been held.

To display the beach information please select a beach from the drop menu:

Hampton Beach - South

Hampton, NH

Organization: Blue Ocean Society
 Contact Person: Jen Kennedy

Start Latitude: 0.000 Start Longitude: 0.000

End Latitude: 0.000 End Longitude: 0.000

Used when more then one section of Hampton beach is cleaned!

Cormorant Sunning!



Hampton Beach - South Debris Data

Years

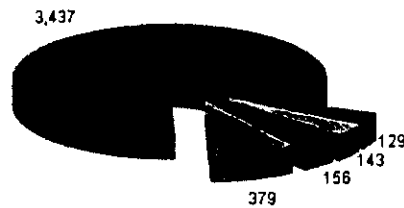
- 2009

Beach Cleanup - All Years

Debris Collected

Click on the year to display the cleanup data for that period.

- Cigarette Butts
- Bottle Caps
- Styrofoam Cups
- Straws
- Beverage bottles



Clean up Facts

- Number of beach cleanups: 1
- Number of volunteers: 100
- Volunteer hours: 200
- Amount of debris removed: 254 lbs

About this Graph:

- These are the top 5 types of debris for that year.

This study is funded by NH Sea Grant and through a grant from the NOAA Marine Debris Program. Site design and hosting by the University of New Hampshire Cooperative Extension.



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COOPERATIVE EXTENSION



interest in beach smoking bans, mainly at the local level, where responsibility for cleanup resides. Detailed cost analyses and impact assessments on such bans are as yet lacking.

Table 1. Smoking bans on beaches by State and Municipality, United States, 2008.

State	Municipality
California	Albany, Belmont, Calabasas, Capitola, Carmel, Carpinteria, Del Mar, El Cajon, El Segundo, Encinitas, Hayward, Hermosa Beach, Imperial Beach, Laguna Beach, Loma Linda, Los Angeles, Los Angeles County, Manhattan Beach, Monterey, Morro Bay, Novato, Oceanside, Pacific Grove, Pacifica, Palos Verdes Estates, San Diego, San Mateo County, Sand City, Santa Cruz, Santa Monica, Seal Beach, Torrance
Florida	Jupiter Island
Hawaii	Hawaii County
Iowa	Des Moines, Johnson County
Illinois	Chicago, Highland Park, Lake Forest, Wilmette
Massachusetts	Abington, Braintree, Grafton, Holliston, Sharon, Tyngsborough, Upton, Westford
Michigan	Grand Haven Township, Howell, Ottawa County
Minnesota	Battle Lake, Bloomington, Buffalo, Fergus Falls, Hennepin County, Hoffman, Ramsey County, Washington County
New Hampshire	Gilford, Windham, LACONIA
New Jersey	Brick Township, Dover Township, Lavallette Borough, Mount Arlington Borough, Seaside Park, Ship Bottom Borough, Surf City Borough
New York	Kingston
Puerto Rico	Puerto Rico
Rhode Island	Westerly
South Carolina	Surfside Beach
Utah	Davis County
Washington	Lake Stevens
Wisconsin	Madison

Source: Personal communication, B. Frick, Americans for Nonsmokers Rights, December 2008

5. Policy Options to Reduce the Environmental Impact of Cigarette Butt Litter

Our previous report [37] established the environmental externalities of smoking, focusing on the enormous number of butts reported in international beach cleanups and on the hazardous wastes resulting from cigarette manufacturing processes. There is precedent for enacting state and local regulation to protect the environment from non-biodegradable solid waste from consumer products; we suggest several models for possible action against cigarette butt waste.

5.1. Labeling

Some products carry warnings printed on them advising consumers not to litter the packages or the product (aluminum cans, bottles, plastics, etc). This has never been proposed as a means of warning smokers about the non-biodegradability of filters (or of package litter). A warning label of sufficient



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Do discarded cigarettes affect the environment?

By EarthTalk on Sunday, October 25, 2009.

EarthTalk®
From the Editors of E/The Environmental Magazine

Dear EarthTalk: Has anyone ever studied the environmental impact of discarded cigarettes? I'm constantly appalled at the number of drivers I see pitching their butts out their car windows. -- Ned Jordan, via email

It's true that littered cigarette butts are a public nuisance, and not just for aesthetic reasons. The filters on cigarettes—four fifths of all cigarettes have them—are made of cellulose acetate, a form of plastic that is very slow to degrade in the environment. A typical cigarette butt can take anywhere from 18 months to 10 years to decompose, depending on environmental conditions.

But beyond the plastic, these filters—which are on cigarettes in the first place to absorb contaminants to prevent them from going into the lungs—contain trace amounts of toxins like cadmium, arsenic and lead. Thus when smokers discard their butts improperly—out the car window or off the end of a pier or onto the sidewalk below—they are essentially tossing these substances willy-nilly into the environment.

Studies done by Johns Hopkins University, the U.S. Centers for Disease Control and Prevention (CDC) and even the tobacco industry itself show that these contaminants can get into soils and waterways, harm or kill living organisms and generally degrade surrounding ecosystems.

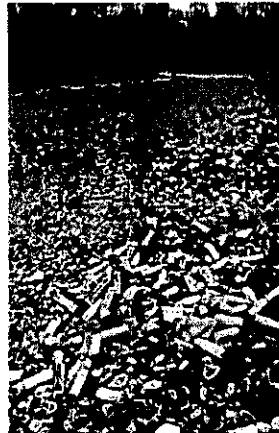
While individual discarded cigarette butts may be small, they add up to a huge problem. Some 5.5 trillion cigarettes are consumed worldwide each year. The non-profit Keep America Beautiful reports that cigarette butts constitute as much as one-third of all litter nationwide when measured by the number of discarded items, not volume. According to the Ocean Conservancy, a non-profit that advocates for stronger protection of marine ecosystems, cigarette butts are the most commonly littered item found on America's salt and fresh water beaches according to feedback received by hundreds of thousands of volunteers taking part in the group's annual Coastal Clean-up event.

While the tobacco industry may have its hands full just trying to stay afloat in the maelstrom of ongoing bad publicity, critics say it should be doing more to prevent cigarette butt litter. "Just as beverage manufacturers contribute to anti-litter campaigns, and have invested in public education on litter issues, so too should the tobacco industry," says Kathleen Register, founder and executive director of Clean Virginia Waterways, a non-profit that has spearheaded the fight against cigarette butt litter in the mid-Atlantic region of the U.S. She adds that cigarette manufacturers "need to take an active and responsible role in educating smokers about this issue and devote resources to the cleanup of cigarette litter."

Register suggests a number of strategies including putting anti-litter messages on all cigarette packaging and advertisements, distributing small, free portable ashtrays, and placing and maintaining outdoor ashtrays in areas where smokers congregate. She also suggests putting an extra tax on cigarette sales, with proceeds going toward anti-litter education efforts and to defray the costs of cleaning up butts. "Picking up littered cigarette butts costs schools, businesses and park agencies money," she says. "By taxing smokers for anti-litter educational efforts, some of the costs of cleaning up cigarette butts will shift onto smokers." One way or another, Register hopes, smokers will learn that the Earth is not one giant ashtray.

CONTACTS: CDC, www.cdc.gov; Clean Virginia Waterways, www.longwood.edu/cleanva.

GOT AN ENVIRONMENTAL QUESTION? Send it to: EarthTalk, P.O. Box 5098, Westport, CT 06881; earthtalk@emagazine.com. Read past columns at: www.emagazine.com/earthtalk/archives.php. EarthTalk is now a book! Details and order information at: www.emagazine.com/earthtalkbook.



