

# Bill as Introduced

HB 1194 - AS INTRODUCED

2010 SESSION

10-2228

01/03

HOUSE BILL

**1194**

AN ACT

prohibiting smoking on beaches at state parks.

SPONSORS:

Rep. J. Day, Rock 13

COMMITTEE:

Resources, Recreation and Development

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ANALYSIS

This bill prohibits smoking on beaches at state parks.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 on beaches at state parks.

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

1       1 Statement of Intent. The general court recognizes that the beaches of New Hampshire's state  
2 parks shall be preserved as a natural resource and are a treasure to be enjoyed by all citizens of the  
3 state. The general court further recognizes that the beaches of New Hampshire's state parks are for  
4 public use and enjoyment of all citizens and should be without impediment to health and safety,  
5 therefore the general court hereby prohibits smoking on all beaches in state parks.

6       2 New Subparagraph; Smoking Prohibited on Beaches in State Parks. Amend RSA 155:66 by  
7 inserting after subparagraph (h) the following new subparagraph:

8           (i) State parks on the beaches.

9       3 Effective Date. This act shall take effect January 1, 2011.

# 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 4<sup>th</sup>, 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

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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 1194**

**BILL TITLE:** prohibiting smoking on beaches at state parks.

**DATE:** February 11, 2010

**LOB ROOM:** 305      **Time Public Hearing Called to Order:** 2:30 p.m.

**Time Adjourned:** 3:10 p.m.

(please circle if present)

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

**Bill Sponsors:** Rep. J. Day, Rock 13

**TESTIMONY**

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

**Rep. Judy Day** - Prime sponsor of the bill. My interest in this bill because I was on commission to study air quality in public schools. Learned a lot about air quality indoors and out. Heard about effects on folks with asthma and other diseases. When I heard about the bill in Maine, I leapt on it and thought we should consider effect on people on beaches where people go to be outdoors but people are often on small beaches and very close to one another. Have had emails about problems in outdoors. Will leave material for the committee. Think all should have the chance to go to state park beaches and enjoy themselves. Think this will enhance tourism. Showed paper that illustrates how much pollution is left on a beach and how much of it is making materials. Think beachgoers often don't use receptacles. Spoke to gentleman from Maine and asked how their prohibition was working out. Thought it was going well and is appreciated by many. Have not had a problem with enforcement. Talked to Senator Nutting from Maine, sponsor of bill. Employees do remind visitors and signs are present. Occasionally a person will not put out a cigarette, but generally not followed up. Maine provides a spot for smoking away from the beach. Seems to work out well. Put receptacles there also. There are many places in Maine where you can smoke including the campsite you have rented.

**Rep. Moody:** Do you know how often they have to rake the beaches to clean up the butts and how much it costs? **ANS:** At North Hampton beach it is often not cleaned up and there is much litter remaining.

**Rep. Spaulding:** I see that you are on both bills. Why wouldn't one be incorporated into another? Why two? **ANS:** There is some overlap, but I am concerned about beaches. I believe both are important.

Rep. Howard: Don't you agree smoking has declined due to social pressures? ANS: I don't know why.

Rep. Howard: I enjoy an occasional cigar. Don't you agree that if someone is asked to stop smoking they do? ANS: I believe that most people believe that smoking outside is not a problem.

Rep. Howard: Do you think government is the answer? ANS: I believe we need to balance the harm versus the good. I believe the good far outweighs the harm. Sen. Nutting put in the Maine bill initially because a woman who lived near him had a two year old who had found butts on the beach and put them in her mouth.

Rep. Tupper: Do you believe that hospitals, schools, churches and courtrooms regulate smoking? ANS: As far as I know.

Rep. Tupper: Are there other states beside Maine doing this? ANS: Haven't checked but I also think we should make our own decisions.

**Nancy K. Johnson, American Lung Association of NH** - Supports both bills. People get it: around schools there are signs saying according to "RSA ..." No smoking. Signs work. Cost of signs. No fiscal note because people recognize this is not a major expense. There are beaches in NH already that have outlawed smoking including Windham, Laconia.....This promotes lung health. There is no safe level of exposure to second-hand smoke. Gave example of golf partner who won't stop smoking outdoors. Second-hand smoke more deadly than many regulated toxins. Mentioned many research results about second-hand smoke in any outdoor setting. Smokers need to be at least 20 feet away to prevent contamination. The vast majority of NH people want this. UNH survey; citizens recognize the danger of second-hand smoke. Dangers exist both indoors and outdoors. Maine law passed by more than 2/3 of legislators. Widely accepted by public. Reduce the danger in our family-centered areas.

