

## 2018 FLORIDA TOBACCO PREVENTION LEGISLATION

### Key Points

SB 562 and H 627 will restore the rights of local communities to restrict smoking in public parks that they own based on local community standards.

This legislation will reduce secondhand smoke exposure among youth by strangers in public places.

This legislation has broad support among Florida voters.

## SB 562 / H 627: Regulation of Smoking

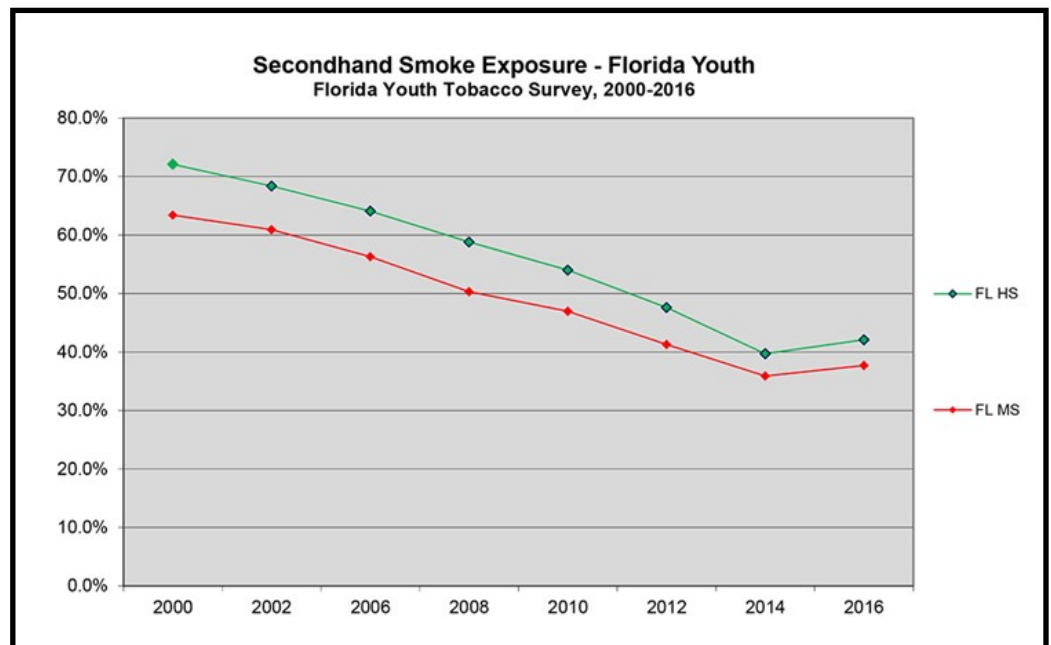
Senator Debbie Mayfield (R, District 17) and Representative Thad Altman (R, District 52) have introduced a bill to amend the Florida Clean Indoor Air Act and restore the rights of local communities to restrict smoking at parks and playgrounds.

The Florida Clean Indoor Air Act (FCIAA) was signed into law in 2003. The law was created in response to the passage of an amendment to the Florida Constitution in which more than 70% of Floridians voted to restrict smoking in workplaces. Unfortunately, the law included a subsection that “expressly preempts regulation of smoking to the state and supersedes any municipal or county ordinance on the subject”. This was broadly interpreted to mean both indoor AND outdoor smoking, which took away the rights of cities and counties to further restrict smoking on school grounds, parks, playgrounds, youth athletic fields, and beaches.

In 2011, the Florida legislature amended the FCIAA, changing the preemption clause to allow school districts to “further restrict smoking by persons on school district property”.

### *Purpose of the Current Legislation*

SB 562 / H 627 will make another change in the preemption clause of the FCIAA, stating that “municipalities and counties may further restrict smoking within the boundaries of any public parks they own”. This will give local governments the option of creating smoke-free parks and playgrounds, reducing secondhand smoke exposure among Florida’s youth. **These bills do not ban smoking in parks and playgrounds!** They merely restore the rights of local governments to decide for themselves how best to handle



smoking in parks and playgrounds based on local community standards.