Studies done by Johns Hopkins University, the U.S. Centers for Disease Control and Prevention and even the tobacco industry itself show that contaminants from cigarette butts can get into soils and waterways, harm or kill living organisms and generally degrade surrounding ecosystems. (Jason Means, courtesy Flickr)

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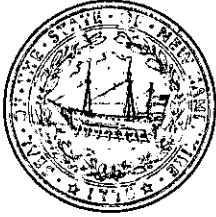
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February 11, 2010

The Honorable Judith Spang, Chairwoman
and the Resources, Recreation and Development Committee
NH Legislative Office Building, Room 305
Concord, NH 03301

**RE: HB 1186 An act prohibiting smoking within certain areas of NH state parks and historic sites, and
HB 1194 An act prohibiting smoking on beaches at state parks**

Dear Chairwoman Spang and Members of the Committee,

Thank you for the opportunity to offer testimony on House Bills 1186 and 1194 that would prohibit smoking in certain areas at NH state parks and historic sites. The Department of Resources and Economic Development, Division of Parks and Recreation does not take a position on these bills, but would like to provide certain information and suggest that this issue be referred to interim study or be reintroduced next session.

The Division acknowledges the negative health effects of second-hand smoke to its park guests, as well as the litter left from cigarette butts. However, such a policy would be difficult, if not impossible, to enforce: we simply do not have the staff to ensure compliance, nor is it unlikely that local law enforcement would be compelled to respond to a park manager's request for assistance in this particular matter.

With regard to cigarette waste, the Department of Environmental Services (DES) has provided cigarette butt disposal stations at Hampton Beach State Park using federal grant monies. The number of disposal stations has increased each year, as funds are available. Additionally, DES provides public outreach and education to keep NH beaches clean at http://des.nh.gov/organization/divisions/water/wmb/beaches/cigarette_butts.htm.

As you may be aware, the state of Maine is instituting similar efforts to ban smoking on public beaches. We would like to see how implementation of their effort fares, and respectfully suggest that HB 1186 and HB 1194 be referred to interim study, or reintroduced next legislative session.

The Division appreciates the opportunity to provide this written testimony. Please feel free to contact me should you require additional information.

Sincerely,

Ted Austin
Director

C: George M. Bald, Commissioner
Sonya Carlson, Environmentalist, DES Beach Program

TA/ttl02112010



"Improving Health, Preventing Disease, Reducing Costs for All"

February 11, 2010

Subject: HB 1186 – An Act prohibiting smoking within certain areas of New Hampshire state parks and historic sites

HB 1194 – An Act prohibiting smoking on beaches at state parks.

Dear Chairman Spang and Members of the House Resources, Recreation and Development Committee:

The New Hampshire Public Health Association (NHPHA) asks that you **support** HB 1186 which prohibits smoking within certain areas of New Hampshire state parks and historic sites and HB 1194 which prohibits smoking on beaches at state parks

Tobacco use is the leading cause of preventable death in New Hampshire. NHPHA recognizes that tobacco use is a major cause of chronic disease and premature death. Thousands of illnesses and deaths from tobacco use can be prevented and billions of dollars in medical expenses can be saved through long-term investments in a sustained campaign to prevent and control tobacco use.

We support the above bills because they would protect the residents of New Hampshire from the health hazards of secondhand smoke. Secondhand smoke contains hundreds of chemicals known to be toxic or cancer-causing.

The Surgeon General's report concluded that breathing secondhand smoke, for even a short time, can immediately interfere with normal functions of the heart, blood and vascular system. There is no risk-free level of contact with secondhand smoke; even brief exposure can be harmful to health.¹

Not only are there health consequences to smoking, but environmental concerns as well. Discarded cigarette butts are a form of non-biodegradable litter. Cigarette butts are the most littered item in the world² and the single most recovered item on beaches since collections began.³ They are not only unsightly, but toxic. A 1997 report from the Rhode

P.O. Box 2304, Concord, NH 03302-2304
Telephone: (603) 228-2983 Website: www.nhpha.org

¹ U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General, 2006.

² The Price of Cigarettes. Environ Health Perspect, 1999.

³ Cigarette Butts and the Case for an Environmental Policy on Hazardous Cigarette Waste, International Journal of Environmental Research and Public Health, May 2009.

Island Department of Health reported 146 cases of cigarette butt ingestion among children younger than 6 years old; of these, approximately one-third displayed transient nicotine toxicity.⁴

We support HB 1186 and HB 1194 and ask that you do the same. Please help to keep New Hampshire's residents safe and healthy by passing the above legislation.

The New Hampshire Public Health Association bases its opinions and recommendations on scientific evidence and fact-based strategies that promote health and reduce disease and injury. The Association has more than 200 members of individuals and organizations committed to the public health and safety of all New Hampshire residents.

I am happy to address any questions you might have regarding my testimony. Please feel free to contact me at anytime at (603) 545-1389. Thank you for your attention.

Sincerely,

A handwritten signature in cursive script that reads "Kristina L. Diamond". The signature is written in black ink and is positioned above the printed name and title.

Kristina L. Diamond
Policy Director

⁴ CDC. Ingestion of cigarettes and cigarette butts by children – Rhode Island, January 1994-July 1996. *Morb. Mortal. Wkly. Rep.* 1997.

Cigarette Butts: Tiny Trash That Piles Up

Andrea Scott says she would never throw a candy wrapper on the ground.

(May 19, 2009)

“Littering is one of my pet peeves, and I always told my kids they’d be in big trouble if I catch them doing it,” said Ms. Scott, a 43-year-old financial executive, as she sat outside an office tower on Michigan Avenue in Chicago on a recent sunny afternoon. “I see people throw stuff out their car windows, and I cringe.”

Yet she confesses that she routinely discards cigarette butts on the sidewalk.

For her and countless other American smokers, cigarette butts are an exception to the no-littering rule. “Aren’t cigarettes biodegradable?” volunteered Libby Moustakas, a co-worker who was enjoying a smoking break with Ms. Scott.

But dozens of municipalities across the nation have had enough. Weary of the butts’ unsightliness and the costs of sweeping them up, cities have passed bans on smoking on beaches and playgrounds. In San Francisco, Mayor Gavin Newsom said last week that he would go a step further, seeking a 33-cents-a-pack tax to cover the \$11 million that the city spends annually to remove cigarette litter.

Nationally, cigarette butts account for one-quarter or more of the items tossed onto streets and other roadways, San Francisco and other cities report.

Nathan Ballard, a spokesman for Mr. Newsom, described this as a predictable outcome of poor product design. “There is no good practical way of dealing with cigarettes,” he said. “You have a fiery object in your hand and so you have to throw it down and crush it under your heel. And then we have to clean it up.”

In her defense, Ms. Scott, the Chicago executive, pointed out that her city does not provide enough receptacles, like concrete planters filled with sand. And she fears that throwing them in a trash can could ignite a fire.

Still other smokers see butts as a more natural kind of trash than, say, a plastic bottle. But they are not biodegradable: they contain plastic filters that enter sewers and storm drains, and get swept into rivers and then out to sea, where they can release toxic chemicals including nicotine, benzene and cadmium.

For years, campaigns for heavy per-pack taxes and smoking bans in office buildings, restaurants and bars were driven mainly by health concerns about secondhand smoke, which can lead to lung cancer, emphysema and other diseases. In moving on to butt litter, municipalities are reckoning with the broader environmental consequences of the country's most vilified personal habit.

Cigarette companies acknowledge the problem. The Cigarette Litter Prevention Program, created by the nonprofit group Keep America Beautiful, is financed by Philip Morris, the cigarette giant. The prevention program's statistics show that butts constitute 28 percent to 33 percent of all litter nationwide — measured by item number, not volume. Similarly, the nonprofit Ocean Conservancy, which also receives money from Philip Morris, has found that butts account for 28 percent of littered items washing up on beaches worldwide.

The manufacturers say they are working on making their product more environmentally friendly. Frank Lester, a spokesman for Reynolds American Inc., the nation's second-largest cigarette maker, said the industry viewed the development of a biodegradable cigarette to be its "holy grail," but that challenges persisted. Cigarette company documents indicate that consumers have not liked the taste or the draw of alternative filters.