Rep. Renzullo: 55,000 people die each year from second-hand smoke. Shouldn't we then cross out on beaches and state parks and simply prohibit smoking? ANS: I would support that.

Rep. Renzullo: If we are going to limit second hand smoke, then why are we not biting the bullet and giving back all the taxes we collect? ANS: Great question.

Rep. Howard: Why do we need government making people get it? ANS: No different than regulating asbestos and other items that are harmful.

Rep. Tupper: I see a certain similarity between cigarettes and banning of animals on the beach. ANS: We are not addressing the litter aspect but simply the health aspect of second hand smoke.

**Marie Mulroy, Breathe NH** - Supports the bill. Nancy has said it well. When you have a congregate, you raise the level of second-hand smoke. Went out to the airport to the smoking room and outside of the door. Machines picked up the smoke outside the room. You are right that it is becoming a social norm. Almost 98% understand there is a moderate risk to second-hand smoke. Our young people need to be protected. Don't think of cigarettes as litter. It is a huge litter problem. Referred to Blue Ocean study that shows how many butts were picked up in a short time. Laconia has made beach smoke-free and this is even with bike week. Shouldn't have to worry about smokers within 20 feet. Audubon society is concerned. Make sure our beaches and parks are enjoyable for everyone. Has a list of places in US where smoking is banned.

Rep. Spaulding: Always been against smoking. Having a hard time with idea of second-hand smoke outside being harmful to me. Not convinced that health risks are great outdoors. ANS: Agree but

when you get aggregates of people smoking it is a problem. If you are at a concert, it does have an impact. State should take the machines down to the beach inside the kiosks and see what happens. If we have 175,000 smokers who throw away 2 cigarettes a day, it is an expense.

Rep. Spaulding: Hit on what I am struggling with, 1194, just smoking on the beaches/ It seems to be a litter problem. Education is the issue. At the beach, rare is the day that there is not a breeze on the beach. In an enclosed space, can see the problem. ANS: I would come down in erring on the side of public health.

Rep. Bolster: Discussed dissipation in open air at beach. Science is really not clear. Do you feel the science for the health aspect is robust enough? ANS: The science is there.

Rep. Moody: On one of these handouts, once filters in butts reach the sea, water is contaminated. If litter is one of the main problems, you won't have the problem if you ban smoking on beaches.

Rep. Kappler: As smoke dissipates, toxins fall down and can last a long time. How can folks in NYC survive? ANS: Some people haven't and others even have survived Love Canal.

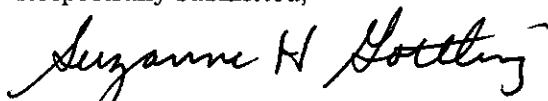
Rep. Russell: Why isn't this a municipal issue rather than a state issue? ANS: I can't really answer that.

Rep. Howard: If people "get it" and you are within that 20 foot range, why is it up to us to regulate it? ANS: In a state like NH where there is not much money to educate, a regulation gets it across.

Rep. Howard: Isn't that a liberty issue? ANS: I always err on the side of public health. Can't drink on a beach or have your dog. State needs to step up in the name of public health.

Rep. Spang: Noted Warren Shane and Don DeCapot who already testified on first bill did not wish to testify again.

Respectfully submitted,



Rep. Suzanne H. Gottling  
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1194

BILL TITLE: prohibiting smoking on beaches at state parks.

DATE: 2/11/10

LOB ROOM: 305

Time Public Hearing Called to Order: 2:30 p.m.

Time Adjourned:

(please circle if present)

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

**Bill Sponsors:** Rep. J. Day, Rock 13

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Public Hearing on HB 1194

Prohibiting smoking on beaches at state parks.

2/11/10

LOB 305

2:30 p.m.

