



MEMORANDUM

Date: May 20, 2015
To: Board of Park Commissioners
From: Susanne Rockwell
Subject: Smoking Ban – Revised Proposal

Requested Board Action

Seattle Parks and Recreation is presenting a revised proposal for the Board to consider regarding banning smoking in parks and is requesting the Board approve the revised proposal.

Staff Recommendation

Approve the revised smoking ban as outlined below.

Background

On April 16, 2015 Parks staff presented a proposal to the Board to ban smoking in City parks. Currently smoking is banned within 25 feet of another park patron and in children's play areas and at playfields. The existing ban has been difficult to enforce. Parks proposed the outright ban, consistent with bans imposed in most of the major cities in the country and hundreds of smaller cities, to clarify enforcement and in keeping with our focus on providing healthful and welcoming places for all to enjoy.

Why a Smoking Ban

One of the fundamental tenants of any park and recreation agency is to provide healthful and welcoming places for all to enjoy, including homeless people. The proposed smoking ban is about creating spaces that support healthy lifestyle choices. It is about de-normalizing tobacco use for young people. Our hope is that as our children and grandchildren grow into adulthood, tobacco use – and the myriad ill health effects that result from it -- fades into history.

It's not about protecting the rights of some people to smoke. Rather a smoking ban in parks is about protecting the rights of everyone to have a smoke-free environment – particularly in places where communities gather to recreate, enjoy the outdoors, or exercise.

Revised Proposal

Based on conversations Parks staff had with Park Commissioners, plus comments and letters from the public, staff are presenting a revised smoking ban. Commissioners and others raised concerns that the smoking ban could have a disproportionate impact on those who are homeless and wish to smoke in City parks. In response to these concerns, Parks is proposing the following changes to the smoking ban:

1. **No citation:** The revised proposal eliminates the infraction citation (which has a \$27 fee) that was originally proposed as part of the smoking ban enforcement strategy.
2. **Right to Dispute:** We will create a process, through which individuals who wish to can dispute a written trespass warning given for smoking in a park. This process will be included in a public information card to be handed out by either Police or Park Rangers when issuing a written trespass warning for smoking along with information on where one can smoke and information about smoking cessation programs.
3. **Enforcement Monitoring Committee:** Parks will establish an Enforcement Monitoring Committee comprised of 3-4 people, including a member of the Board of Park Commissioners, a representative from the Human Rights Commission and a homeless advocate to review and monitor the impacts of the smoking ban on people of color and homeless people. The committee will meet every 90 days so that any unintended consequences can be addressed quickly.

While these enforcement tools will be in place, enforcement of the smoking ban will primarily be a matter of education. Park Rangers would approach smokers to ask, “Did you know smoking is not allowed in parks?” and provide suggestions on where people can smoke. The next level of enforcement would be a verbal warning. We expect a large percentage of smokers to voluntarily comply with these requests or verbal warnings. The third step would be a written trespass warning which could be disputed via the proposed Right to Dispute process.

Smoking Cessation

Commissioners asked for more information on smoking cessation programs. The majority of public funding for cessation programs has been cut in recent years, and while Seattle-King County Public Health (PHSKC) does not have funding to partner with us programmatically, they are willing to assist Parks with:

1. early education,
2. training of staff in how to intervene with park users who are smoking, and
3. help developing content for the quit resources information cards. (PHSKC does not have funds to print the cards; that cost would have to be covered by the city.)

The resource card would include the Quit Line phone number, specific information about quit resources for people on Medicaid, information on how to sign up for Medicaid, and other known local cessation support systems and networks.

An example of what an intervention might look like is below:

“You might not be aware, but all Seattle parks are now smoke-free. So I’m going to have to ask you to put your cigarette out and dispose of it safely in the trash can. Or, if you would like to continue smoking, please do so outside the park. Thank you for your understanding.”

[While offering to hand the resource card]

“If you are interested, we have a resource card with information about the policy and resources for help in quitting tobacco. There are a lot of free resources available.”