William R. Phelps, a spokesman for Philip Morris, said his company favored programs that hold smokers and cities responsible for reducing the trash. For example, the Keep America Beautiful campaign promotes solutions like portable ashtrays, more receptacles in public areas and better enforcement of littering laws, he said. Last year, the program had 178 cities or urban districts enlisted — the university district in Philadelphia and the arts district in Dallas, for example — that reduced cigarette littering by an average of 46 percent, officials said.

That approach is favored by Analynn LaChica, 34, who works for AT&T in San Francisco. Ms. LaChica estimates that of the 5 to 10 cigarettes she smokes each day, at least three butts end up on the ground.

"People who smoke use it as a stress reliever," she explained. "It is satisfying to just toss it down when you are done."

Nonetheless, she said, she would change her behavior if San Francisco installed ashtrays on top of trash receptacles. Putting it out that way would be more “ladylike,” she said.

For many environmentalists, the problem is not just the litter, but the toxicity. Thomas Novotny, a professor of global health at San Diego State University who supports the San Francisco proposal and beach bans elsewhere, said recent experiments had shown that one butt has enough poisons to kill half the minnows in a liter of water — a standard laboratory test for toxins — in 96 hours.

“Butts are full of poisonous substances, including nicotine, which is a pesticide,” Professor Novotny said.

Some smokers are getting the message. Alex Ceruti, 32, a business owner in the South Beach section of Miami Beach, said he had always discarded his butt in an ashtray or other receptacle after finishing a cigarette. “That’s the only part of the cigarette that is not biodegradable,” he said.

“I think it’s nasty the way people throw them on the ground,” Mr. Ceruti added, observing a young tattooed woman who cast her cigarette on the sidewalk before entering a coffee shop.

Mr. Ceruti and his friend Marcos van Dulken, 26, who also smokes, say they even patrol their favorite beach once in a while to pick up filters.

“I’m not going to lie,” said Mr. van Dulken, an actor who owns a small production company. “Sometimes I throw them on the ground. But I really try not to do that.”

Karen Ann Cullotta contributed reporting from Chicago, Malia Wollan from San Francisco and Carmen Gentile Jr. from Miami Beach.

REASONS FOR BANNING SMOKING IN CERTAIN PUBLIC OUTDOOR AREAS*

1. Careful scientific studies – based upon both highly accurate mathematical modeling techniques as well as actual real-life measurements – have shown that concentrations of secondhand tobacco smoke in many outdoor areas are often as high or higher than in some indoor areas ^[1] and that the risks posed by such outdoor exposure, while small to most individuals, are well beyond generally accepted norms when large numbers of people are involuntarily exposed.^[2] Indeed, for these very reasons, the State of California – in a report summarizing much of this evidence – was preparing and has now declared OUTDOOR tobacco smoke as a “toxic air pollutant.”^[3]
2. Drifting tobacco smoke, even outdoors, can trigger asthmatic attacks,^[4] bronchial infections, and other serious health problems in nonsmokers.^[5] This is especially true for the almost 100 million Americans who have asthma, chronic bronchitis, chronic sinusitis, emphysema, and other breathing-related conditions which make them especially susceptible to secondhand tobacco smoke.^[6]
3. Even for people without such respiratory conditions, breathing drifting tobacco smoke for even brief periods can be deadly. For example, the Centers for Disease Controls [CDC] has warned that breathing drifting tobacco smoke for as little as 30 minutes (less than the time one might be exposed outdoors on a beach, sitting on a park bench, listening to a concert in a park, etc.) can raise a nonsmoker’s risk of suffering a fatal heart attack to that of a smoker ^[7]. The danger is even greater for those who are already at an elevated risk for coronary problems: e.g., men over 40 and postmenopausal women, anyone who is obese, has diabetes, a personal or family history of heart or circulatory conditions, gets insufficient exercise, has high blood pressure, cholesterol, etc.^[8]
4. In cases where drifting tobacco smoke was present and a nonsmoker suffered a heart attack, asthmatic attack, or other similar problems, the municipality which owns and operates the beach, park, playground, etc. could be liable since it was on notice of the known health dangers^[9] but failed to take the “reasonable” step of banning smoking as taken by many other outdoor areas.^[10]
5. Society recognizes that people have a right not to be involuntarily exposed to known carcinogenic substances, even if only to small amounts and for brief periods. That’s why, for example, extensive and very expensive precautions are taken when asbestos is removed from buildings. This insures that people outside are not exposed even to minute amounts as they pass by. Similarly, we would not tolerate someone who filed down old brake drums in a playground, thereby releasing even tiny amounts of asbestos into the air. Secondhand tobacco smoke is officially classified by the federal government as a “known human carcinogen” – exactly the same category as asbestos.^[11]
6. Even aside from health hazards, being forced to breathe tobacco smoke is annoying and irritating to most people,^[12] especially the almost 100 million Americans who have chronic conditions like asthma and bronchitis which make them especially susceptible to tobacco smoke,^[13] and young children who are also especially sensitive.^[14] It should be noted that many activities are banned in public places simply because they are annoying or irritating, even if they do not pose a health hazard.^[15] Common examples are playing loud music on portable radios or boom boxes, engaging in sexually provocative activity, using profanity, dressing in inappropriately scanty attire, drinking alcoholic beverages, etc.
7. Many of the 96 million Americans who have chronic conditions like asthma and bronchitis which make them especially susceptible to tobacco smoke have been held to be entitled to protection under the Americans With Disabilities Act [ADA]. ^[16] Thus, if their medical conditions mean that they cannot enjoy lying on a blanket at the beach or in a park for a concert where smoking is generally permitted, they may be entitled by law to a reasonable accommodation, presumably one which protects them from drifting tobacco smoke.

* Prepared as a public service by Action on Smoking and Health (ASH), 2013 H St., NW, Washington, DC 20006, (202) 659-4310. ASH is a national tax-exempt legal-action organization concerned with the problems of smoking and protecting the rights of nonsmokers. For more information, please see; <http://ash.org>. Comments and suggestions are appreciated.

8. The reason for banning smoke around building entrances is simple. People should not be forced to be exposed to known carcinogenic substances for even the briefest periods of time, and because even brief exposure can also be annoying and irritating to many people, nonsmokers should not be forced to “run a gauntlet”^[17] of smokers gathered around the exits and entrances to their workplaces, or other buildings which they are likely to frequent.

9. Large buildings ordinarily have air intakes to replace the air which is exhausted by their ventilation systems. Occasionally, the air intake will be located near a doorway to the building, or in some other area where smokers might tend to congregate. Therefore, to prevent this smoke-filled air from entering and being circulated throughout the building where it can create a health risk as well as annoyance and physical irritation, it may be necessary to prohibit smoking outdoors around such air intakes.^[18]

10. Cigarette butts discarded by smokers constitute the overwhelming majority of litter on beaches,^[19] as well as in many other public places like parks, playgrounds, and sidewalks.^[20] Smoking bans have been shown to substantially reduce the litter and therefore the costs of cleaning up beaches and other outdoor areas,^[21] as well as to improve the overall appearance and attractiveness of the area.^[22]

11. Cigarettes are a major source of burns to youngsters, including to their faces, when smokers hold their cigarettes at their sides and young children inadvertently come too close. This can happen easily when children are at play or otherwise distracted on a beach^[23], waiting on a line while their parents wait to buy tickets, to use an ATM machines, etc. – and once again there may be legal liability.^[24]

12. Discarded cigarettes – which are designed to continue to burn for several minutes when dropped and not puffed upon – are also a major fire hazard, threatening piers, boardwalks, and wooden structures in parks and playgrounds, etc.,^[25] as well as outdoor park and recreation areas.^[26]

13. Young children playing in the sand at a beach or in playground sandbox may be tempted to put cigarette butts – which contain concentrated amounts of carcinogens and other toxic chemicals trapped from tobacco smoke^[27] – into their mouths, and even older children may touch the cigarette butts and then put their fingers in or near their mouths, eyes, etc.