Introduced by Rep. Day: My interest in this bill because I was on commission to study air quality in public schools. Learned a lot about air quality indoors and out. Heard about effects on folks with asthma and other diseases. When I heard about the bill in Maine, I leapt on it and thought we should consider effect on people on beaches where people go to be outdoors but people are often on small beaches and very close to one another. Have had emails about problems in outdoors. Will leave material for the committee. Think all should have the chance to go to state park beaches and enjoy themselves. Think this will enhance tourism. Showed paper that illustrates how much pollution is left on a beach and how much of it is making materials. Think beachgoers often don't use receptacles. Spoke to gentleman from Maine and asked how their prohibition was working out. Thought it was going well and is appreciated by many. Have not had a problem with enforcement. Talked to Senator Nutting from Maine, sponsor of bill. Employees do remind visitors and signs are present. Occasionally a person will not put out a cigarette, but generally not followed up. Maine provides a spot for smoking away from the beach. Seems to work out well. Put receptacles there also. There are many places in Maine where you can smoke including the campsite you have rented.

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Rep. Spang: Noted Warren Shane and Don DeCapot who already testified on first bill did not wish to testify again.

Adjourned 3:10 p.m.



# Sub-Committee Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1194

**BILL TITLE:** prohibiting smoking on beaches at state parks.

**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 1194

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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)

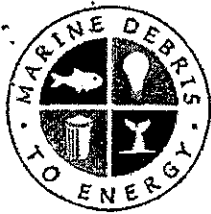
Rep J.Day provided the committee with information re: Popum Beach, Maine that she visits in the summer, which has posted signage, and a map that Maine has developed, and will send e-mail with advertisement information that the state of Maine used to educated the public.

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

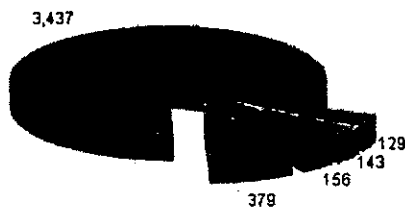
- 2009

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, Calesburg, 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*).



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2/6/2010

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- Business
- Environment
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- Politics

#### BROWSE REGIONS

- Lakes Region
- 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.

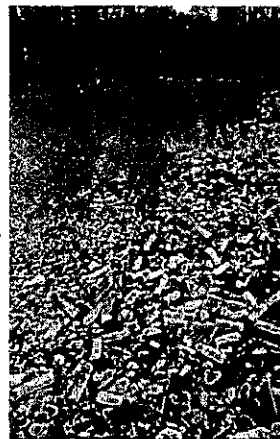
While individual discarded cigarette butts may be small, they add up to a huge problem. Some 5.5 trillion cigarettes are consumed worldwide each year. The non-profit Keep America Beautiful reports that cigarette butts constitute as much as one-third of all litter nationwide when measured by the number 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](http://www.cdc.gov); Clean Virginia Waterways, [www.longwood.edu/cleanva](http://www.longwood.edu/cleanva).

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



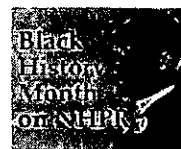
Studies done by Johns Hopkins University, the U.S. Centers for Disease Control and Prevention and even the tobacco industry itself show that contaminants from cigarette butts can get into soils and waterways, harm or kill living organisms and generally degrade surrounding ecosystems. (Jason Means, courtesy 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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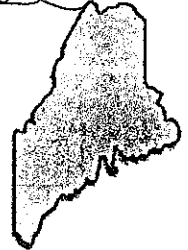
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207-287-1515  
State House

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 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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HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1194

**BILL TITLE:** prohibiting smoking on beaches at state parks.

**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 #:
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 1194

**BILL TITLE:** prohibiting smoking on beaches at state parks.

**DATE:** May 17, 2010

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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.

Others

Parkhurst  
 Nancy Johnson - American Lung Ass.

Rep. Kepner  
 Robert Clegg - NH Cigar Smokers  
 Joined by Rep. Bolster

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

**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.

# Maine Revised Statutes

§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 PDF](#)
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### §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) .