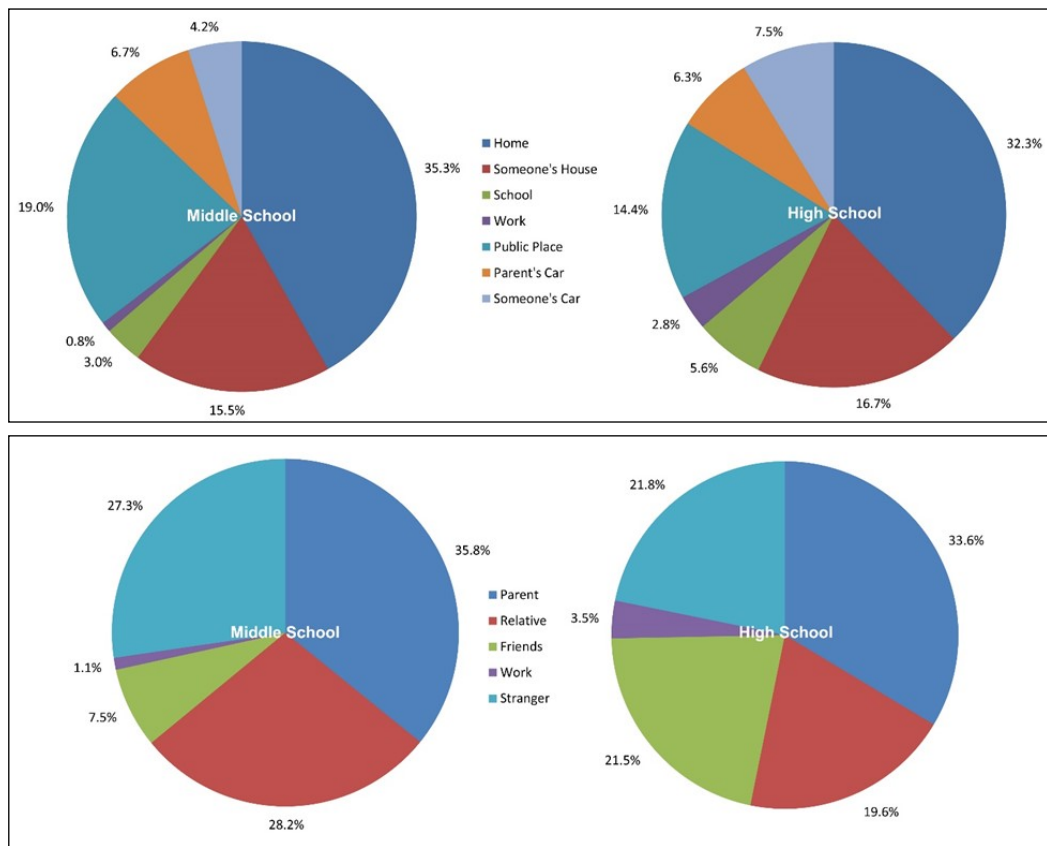
**Why this Legislation is Important**

Florida has had a very effective tobacco control program since 1998, funded by a financial lawsuit settlement with the tobacco industry in 1997. Since that time, there has been a dramatic reduction in secondhand smoke exposure among youth. However, that downward trend has slowed down in recent years, and it is possible that we may not see any further reductions under the current law.

The main reason that further reductions might not be possible, is that roughly 20-25% of Florida's youth report that their exposure to secondhand smoke is from strangers in public places. Given the current restrictions on indoor smoking in public places, we know that these youth are reporting secondhand smoke exposure in outdoor environments, such as parks, playgrounds, athletic fields, and beaches.

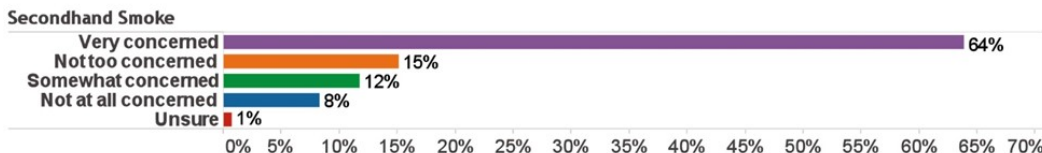
SB 562 / H 627 will not eliminate secondhand smoke exposure around youth, but it will allow local communities to reduce smoking in certain locations, particularly where children and teenagers play: parks, playgrounds, and athletic fields.

In a survey conducted in February 2015, the QuitDoc Foundation found that there was broad-based support among Florida voters to protect youth from secondhand smoke exposure. Here are some of the results from that survey.

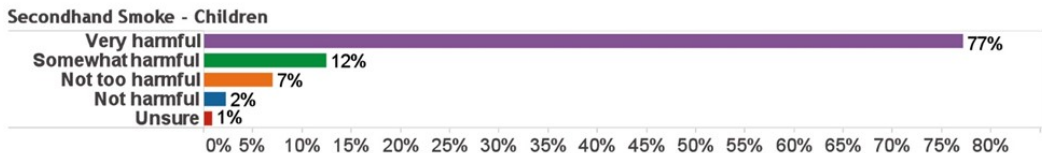


Youth Secondhand Smoke Exposure, Person vs Location, Florida Youth Tobacco Survey, 2014

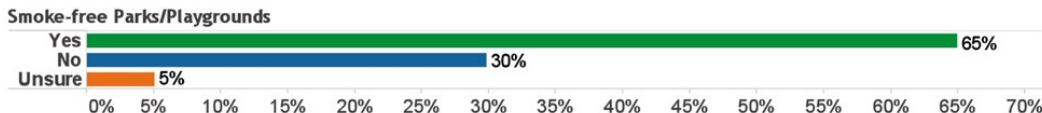
**How concerned are you about secondhand smoke in Florida?**



**How harmful do you feel secondhand smoke is to CHILDREN?**



**Should local governments have the right to establish smoke-free MUNICIPAL parks and playgrounds?**



**Should local governments have the right to prohibit smoking in public places wherever children may be present?**