14. Discarded cigarette butts may also be harmful to birds and other wildlife which nibble on or even swallow them, especially on a beach or park, but also even on a public sidewalk.^[28] Indeed, one of the first domestic bans on outdoor smoking was enacted to protect wildlife rather than human beings.^[29]

15. Activities and images which might be inappropriate for young children and/or which might lead them into bad habits are often prohibited in public places, even if they pose no health risk and might even be appropriate in areas visited voluntarily only by adults.^[30] For example, virtually all municipalities have long prohibited consumption of alcoholic beverages in public places like parks and beaches. The purpose is obviously not to prevent drunkenness or driving while intoxicated – since people can easily get drunk drinking in their parked cars, in bars, and at home. Rather, bans are imposed because drinking sets a bad example for young children to see it done openly – even if the same children might see it in their own homes. Similarly, prohibiting smoking in outdoor places frequented by the public – like parks, playgrounds, beaches, etc. – shields young children from seeing smoking as a common adult behavior to be emulated, even if some may observe smoking by the parents and other adults in private homes. Other examples where activities are prohibited in public places because of their possible impact on children include sexually suggestive movements (permitted on dance floors but prohibited in parks and on sidewalks), gambling (permitted in casinos and tracks but not in public places), displays of pictorial nudity (permitted in art galleries but not on sidewalks), etc.

16. In addition to all of the above reasons, it has now become clear that restrictions on smoking are a major factor in helping to persuade smokers to quit, and to help those who want to stop smoking to do so.^[31] The result can be an enormous saving of lives, in the prevention of disability, and in a

dramatic reduction in health care costs – most of which are borne by nonsmokers who otherwise are forced to pay higher taxes and inflated health insurance premiums. Smoking bans – including outdoors as well as indoors – encourage and support quitting by making it more inconvenient for a person to remain a smoker. Every ban on smoking also sends a very clear educational message to the smoker that his conduct is not desirable – and indeed is found to be annoying and irritating if not repugnant – by a large majority of others. Finally, smoking bans help those already trying to quit by tending to assure that they will not be tempted by being in the presence of a smoker, smell the “tempting” aroma of tobacco smoke, etc. While not the primary argument or purpose in enacting outdoor smoking bans, this additional significant effect of such bans may well be a factor in deciding to support such public health measures.

SUMMARY

More than 350 jurisdictions have successfully prohibited smoking in outdoor areas – such as beaches, parks, playgrounds, near building entrances, while waiting in lines, etc. – without legal challenges, problems of enforcement, loss of patronage or taxes, etc. Such bans appear to be so successful that more jurisdictions are sure to be added. Indeed, as smoking is being banned in an ever growing number of indoor areas, people are beginning to expect freedom from these toxic fumes, and to expect air unpolluted by tobacco smoke wherever they may congregate.^[32]

Very strong recent evidence of this trend is the overwhelming vote by the citizens of the State of Washington to ban smoking not only in all bars and restaurant, but to also require that building entrances be smokefree, and to prohibit smoking within 25 feet of doorways, windows, and ventilation ducts of smokefree establishments. This vote comes on the heels of a poll by the New York State Health Department which showed that the public support for banning smoking in many outdoor areas is even stronger than similar support for a 2003 bill banning indoor smoking.^[33]

NOTES

1. See, e.g., Klepeis NE, Ott WR, Switzer P. Real-Time Monitoring of Outdoor Environmental Tobacco Smoke Concentrations: A Pilot Study. Stanford University Department of Statistics, Sequoia Hall, Stanford, California 94305-4065. University of California, San Francisco Contract Number 3317SC, March 1, 2004; Repace, Measurements of Outdoor Air Pollution From Secondhand Smoke on the UMBC Campus, <http://www.repace.com/pdf/outdoorair.pdf>; Repace, Indoor and Outdoor Carcinogenic Pollution on a Cruise Ship in the Presence and Absence of Tobacco Smoking, Presented at the 14th Annual Conference of the International Society of Exposure Analysts, Oct. 17-21, 2005, Philadelphia, PA.; Near-Source Ambient Air Monitoring of Nicotine as a Market for Environmental Tobacco Smoke, California Environmental Protection Agency, <http://repositories.cdlib.org/context/tc/article/1173/type/pdf/viewcontent/>
2. See, e.g., CARB (2003) "Technical Support Document for the Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant: Part A," Technical Report. California Environmental Protection Agency, California Air Resources Board, Office of Environmental Health Hazard Assessment, Chapter 5, pp. V6-V19; Repace JL. Banning outdoor smoking is scientifically justifiable. *Tobacco Control* 9:98 (2000).
3. See Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant, California Environmental Protection Agency Air Resources Board, <http://ash.org/CAEPAProposal.pdf> and <http://www.arb.ca.gov/newsrel/nr012606.htm>.
4. See, e.g., "As an example, Dr. Muller, a physician, brought up the case of a resident with asthma who often had to cross the street to avoid smokers. Otherwise, Dr. Muller said, 'he would get smoke in his face. He would start coughing and it might set off an asthma attack.'" Maryland Village Endorses A Ban on Outdoor Smoking, *New York Times*, November 25, 2000.
"I guess [legislator] has never witnessed an asthmatic child struggling to breathe because of nearby smokers at Moonlight Beach. I have, and I can tell you that it is more than a danger, it is a tragedy." Letter to the Editor, *San Diego Union-Tribune*, April 28, 2004.
5. See, e.g., "[S]moking bans are justified for health reasons in those outdoor environments which are similar to indoor environments in terms of their exposure to environmental tobacco smoke (ETS)." Bloch & Shopman, Outdoor smoking bans: more than meets the eye, *Tobacco Control*, 9:99, March 2000.
6. See Vital and Health Statistics: Current Estimates From the National Health Survey (1994).
7. See Secondhand Smoke Poses Heart Attack Risk, CDC Warns, *Washington Post*, April 23, 2004: "The CDC disclosed its new advisory in a commentary to a study published in the British Medical Journal yesterday, saying doctors need to warn people with heart problems that secondhand smoke can significantly increase their risk of a heart attack. The agency said that **as little as 30 minutes' exposure can have a serious and even lethal effect.**" [emphasis added]
Similarly, the *St. Louis Post-Dispatch* warned that: "The U.S. Centers for Disease Control and Prevention cautioned that secondhand smoke greatly increases the **risk of heart attack** for those with heart disease. For such people, **even 30 minutes' exposure can be lethal**, the government warns. Smoking Gun, April 28, 2004. [emphasis added]
These and similar reports in dozens of major newspapers were based upon an article by Terry F Pechacek, associate director for science, and Stephen Babb, coordinator, secondhand smoke work group, CDC: How acute and reversible are the cardiovascular risks of secondhand smoke?, *British Medical Journal*, BMJ 2004;328:980-983 (24 April), doi:10.1136/bmj.328.7446.980, in which they reported in part:
"Could eating in a smoky restaurant precipitate an **acute myocardial infarction** in a non-smoker? As unlikely as this sounds, a growing body of scientific data suggests that this is possible. In this context, the results of the observational study in Helena, MT are provocative: hospital admissions for acute myocardial infarction declined by about 40% during the six months in which a comprehensive

local ordinance on clean air was in effect, and rebounded after the ordinance was suspended. . . .”

“Even without future studies or replications of these findings, **the data are sufficient to warrant caution regarding exposure to secondhand smoke.** Clinicians should be aware that such exposure can pose acute risks, and **all patients at increased risk of coronary heart disease or with known coronary artery disease** should be advised to avoid all indoor environments that permit smoking. Additionally, the families of such patients should be counselled not to smoke within the patient's home or in a vehicle with the patient. In addition to its impact on heart disease, exposure to secondhand smoke causes **lung cancer** in non-smokers, **respiratory infections** and **asthma** in children, and even **death** in exposed infants. [emphasis added]

See also, Glantz, Even a Little Secondhand Smoke is Dangerous, *Journal of the American Medical Association, JAMA*. 2001; 286: 462-463: “The article by Otsuka and colleagues in this issue of THE JOURNAL adds substantially to the case that **short-term passive smoking adversely affects endothelial function in ways that immediately compromise the cardiovascular system.** The investigators demonstrated that, in healthy young volunteers, **just 30 minutes of exposure to secondhand smoke compromised the endothelial function in coronary arteries of nonsmokers in a way that made the endothelial response of nonsmokers indistinguishable from that of habitual smokers.** [emphasis added] The article referred to was: Otsuka R, Watanabe H, Hirata K, et al. Acute effects of passive smoking on the coronary circulation in healthy young adults. *JAMA*. 2001;286:436-441.