*Data for this page extracted on 03/10/2010 10:57:14.*

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**If you need legal advice, please consult a qualified attorney.**

Office of the Revisor of Statutes

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State House Room 108  
Augusta, Maine 04333-0007

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1194

**BILL TITLE:** prohibiting smoking on beaches at state parks.

**DATE:** October 4, 2010

**Subcommittee Members:** Reps. St. Cyr, Spang, Parkhurst, Thomas, Moody, and David Borden

**Comments and Recommendations:** Please see attached notes. Meeting was held at 7:00 p.m. in Rye at the Public Library.

**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. Judith Spang  
Subcommittee Chairman/Clerk

Public meeting on  
beaches - Rye Library Oct 4, 2010

home address

<u>Name</u>	<u>or</u> <u>email</u>	<u>town</u>
(also, add any comments)		
Sen. Norma Fuller Clark	mfc@leg.state.nh	
William <sup>(Thomas)</sup> Berlin	152 Middle St,	Portsmouth, N.H.
Patty Schwartz	Rye, NH	pbliss187@comcast.net
Kristina Diamond	NH Public Health Assoc.	Kristinadiamond@nhpha.org
Mari Mulroy	mmulroy@breachnh.org	BREACH N.H.
Rick Galway	RGalway@AOL.com	Fremont NH
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Michael Habrie	wryman1@AOL.com	Rye
BRIAN WARBURTON	DREO	491-4548
Nancy Stiles (Rep.)		Hampton N.H.
Jen Kennedy	jene@blueoceansociety.org	Portsmouth, NH
JK Bonin	JKBonin@VAPERCLUB.com	MADBURY, NH
Elisa Bolton	Rye NH elisabolton@notmail.com	

Reps: Jeff. St Cyr, Judith Spang, Henry Parkhurst,  
Yvonne Thonnis, Marcia Hecroy, David Bowden.

Public meeting  
on smoking on beaches.

-1-

Rep. Spring introduced members of the subcommittee and explained the Interim Study process.

Rep. St. Cyr then discussed the work of the subcommittee on: no smoking in congregate areas in parks, and designated areas on beaches. DRED would erect signs + conduct public awareness efforts after so. designating those areas. It would be a middle-of-the-road approach, between a full ban and the current smoking-anywhere approach.

Rep. David Borden read a letter sent by <sup>Willard Harris</sup> ~~Sen. Harris~~ <sup>the</sup> Bureau of Parks + Lands of Maine, about their process of making the same decision ~~with~~ It was decided on a <sup>total</sup> ban on smoking on beaches.

The Health + Human Services undertook an extensive public education campaign. There has been little resistance.

Rep. Moody spoke of the problem of the discarded cigarette butts.

Rep. Parkhurst

Rep. St. Cyr reported there would be no fines involved, so it would rely on public education.

Rep. Thomas - only 20% of the beach-goers are smokers - ~~it~~ so a minority are making things unpleasant for the rest.

Comment

will this drive smokers onto the privately owned beaches? 1

St. Cyr - no, it would be banned on only certain areas. On areas of Wallace Sands, parts are state park but not state beach,

Comment

Mike LaBrie - Chair of Rye Beach Comssn, - Blue oceans cleans the beaches every year, and cig. butts are the majority of the trash,



A ban on state beaches might push smokers onto municipal beaches, (as happens w/ dogs), should be. both munic + state,

Spang. - munic. ~~could~~ could pass their own ordinances.

Brian Warburn regl superintendent  
Mr. ~~Warburn~~ - supervisor of state beaches,

state parks.

Enforcement needs to be considered, Trash has been dealt w/ through disposal bins. There is no one on the beach to enforce outside the summer season.

Raking does not pick up butts,

There is a state beach patrol, helping with medical emergencies, (life guards are also trained <sup>by</sup> EMT)

People in congregating areas at beaches have expressed concern to him.

Warburton - Need to get the message out, using the community, media opportunities. It has worked with recycling, ~~and~~ <sup>and</sup> making progress w/ dog waste.

Jen Kennedy - Blue Ocean - has cleaned Jenness since 2001, adopt-a-beach since 2004. They record all trash, by type.

They are concerned mainly for wild life, Putting up 20 receptacles at one beach reduced bottles by 10,000. More signage works well in Maine.

Elisa Bolton, Rye - ~~is~~ Although smoking outdoors is not as bad for 2nd-hand smoke, it sets the wrong model for children.

Bob Clegg - representing cigar industry, Having a designated area will help prevent smoking on private land. Threaten to shut down those areas if they are abused.