A very draft example resource card is below:

Resources for Quitting Tobacco

 <p>Tobacco Quit Line 1-800-QUIT-NOW toll-free 1-800-784-8689 QUITLINE.COM</p>	 <p>Línea Para Dejar el Tabaco del Estado de Washington 1-877-2NO-FUME llamada gratuita 1-877-266-3883 QUITLINE.COM</p>	 <p>Asian Smokers' Quitline</p> <p>Free nationwide Asian-language quit smoking service. Chinese 1-800-838-8917 Korean: 1-800-556-5564 Vietnamese: 1-800-778-8440 www.asiansmokersquitline.org</p>
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Have **MEDICAID**? Call 1-800-QUIT-NOW to be connected with your FREE resources.
To sign up for MEDICAID, call 1-800-562-3022 or visit www.wahealthplanfinder.org

Have **PRIVATE INSURANCE**? Call your plan or visit its website. All plans are required to provide resources, support and medication for quitting tobacco.

City of Seattle Parks LOGO

What Other Cities are Doing

Commissioners requested additional information about what other cities are doing regarding enforcement of their smoking bans in parks. As noted in the March 19 briefing paper to the Board, the proposed ban on smoking in parks is similar to rules in more than 1,000 other cities and jurisdictions nationwide, including Los Angeles, New York, Boston, Philadelphia, Chicago, San Francisco and Portland. Most cities researched issue civil infractions for smoking, with fees ranging from \$25 - \$1,000 and/or 90 days in jail. Infractions are issued by a variety of city personnel, for example, in San Diego the majority of citations are issued by their lifeguards. Attachment A lists enforcement regulations in a number of cities.

Attachment A - Smoking ban enforcement in other jurisdictions

Colorado Springs - \$500 fine or up to 90 days in jail. The City would roll out an intensive educational campaign and hopes that residents self-police.

<http://gazette.com/city-mulls-smoking-ban-for-colorado-springs-parks/article/1503257>

Boston – Immediate ban, \$250 fine, includes e-cigarettes. Covers City-run parks including, Boston Common, the Public Garden and Franklin Park. No one spoke in opposition to the ban. Peer-to-peer, Park Ranger and Police to enforce.

<http://www.bostonglobe.com/metro/2013/12/31/boston-parks-smoking-ban-takes-effect-immediately-penalty/Vam6hCPnkDDVJAp0BoPysl/story.html>

Boulder - \$1,000 fine and/or 90 days in jail. Encompasses all of the downtown core, Parks and Recreation lands, all multi-use paths, 25' from those paths, 25' from all transit stops, outdoor seating areas at restaurants and the high school.

<http://boulderrealty.blogspot.com/2015/02/the-impact-of-expanded-smoking-ban-in.html>

New York City – (2011) \$50 fine. Appellate Division ruling unanimously said New York's ban was consistent with the Mission of the Office of Parks, Recreation and Historic Preservation – “to allow patron to enjoy the fresh air and natural beauty of its outdoor facilities.”

<http://www.washingtontimes.com/news/2014/dec/31/ny-court-upholds-outdoor-smoking-ban-at-parks/>

Tacoma WA – Civil infraction, Misdemeanor with a potential of \$25 penalty. Includes electronic smoking devices.

Arlington WA - \$1000 fine or a maximum of 90 days in jail. Police have the authority to question and detain people who are loitering in parks, with the hope that homeless people can then be connected with social services.

Shoreline WA – Civil infraction, up to \$500 fee, No data available on citations. Has been a non-issue.

San Diego – Lifeguards issue tickets, in 2008 they issued 184 tickets. Working with their Homeless Police unit, the HOT team to educate homeless on the issue and have some homeless helping them.

<http://www.kpbs.org/news/2010/apr/13/smoking-continues-san-diego-parks-despite-ban/>

Los Angeles – just amended their smoking ban to include e-cigarettes. Enforcement is mostly peer-to-peer. Tickets are given in high fire risk areas. Majority of tickets are issued to tourists.

Long Beach - For the most part, compliance on the smoke-free parks ordinance is self-regulated. A large part of that was the installation of signs to notify the community of the new law and a community awareness campaign was undertaken. The park rangers and police can cite for smoking in the park and there have been a few tickets issued by LBPD for smoking. Unfortunately they do not have the information on demographics for those citations.