A study in Helena, Montana found that a ban on smoking in public places resulted in a 40% reduction in hospital admissions for heart-related illnesses during the six months in which a public smoking ban was in place. Sargent, R.P., Shepard, R.M., Glantz, S.A. “Reduced incidence of admissions for myocardial infarction associated with public smoking ban: before and after study.” *BMJ* 2004 ;328: 977-80.

Another study found that heart attack rates in Pueblo, Colo. dropped by 27% in the 18 months after a smoking ban was imposed in bars, restaurants and other public places. But, in a nearby county without a smoking ban, the number of heart attacks held steady during the same period. “Study, Heart Attacks Drop With Smoking Ban,” *Washington Post*, November 14, 2005. (“I was probably skeptical that such an ordinance would have such a rapid effect,” said the study's leader . . . [b]ut he noted that other research has shown that exposure to secondhand smoke can cause adverse cardiovascular effects within minutes – and that the latest survey seems to bear that out.”)

A thorough review of the published medical literature reveals that: “The effects of **even brief (minutes to hours) passive smoking are often nearly as large (averaging 80% to 90%) as chronic active smoking.**” Cardiovascular Effects of Secondhand Smoke - Nearly as Large as Smoking, *Circulation*, 2005;111:2684-2698.

8. Persons with heart problems and asthma, bronchitis or other lung ailments are particularly at risk when exposed to secondhand smoke. See Pechacek, and Babb, “How acute and reversible are the cardiovascular risks of secondhand smoke?” *BMJ* 2004;328:980-983. See also “The Health Consequences of Smoking: A Report of the Surgeon General.” U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2004; Ventura, S.J., Mosher, W.D., Curtin, S.C., Abma, J.C., Henshaw, S. “Trends in pregnancies and pregnancy rates by outcome: Estimates for the United States,” 1976–96. National Center for Health Statistics. *Vital and Health Statistics* 2000;21(56).

It appears that about 96 million Americans have conditions such as chronic bronchitis, asthma, hay fever or allergic rhinitis without asthma, chronic sinusitis, deviated nasal septum, chronic disease of tonsils or adenoids, emphysema – not to mention many common allergies – which make them especially susceptible to drifting tobacco smoke, *Vital and Health Statistics: Current Estimates From the National Health Survey (1994)*.

9. The many media reports of studies and finding by major governmental bodies, as well as scientific and medical organizations, regarding secondhand tobacco smoke have put everyone on legal notice of the health risks of tobacco smoke pollution. It should also be noted that, in an

increasing number of situations, and under a variety of legal theories, entities which permit smoking have been held legally liable for health problems caused to nonsmokers.

For example, in Olympic Airways v. Husain, 124 S. Ct. 1221, 157 L. Ed. 2d 1146 (2/24/04), the U.S. Supreme Court upheld a verdict holding an airline liable for the wrongful death of a passenger found to have been killed by drifting tobacco smoke.

The Supreme Court has also held that subjecting a prisoner to drifting tobacco smoke may constitute "cruel and unusual punishment"; Helling v. McKinney, 509 U.S. 25, 33 (1993) ("We affirm the holding of the Court of Appeals that McKinney states a cause of action under the Eighth Amendment by alleging that petitioners have, with deliberate indifference, exposed him to levels of ETS [Environmental Tobacco Smoke] that pose an unreasonable risk of serious damage to his future health.").

In Schiller v. Los Angeles Unified School District PAS656, PAS 1750, LA 607109, Calif. Workers' Comp. Appeals Board 3/20/92, a school board was ordered to pay \$29,999 to compensate a teacher when tobacco smoke drifting up from a first-floor smoking area into her second-floor classroom triggered chronic lung disease. See generally, Clemmons v. Bohannon, 918 F.2d 858 (10th Cir. 1990); McKinney v. Anderson, 924 F.2d 1500 (9th Cir. 1991); Helling v. McKinney, 509 U.S. 25 (1993); Lizzio v. Lizzio, 162 Misc. 2d 701 (Fam. Ct. Fulton Cty. Ga. 1994); Warren v. Keane, 196 F.3d 330 (2d Cir. 1999); Alamin v. Scully, 2000 U.S. Dist. LEXIS 13143 (S.D.N.Y.); Alvarado v. Litscher, 267 F.3d 648 (7th Cir. Wis. 2001); Service v. Union Pac. R.R. Co., 153 F. Supp. 2d 1187 (E.D.Cal. 2001).

10. Under common principles of negligence law, a public or private entity can be held liable for injuries caused on its property, provided that it knew (and/or was on notice) of the danger. This is true even if the most immediate cause was another person (here, the smoker) – so long as the entity could reasonably have anticipated that the "intervening cause" would occur.

Of course, the law of negligence requires only that the entity take steps which a court deems to be "reasonable," since entities cannot effectively guard against all foreseeable harms, nor will the law require them to go to extremes and spend enormous amounts of money. However, now that more than 350 jurisdictions have banned smoking in one or more outdoor areas, such smoking bans are clearly "reasonable." For a list of just some of the beaches that have banned smoking, go to <http://ash.org/beachordinances>.

11. Secondhand tobacco smoke has been determined to be a "known human carcinogen" in the same category as asbestos, benzene, and Polonium 210, and there is no safe lower level below which exposure has been shown not to cause cancer in humans. Thus, both prudence and elementary fairness dictate that people – especially young children – should not be exposed at any level to such chemicals, and that the same strict policy of limiting even momentary exposure to asbestos should likewise apply to drifting tobacco smoke.

See generally, 10th Report on Carcinogens, U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, [<http://ehp.niehs.nih.gov/roc/toc10.html>]; Environmental Tobacco Smoke in the Workplace, Current Intelligence Bulletin 54, National Institute for Occupational Safety and Health (NIOSH); Environmental Tobacco Smoke: Measuring Exposures and Assessing Health Effects, National Research Council of the National Academy of Sciences (1986); Environmental Tobacco Smoke, Report of the Scientific Committee on Tobacco and Health, Great Britain (3/20/98); Health Effects of Exposure to Environmental Tobacco Smoke, California Environmental Protection Agency (9/97); The Health Effects of Passive Smoking, National Health and Medical Research Council, Australia (11/97); Tobacco Use: A Public Health Disaster, World Health Organization (W.H.O.), <http://www.who.int/ntday/ntday97/ta3e.htm>; "Respiratory Health Effects of Passive Smoking: Lung Cancer and other Disorders." Environmental Protection Agency, Office of Research and Development, Washington, D.C. EPA/600/6-90/006F. 1992.

Even the major tobacco companies have stipulated – and now publicly admit on their web sites and in widely-broadcast television ads – that secondhand tobacco smoke is linked to a wide variety of serious medical problems including cancer in nonsmokers; see, e.g., Decision of Note: Nonsmoking Flight Attendant Is a Winner In Secondhand Smoke Case, Product Liability Law & Strategy, July 2002.

12. Most New Yorkers favor banning smoking completely in outdoor areas like parks and beaches, according to a just-released survey sponsored by the New York State Health Commission. According to the survey, 76% favor laws banning smoking in front of public-buildings and workplace entrances, and 52% want smoking banned in public areas like parks and beaches. Millgrim, *Outdoor Smoking Has Few NY. Allies*, Ottaway News Service, November 4, 2005.
<http://www.recordonline.com/archive/2005/11/04/smoke04.htm>

“According to a local public opinion survey conducted by the San Dieguito Alliance for Drug-Free Youth, 91 percent of local beachgoers support smoke-free beaches and parks.” *Opinion, San Diego Union-Tribune*, April 29, 2004. “Ogden [of the Tobacco Manufacturer's Association] admitted that second-hand smoke can be 'annoying and irritating' to non-smokers.” King, *Don't Stub Us Out of Business, Daily Record*, March 16, 2005 [emphasis added].