Rick Gadway - Federal Cigar in Portsmouth, - supports, educ, enforcement, fines? opposed to a total ban.

Marie Mulroy, Breathe NH - likes the compromise, It shows a respect for smoking people.

Christina Diamond NH Public Health Assoc. supports compromise

Patty Schwartz - lives on beach in Rye. Thinks a sign will go a long way in enforcement, comforted by it covering other parts of ~~the~~ parks.



Mike LaBrie

Tony Trotford - Go to beach in Hampton. -

Likes educ. to raise awareness.

Rachel Grogan - H. Falls, Beaches should be enjoyed, but others should not be "held hostage" by smokers,

There needs to be a penalty. A sense of stigma does work. Need BIG signs to let smokers know it will not be tolerated.

Caroline w/ Sen. Fuller Clarke. Fenced off area won't keep butts off rest of beach. - send them to off-beach areas (parking lots, eg.).

Mike LaBrie - confusion about the 75% of beaches that are not state beaches, causing smokers to move to those. At high tide, the beaches are all private.

Rep. Stiles supports educ.

Sen Fuller Clark "Need to look carefully at where the designated areas are. 2) signage terribly important 3) more receptacles, in better places. --- all need to happen simultaneously.

No heavy enforcement (eg. fine) at this stage. Instead, need to create a climate where peer pressure can work.

In campgrs., etc. - signs Please don't Smoke

not No Smoking here.

Tony Trotford Need good disposal facilities.

Marie - don't want a cloud of smoke going onto no-smoking areas.

David Borden - Priscilla Jenness says their town machine can't pick up butts - Brian - true. But a machine is now being made that will go > 6' deep.

Rep. St. Cyr described 2 enacted bills:

HB 1520 - to let munis. help enforce - when fine is collected by ~~state~~ local police, they get 50% of it. <sup>governing body</sup> Town must adopt.

HB 1378 - "Adopt a park." Groups + munis can participate in maintaining state ~~properties~~ parks.

# Testimony



*"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.<sup>1</sup>

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 world<sup>2</sup> and the single most recovered item on beaches since collections began.<sup>3</sup> 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](http://www.nhpha.org)

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

<sup>2</sup> The Price of Cigarettes. Environ Health Perspect, 1999.

<sup>3</sup> 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.<sup>4</sup>

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,



Kristina L. Diamond  
Policy Director

---

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



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 leach 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. 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:

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

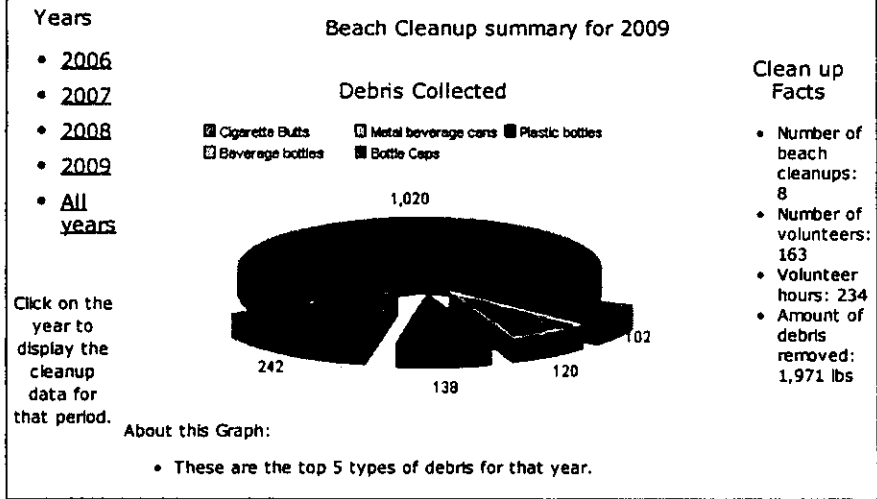
Start Latitude: 42.932      Start Longitude: -70.797

End Latitude: 42.943      End Longitude: -70.791

## Cormorant Sunning



### North Beach - North Debris Data



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

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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 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

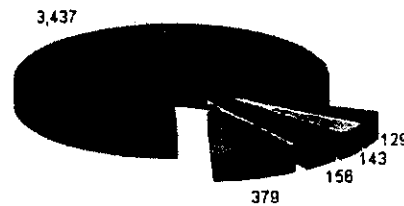
- 2009

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



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.