In this regard it should be noted that activities are often prohibited in public places simply because they may be annoying and irritating, even if they cannot be shown to cause any significant harm. For example, going topless, engaging in lewd and lascivious behavior, playing music very loudly, and other bothersome behaviors are often prohibited even though they pose no recognized health hazard.

13. Persons with heart problems and asthma, bronchitis or other lung ailments are particularly at risk when exposed to secondhand smoke. See Pechacek, and Babb, “How acute and reversible are the cardiovascular risks of secondhand smoke?” *BMJ* 2004;328:980-983. See also “The Health Consequences of Smoking: A Report of the Surgeon General.” U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2004; Ventura, S.J., Mosher, W.D., Curtin, S.C., Abma, J.C., Henshaw, S. “Trends in pregnancies and pregnancy rates by outcome: Estimates for the United States,” 1976–96. National Center for Health Statistics. *Vital and Health Statistics* 2000;21(56).

It appears that about 96 million Americans have conditions such as chronic bronchitis, asthma, hay fever or allergic rhinitis without asthma, chronic sinusitis, deviated nasal septum, chronic disease of tonsils or adenoids, emphysema – not to mention many common allergies – which make them especially susceptible to drifting tobacco smoke, *Vital and Health Statistics: Current Estimates From the National Health Survey* (1994).

14. Children's lungs are still developing and are highly susceptible to damage from toxins and contaminants, particularly those found in cigarette smoke. Tobacco smoke has been found to contribute to SIDS, and asthma and other respiratory problems. See “Morbidity and mortality in children associated with the use of tobacco products by other people,” JR DiFranza and RA Lew, *Pediatrics*, April 1, 1996, 97(4): 560-568; *Tobacco and children. An economic evaluation of the medical effects of parental smoking*, C. A. Aligne and J. J. Stoddard, *Arch Pediatr Adolesc Med*, Jul 1997; 151: 648-653.

15. “Communities also have the right to ban nuisances - things that are generally offensive, though not necessarily harmful - so long as fundamental individual liberties are preserved.” Bloch & Shopman, *Outdoor smoking bans: more than meets the eye, Tobacco Control*, 9:99, March 2000.

16. Courts and agencies have found that persons with many different medical conditions are especially sensitive to tobacco smoke, and therefore may be entitled to protection as handicapped or disabled persons: See, e.g., *County of Fresno v. Fair Employment and Housing Commission*, Ct of App. State of California, Fifth App. Dist, 266 Cal. App. 3d 1541 (1991) (severe respiratory problems); *Flaniken v. Office of Personnel Management*, U.S. Merit Systems Protection Board, Dallas Field Office. No. DA831L10001. (1980) (chronic laryngitis); *Harmer v. Virginia Electric & Power Co.*, 831 F. Supp. 1300 (E.D. VA 1993) (bronchial asthma); *Hinman v. Yakima School Dist.*, 850 P.2d. 536 (1993) (asthma); *Homeier v. Tulchin*, 91 F.3d 959 (7th Cir. 1996) (rhinitis and sinusitis); *Parodi v Merit Systems Protection Board*, 690 F2d 731 (9th Cir. 1982) (general sensitivity to tobacco smoke); *Staron v. McDonald's*, 51 F.3d.353 (2nd Cir. 1995) (asthma and lupus); *Vickers v. The Veterans Administration*, 549 F. Supp 85 (1982) (sensitivity to tobacco smoke); *Weir v. Office of Personnel Management*, (Merit Systems Protection Board, Dallas Regional Office, Docket No. DA 83IL8610314, 1986) (severe asthma attacks); *White v. United States Postal Service*, (Equal

Employment Opportunity Commission, Appeal No. 01853426, 1987) (rhinitis sinusitis and tracheitis).

17. See, e.g., "employees shouldn't have to run a gauntlet of smoke just to go to work," Tegen, Protect Non-smokers, *USA Today*, Nov. 4, 2005; "walking the gauntlet of smokers at the entrance of most buildings," Lentz, Health Trumps Polluters' Rights, *Toronto Star*, Dec. 17, 2004; "I have to run gauntlets at the entrances to buildings where smokers hang out," Kastens, A Ban on Smoking, *Courier-Journal (Louisville, KY)*, May 12, 2003.

18. Even the American Society of Heating, Refrigeration, and Air Conditioning Engineers, the independent trade organization for the ventilation industry, has admitted that "the only way to effectively eliminate health risk associated with indoor exposure [to secondhand tobacco smoke] is to ban smoking activity." In other words, once the toxic chemicals in tobacco smoke get into a building and its ventilation system – whether from smoking within the building or from being drawn into the ventilation system through the air intake – even the best filters, electrostatic precipitators, etc. cannot make the air safe for persons in the building.
<http://www.ashrae.org/template/AssetDetail/assetid/46296>.

19. See, e.g., "The Youth Tobacco Prevention Corps swayed the Solana Beach Council with a sample of the 6,300 cigarette butts the group gathered in one hour last fall, along the city's 1.5 mile stretch of sand. In another cleanup, on Sept. 21, half the 230 pounds of debris plucked from the beach consisted of cigarette butts." Carney, Smoking Bans Catching on at California Beaches, *Boston Globe*, April 19, 2004 [emphasis added].

"Figures published by the Marine Conservation Society show that last year there was a 25 per cent rise in the number of discarded butts collected by its volunteers," Doward, Beach Smoking Ban Urged to Protect Sealife, *The Observer*, May 23, 2004.

"Spent cigarettes are the single largest source of litter on America's beaches, according to The Ocean Conservancy. . . Last year, cigarettes accounted for one in every three pieces of litter picked up in The Ocean Conservancy's annual cleanup of Florida's shores." Mussenden, Some Fume Over Smoking on Beaches, *Orlando Sentinel Tribune*, October 15, 2003 [emphasis added].

"[B]utts accounted for 42% of all items collected." (citing the Lake Michigan Federation), Wisby, Lake Group Seeks Smoking Ban, *Chicago Sun-Times*, September 18, 2003 [emphasis added].

20. See, e.g., "School officials say landscapers who should be planting flowers and pruning shrubs are spending time instead picking up butts on the 15,000-acre campus: Some 13 landscapers spend 10 hours a week picking up discarded cigarettes at an estimated cost of \$150,000." Penn State Cigarette Litter Costs, Philadelphia Daily News, March 27, 2000.

"[S]ince the city enacted the state's first tobacco-free parks policy in May, the ground and the air have cleared, said Steve Rymer, the city's parks and recreation director." Powell, Park Ban on Butts Working, *Saint Paul (MN) Pioneer Press*, November 7, 2003.

"Cigarette butts -- 140 million of which are flicked on to Texas roadways each year -- can take up to a decade to decompose." Hingorani, The Cost of Litter: What is Litter?, *News 8 Austin*, May 19, 2003. [emphasis added]

21. "Cigarette butts...cost taxpayers countless dollars for cleanup," (citing Stephanie Smith of the Lake Michigan Federation) . . . "One of the things I've been trying to deal with is the humongous amount of money unnecessarily used to clean beaches." (Quoting Alderman May Ann Smith of the Chicago City Council), Wisby, Lake Group Seeks Smoking Ban, *Chicago Sun-Times*, September 18, 2003 [emphasis added].

22. "Cigarette butts on the beach are unsightly to tourists and residents alike," (citing Stephanie Smith of the Lake Michigan Federation) Wisby, Lake Group Seeks Smoking Ban, *Chicago Sun-Times*, September 18, 2003.

23. See, e.g., "I remember as a little kid running along the beach - actually it was the boardwalk next to the beach, but close enough - and stepping on a lighted butt left by an inconsiderate smoker.

For a youngster I did a pretty good job of swearing like a seasoned trooper because there is nothing quite like a cigarette butt burn on the sole of your foot to make your day. . . . I also recall the same thing happening to my young daughter many, many years later and if anything my anger and frustration with smokers was even greater.” Vernon, “Fine way to kick butts,” *Gold Coast Bulletin*, May 20, 2004.

Young children are also vulnerable to cigarette burns, especially when distracted by play on the beach, and especially if they come near a smoker who is holding a cigarette at his side as smokers frequently do. This concern was one of the factors which led to smoking bans in some jurisdictions while people are waiting in line, where children have also been burned by cigarettes held at the side of a smoker – and often at the eye level of a young child.

24. See earlier notes. Actually, the case for liability is even stronger when the persons placed at risk by a practice – here, permitting smoking – are children; children who are often too young to recognize or appreciate the danger and take steps to avoid it. In short, the standard of care is higher when the potential plaintiffs are children, and juries are more likely to find liability in such cases, even if the carelessness of the smoker and/or the adult watching the child were also major factors.

25. “[S]till-burning cigarette butts roll between the planks and ignite debris wedged there, and several damaging fires had to be doused last year.” Carney, *Smoking Bans Catching on at California Beaches*, *Boston Globe*, April 19, 2004, quoting Santa Monica Councilman Herb Katz on reasons for enacting a beach smoking ban [emphasis added].

26. See, e.g., *Yarnell Man Faces Charge of Starting Wildfire with Cigarette*, *Prescott (AZ) Daily Courier*, June 30, 2004.

“A man who lied to investigators about smoking on a trail where a devastating wildfire began was sentenced Friday to two years of probation and 200 hours of community service.” *Ariz. Man Gets Probation in Wildfire*, *AP*, May 21, 2004.

“After accidentally starting a massive wildfire with a cigarette, Mike Barre says he rushed from door to door, frantically trying to help with the start of an evacuation that eventually forced thousands from their homes.” *Local Man Admits Accidentally Sparking Massive B.C. Wildfire with Cigarette*, *Canadian Press*, August 11, 2003.

“Two teens whose smoking started a wildfire that forced the evacuation of 1,000 people last summer were sentenced to two years probation on Tuesday. No homes were destroyed in the fire near the Bailey area, but firefighting costs were estimated at \$2.7 million.” *Teens Get Probation for Starting Wildfire*, *AP*, April 29, 2003.

Careless Smoker Started 670-Acre Tahoe Wildfire, *AP*, July 6, 2002.

27. “Once the filters, which are designed to absorb some of the tar and chemicals found in cigarettes, reach the sea, they leach the toxic chemicals into the water. One cigarette butt can contaminate three litres of water, according to the [Marine Conservation] society.” Doward, *Beach Smoking Ban Urged to Protect Sealife*, *The Observer*, May 23, 2004. See *10th Report on Carcinogens*, U.S. Department of Health and Human Services, Public Health Service, National Toxicology Program, Pursuant to Section 301(b) (4) of the Public Health Service Act as Amended by Section 262, PL 95-622 [<http://ehp.niehs.nih.gov/roc/toc10.html>]. Also see the following footnote.

28. “Wildlife groups say the butts, containing a form of plastic called cellulose acetate, can last for up to 100 years and pose serious risks to animals.” Doward, *Beach Smoking Ban Urged to Protect Sealife*, *The Observer*, May 23, 2004. “Cigarette butts have been found in the guts of whales, dolphins, seabirds and turtles where they can leach toxic chemicals, cause inflammation of the animal’s digestive system and, if they trigger a blockage of the gut, lead to death., Ibid., quoting the Marine Conservation Society. See also <http://www.earthresource.org/campaigns/smoke-free/overview.html>.

29. Hanauma Bay, Oahu, Hawaii. “[c]oncerned that cigarette butts washing into the water might pose a threat to fish and turtles, they have restricted smoking to the parking lot overlooking the bay.” *News, Tips and Bargains: Smoking Banned on Hawaiian Beach*, *Los Angeles Times*, Jan. 1, 1995.

30. "Most non-smokers and smokers agreed that outdoor public places frequented by children should be designated as non-smoking areas." Wong, Outdoor Smoking May be Next on Restricted List, Researchers Say, *University of Toronto News*, March 19, 2003.

31. See, e.g., Do Smoking Bans Really Get People to Quit?, *ABC News*, Nov. 8, 2005, <http://abcnews.go.com/WNT/QuitToLive/story?id=1292456>.

32. "New signs notify visitors of the law, and lifeguards here say they've encountered little resistance. Nobody has been cited since the ban went into effect, and lifeguards say they have had to warn only about one lawbreaker a day. 'Even smokers themselves have been pretty positive about this, said Solana Beach Fire Chief David Ott, who oversees the city's lifeguards." Fuchs, Backers Call Smoking Bans Along Beaches Healthy Move, *San Diego Union-Tribune*, Sept. 12, 2004. For this and many other news articles on beach smoking bans, go to www.ash.org/beaches.

33. 76% of adult New Yorkers – including 54% of smokers – favor a law banning smoking in front of public-building and workplace entrances, and a majority also favor a ban on smoking in public areas such as parks and beaches. Milgrim, Outdoor Smoking has Few N.Y. Allies, *Ottaway News Service*, Nov. 4, 2005, <http://www.recordonline.com/archive/2005/11/04/smoke04.htm>

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

DATE: February 16, 2010

LOB ROOM: 305

Amendments:

Sponsor: Rep. Kepner	OLS Document #:	2010	0611h
Sponsor: Rep.	OLS Document #:		
Sponsor: Rep.	OLS Document #:		

Motions: OTP, OTR/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Kepner
Seconded by Rep. McClammer
Vote: 12-5 (Please attach record of roll call vote.)

Motions: OTP, OTR/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Kepner
Seconded by Rep. McClammer
Vote: 7-10 (Please attach record of roll call vote.)

Motion: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by McClammer
Seconded by Christensen
Vote: 11-6 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Suzanne H. Gottling, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

DATE: 2/16/10

LOB ROOM: 305

Amendments:

Sponsor: Rep. *Kepner*

OLS Document #: 6611h 12-5 year

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Kepner*

Seconded by Rep. *McClammer*

Vote: 7-10 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *McClammer*

Seconded by Rep. *Christensen*

Vote: 11-6 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE:

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Suzanne H. Gottling, Clerk

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: HB 1186 Title: prohibiting smoking within certain areas of NH state parks and historic sites.
 PH Date: 2/11/10 Exec Session Date: 2/16/10

Motion: OTP Amendment #: 0611h

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman	✓	
Tupper, Frank A, V Chairman	✓	
Parkhurst, Henry A. L.		✓
Moody, Marcia G	✓	
Aguiar, James D	—	—
Gottling, Suzanne H, Clerk	✓	
Hubbard, Pamela J	✓	
Kepner, Susan R	✓	
Thomas, Yvonne D	✓	
Williams, Carol A	—	—
McClammer, Jim U	✓	
Russell, David H		✓
Renzullo, Andrew		✓
Christensen, Chris	✓	
Ahlgren, Christopher J	—	—
Kappler, L. Mike		✓
Spaulding, Jayne E	✓	
Bolster, Peter S	✓	
Howard, Thomas J		✓
St. Cyr, Jeffrey L	✓	
TOTAL VOTE:	12	5

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: HB 1186 Title: prohibiting smoking within certain areas of NH state parks and historic sites