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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 wily-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](http://www.cdc.gov); Clean Virginia Waterways, [www.longwood.edu/cleanva](http://www.longwood.edu/cleanva).

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

*Chair*  
Susan Martore-Baker (Manchester)

*Vice Chair*  
Paula Daley DePlanche (Dover)

*Secretary*  
Guy Sylvester (Portsmouth)

Barbara Callahan, PhD (Granatham)

Mary Ann Cooney (Concord)

William H. Goodman, MD (Nashua)

Katherine M. Hanna (Manchester)

Donald Mahler, MD (Lebanon)

Richard G. Rumba (Peterborough)

Unda 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.



STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
DIVISION of PARKS and RECREATION

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856  
PHONE: (603) 271-3556 FAX: (603) 271-3553 E-MAIL: nhparks@dred.state.nh.us  
WEB: www.nhstateparks.org

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](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/tt102112010

# Voting Sheets



HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1194

**BILL TITLE:** prohibiting smoking on beaches at state parks.

**DATE:** February 16, 2010

**LOB ROOM:** 305

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Moody

Seconded by Rep. Hubbard

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

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

Moved by Rep. Spaulding

Seconded by Rep. St. Cyr

Vote: 16-1 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: 16-1**

(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 1194

BILL TITLE: prohibiting smoking on beaches at state parks.

DATE: 2/16/10

LOB ROOM: 305

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP ~~ITL~~ ITL, Interim Study (Please circle one.)

Moved by Rep. ~~Moody~~ *Moody*

Seconded by Rep. ~~Hubbard~~ *Hubbard*

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

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

Moved by Rep. *Spaulding*

Seconded by Rep. *St. Cyr*

Vote: 16-1 (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 1194 Title: prohibiting smoking on beaches at state parks

PH Date: 2 / 11 / 10

Exec Session Date: 2 / 16 / 10

Motion: OTP

Amendment #: \_\_\_\_\_

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:	7	10

**RESOURCES, RECREATION AND DEVELOPMENT**

Bill #: HB 1194 Title: prohibiting smoking on beaches at state parks

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

Motion: Interim Study Amendment #: \_\_\_\_\_

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

16 1

# Committee Report

**CONSENT CALENDAR**

**February 16, 2010**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on RESOURCES, RECREATION AND  
DEVELOPMENT to which was referred HB1194,**

**AN ACT prohibiting smoking on beaches at state parks.**

**Having considered the same, report the same with the  
recommendation that the bill be REFERRED FOR  
INTERIM STUDY.**

**Rep. Marcia G Moody**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>RESOURCES, RECREATION AND DEVELOPMENT</b>
Bill Number:	<b>HB1194</b>
Title:	<b>prohibiting smoking on beaches at state parks.</b>
Date:	<b>February 16, 2010</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>REFER TO COMMITTEE FOR INTERIM STUDY</b>

### STATEMENT OF INTENT

This bill preserves the natural resources and enjoyment of beaches at our state park beaches. Second hand smoke has been found to be particularly harmful to those with chronic breathing difficulties. But the general public also has a right to enjoy the outdoors at beaches where large crowds congregate. In addition, discarded filters present a huge trash problem, and are injurious to birds, aquatic life and water quality. The state of Maine enacted a ban on smoking at their beaches last year. Interim Study will give New Hampshire an opportunity to assess the effectiveness of this approach.

Vote 16-1.

Rep. Marcia G Moody  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### RESOURCES, RECREATION AND DEVELOPMENT

**HB1194**, prohibiting smoking on beaches at state parks. **REFER TO COMMITTEE FOR INTERIM STUDY.**

Rep. Marcia G Moody for RESOURCES, RECREATION AND DEVELOPMENT. This bill preserves the natural resources and enjoyment of beaches at our state park beaches. Second hand smoke has been found to be particularly harmful to those with chronic breathing difficulties. But the general public also has a right to enjoy the outdoors at beaches where large crowds congregate. In addition, discarded filters present a huge trash problem, and are injurious to birds, aquatic life and water quality. The state of Maine enacted a ban on smoking at their beaches last year. Interim Study will give New Hampshire an opportunity to assess the effectiveness of this approach. **Vote 16-1.**