PH Date: 2 / 11 / 10 Exec Session Date: 2 / 16 / 10

Motion: OTR/A Amendment #: 0611h

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman		✓
Tupper, Frank A, V Chairman	✓	
Parkhurst, Henry A. L.		✓
Moody, Marcia G	✓	
Aguiar, James D	-	-
Gottling, Suzanne H, Clerk	✓	
Hubbard, Pamela J	✓	
Kepner, Susan R	✓	
Thomas, Yvonne D	✓	
Williams, Carol A	-	-
McClammer, Jim U	✓	
Russell, David H		✓
Renzullo, Andrew		✓
Christensen, Chris		✓
Ahlgren, Christopher J	-	-
Kappler, L. Mike		✓
Spaulding, Jayne E		✓
Bolster, Peter S		✓
Howard, Thomas J		✓
St. Cyr, Jeffrey L		✓

TOTAL VOTE:
Printed: 12/18/2009

7 10

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: HB 1186 Title: prohibiting smoking w/in certain areas of NH state parks and historic sites

PH Date: 2/11/10 Exec Session Date: 2/16/10

Motion: Interim Study Amendment #: 0611h

MEMBER	YEAS	NAYS
Spang, Judith T, Chairman	✓	
Tupper, Frank A, V Chairman	✓	
Parkhurst, Henry A. L.		✓
Moody, Marcia G	✓	
Aguiar, James D	-	-
Gottling, Suzanne H, Clerk	✓	
Hubbard, Pamela J	✓	
Kepner, Susan R	✓	
Thomas, Yvonne D	✓	
Williams, Carol A	-	-
McClammer, Jim U	✓	
Russell, David H		✓
Renzullo, Andrew		✓
Christensen, Chris	✓	
Ahlgren, Christopher J	-	-
Kappler, L. Mike		✓
Spaulding, Jayne E	✓	
Bolster, Peter S		✓
Howard, Thomas J		✓
St. Cyr, Jeffrey L	✓	
TOTAL VOTE:	11	6

Committee Report

REGULAR CALENDAR

February 16, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Majority of the Committee on RESOURCES,
RECREATION AND DEVELOPMENT to which was
referred HB1186,**

**AN ACT prohibiting smoking within certain areas of
New Hampshire state parks and historic sites. Having
considered the same, report the same with the
recommendation that the bill be REFERRED FOR
INTERIM STUDY.**

Rep. Jim U McClammer

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee: **RESOURCES, RECREATION AND
DEVELOPMENT**
Bill Number: **HB1186**
Title: **prohibiting smoking within certain areas of
New Hampshire state parks and historic sites.**
Date: **February 16, 2010**
Consent Calendar: **NO**
Recommendation: **REFER TO COMMITTEE FOR INTERIM STUDY**

STATEMENT OF INTENT

The purpose of this bill is to prohibit smoking in areas where people congregate in close proximity at state parks and historic sites. The committee feels the issue of smoking in these public areas has merit, but needs additional study and discussion before being passed.

Vote 11-6

Rep. Jim U McClammer
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

HB1186, prohibiting smoking within certain areas of New Hampshire state parks and historic sites.
REFER TO COMMITTEE FOR INTERIM STUDY.

Rep. Jim U McClammer for the **Majority** of RESOURCES, RECREATION AND DEVELOPMENT.
The purpose of this bill is to prohibit smoking in areas where people congregate in close proximity at state parks and historic sites. The committee feels the issue of smoking in these public areas has merit, but needs additional study and discussion before being passed. **Vote 11-6.**

Original: House Clerk
Cc: Committee Bill File

HB 1186 MAJORITY

INTERIM STUDY

The purpose of this bill is to prohibit smoking in areas where people congregate in close proximity at state parks and historic sites. The committee feels the issue of smoking in these public areas has merit, but needs additional study and discussion before being passed.

Jim McClammer

A handwritten signature in black ink, appearing to be the initials 'JM' or a similar stylized representation of the name Jim McClammer.

Majority

McCommer

HB 1186. IS. 11-6.

The purpose of ~~this~~ bill is to prohibit smoking in ~~congregate areas~~ areas where people congregate in close proximity of

~~the~~ state parks and ~~historic~~ historic sites. The committee feels the issue of smoking in these public areas has merit, but needs additional study and discussion before being passed.

~~Smoking in public parks is a problem, and ^{that} warrants further discussions.~~

JS

REGULAR CALENDAR

February 16, 2010

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Minority of the Committee on RESOURCES,
RECREATION AND DEVELOPMENT to which was
referred HB1186,**

**AN ACT prohibiting smoking within certain areas of
New Hampshire state parks and historic sites. Having
considered the same, and being unable to agree with
the Majority, report with the following Resolution:**

RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Thomas J Howard

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee: **RESOURCES, RECREATION AND
DEVELOPMENT**
Bill Number: **HB1186**
Title: **prohibiting smoking within certain areas of
New Hampshire state parks and historic sites.**
Date: **February 16, 2010**
Consent Calendar: **NO**
Recommendation: **INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The minority believes this bill is a “nanny” bill and tries to regulate social behavior. Whereas testimony was given that “people get it” in regards to being courteous to non-smokers, we feel this is too regulatory and unenforceable.

Rep. Thomas J Howard
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

HB1186, prohibiting smoking within certain areas of New Hampshire state parks and historic sites.
INEXPEDIENT TO LEGISLATE.

Rep. Thomas J Howard for the **Minority** of RESOURCES, RECREATION AND DEVELOPMENT.

The minority believes this bill is a "nanny" bill and tries to regulate social behavior. Whereas testimony was given that "people get it" in regards to being courteous to non-smokers, we feel this is too regulatory and unenforceable.

Original: House Clerk
Cc: Committee Bill File

HB 1186 MINORITY

ITL

The minority believes this bill [is a "nanny" bill and] tries to regulate social behavior. Whereas testimony was given that "people get it" in regards to being courteous to non-smokers, we feel this is too regulatory and unenforceable.

Thomas Howard



Minority FTL

HB 1186 11-6 Intern Study

The minority believes this bill is a
"Nanny" bill and tries to regulate social
behavior. Whereas testimony was given that
"people get it" in regards to being ^{courteous} ~~careless~~
to non-smokers, ~~we~~ feel this is too
regulatory and unenforceable.

Rep Thomas J. Howard

INTERIM STUDY
COMMITTEE REPORT

COMMITTEE: Resources, Recreation + Development
BILL NUMBER: HB 1186
TITLE: Prohibiting Smoking within certain areas of N.H.
State Parks and Historic Sites.
DATE: October 26, 2010

RECOMMENDED FOR FUTURE LEGISLATION

LSR No. _____

(If legislation is already
filed, please list LSR no.)

NOT RECOMMENDED FOR FUTURE LEGISLATION

STATEMENT OF INTENT: (May be handwritten)

COMMITTEE VOTE: 9-6 (Attach Committee Voting Sheet)

Rep. Sue Keener
For the Committee

INTERIM STUDY REPORT HB 1186

✓ RECOMMENDED FOR FUTURE LEGISLATION 9-6

BLURB: HB 1186 proposed a ban on smoking within certain areas of state parks and historic sites. The committee recommends proposed legislation (combined with HB 1194) to prohibit smoking in congregate areas of parks and sites.

historic



Sue Kepner

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

INTERIM STUDY

EXECUTIVE SESSION on HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

DATE: October 26, 2010

LOB ROOM: 305

RECOMMENDED FOR FUTURE LEGISLATION

LSR No. _____
(If legislation is already filed, list LSR No.)

NOT RECOMMENDED FOR FUTURE LEGISLATION

Moved by Rep. Kepner

Seconded by Rep. Parkhurst

Vote: 9-6 (Please attach record of roll call vote.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Suzanne Gottling, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

INTERIM STUDY

EXECUTIVE SESSION on HB 1186

BILL TITLE: prohibiting smoking within certain areas of New Hampshire state parks and historic sites.

DATE: October 26, 2010

LOB ROOM: 305

RECOMMENDED FOR FUTURE LEGISLATION

LSR No. _____
(If legislation is already filed, list LSR No.)

NOT RECOMMENDED FOR FUTURE LEGISLATION

Moved by Rep. *Kepler*

Seconded by Rep. *Parkhurst*

Vote: *9-6* (Please attach record of roll call vote.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Suzanne Gottling, Clerk