Original: House Clerk

Cc: Committee Bill File



HB 1194

## INTERIM STUDY

This bill preserves the natural resources and enjoyment of beaches at our state park beaches. Second hand smoke has been found to be particularly harmful to those with chronic breathing difficulties. But the general public also has a right to enjoy the outdoors at beaches where large crowds congregate. In addition, discarded filters present a huge trash problem, and are injurious to birds, aquatic life and water quality. The state of Maine enacted a ban on smoking at their beaches last year. Interim Study will give New Hampshire an opportunity to assess the effectiveness of this approach.

Marcia Moody



## Majority

This bill preserves the natural resources and enjoyment of ~~state~~ beaches ~~at~~ our state park beaches. Second hand smoke ~~has~~ ~~is~~ has been found to be particularly harmful to those with chronic breathing difficulties. But the general public also has a right to enjoy the outdoors at beaches where large crowds congregate. In addition, discarded filters present a huge trash problem, and are injurious to birds aquatic life and water quality.

~~The interim~~ The State of Maine ~~has~~ enacted a ban on smoking at their beaches ~~to~~ last year. Interim Study will give NH an opportunity to assess the effectiveness of this approach.

1194

16-1  
Interim  
Study

By  
Marcia  
Moody



INTERIM STUDY  
COMMITTEE REPORT.

COMMITTEE: Resources, Recreation + Development  
BILL NUMBER: HB 1194  
TITLE: Prohibiting smoking on Beaches at  
State Parks.  
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)

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

COMMITTEE VOTE: 9-5 (Attach Committee Voting Sheet)

Rep. Sue Repner  
For the Committee

INTERIM STUDY REPORT HB 1194

✓ RECOMMENDED FOR FUTURE LEGISLATION 9-5

HB 1194 prohibited smoking on beaches in State parks. The committee recommends that smoking be restricted to designated areas on those beaches, and drafted proposed legislation based on a successful Maine state statute. [A public meeting was held in Rye, NH in October and support for this approach was unanimous.]

Jim Kepner



**HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT**

**INTERIM STUDY**

**EXECUTIVE SESSION on HB 1194**

**BILL TITLE:** prohibiting smoking on beaches at state parks.

**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. Thomas

Vote: 5-10 (Please attach record of roll call vote.)

**RECOMMENDED FOR FUTURE LEGISLATION**

**LSR No.** \_\_\_\_\_  
(If legislation is already filed, list LSR No.)

**NOT RECOMMENDED FOR FUTURE LEGISLATION**

Moved by Rep. Kappler

Seconded by Rep. Russell

Vote: 7-8 (Please attach record of roll call vote.)

**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 Parkhurst

Vote: 9-5 (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 1194

BILL TITLE: prohibiting smoking on beaches at state parks.

DATE: October 26, 2010

LOB ROOM: 305

①  RECOMMENDED FOR FUTURE LEGISLATION *defeated 5-10*  
*Kepner + Thomas*

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

②  NOT RECOMMENDED FOR FUTURE LEGISLATION *moved 7-8*  
*Kappler*  
*second Russell*

③  *recommended for future legislation* 9-5

Moved by Rep. *Kepner*

Seconded by Rep. *Parkhurst*

Vote: *5-10* (Please attach record of roll call vote.)

*7-8*

*9-5*

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Suzanne Gottling, Clerk

**RESOURCES, RECREATION AND DEVELOPMENT**

Bill #: 1194 Title: prohibiting smoking on beaches at state parks

PH Date:      /      /      Exec Session Date: 10/26/10

Motion: recommended for future legislation Amendment #:     

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:	5	10



**RESOURCES, RECREATION AND DEVELOPMENT**

Bill #: 1194

Title: prohibiting smoking on beaches at state parks

PH Date:      /      /     

Exec Session Date: 10 / 26 / 10

Motion: not recommended

Amendment #:     

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:	7	8

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: 1194 Title: prohibiting smoking on beaches

PH Date:      /      /      Exec Session Date:      /      /     

Motion: reconsider recommended for future legislation Amendment #:     

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: 9/16/2010

9 5