Using model ordinances to avoid common pitfalls
COMMERCIAL TOBACCO CONTROL TEAM
LEGAL TECHNICAL ASSISTANCE

- Legal Research
- Policy Development, Implementation, Defense
- Publications
- Trainings
- Direct Representation
- Lobby

1/19/2022
SOCIAL DETERMINANTS OF HEALTH

Based on work for First Nations Health Authority at Gathering Wisdom VI

Image credit: Sam Bradd https://drawingchange.com/gathering-wisdom-visuals-for-a-healthy-future/
MODEL POLICIES/SAMPLE LANGUAGE

• No need to reinvent the wheel.
• Don’t discount 40 years of experience!
  – Strong findings section.
  – Clear, consistent, comprehensive definitions.
  – Enforcement.
• Always seek help to make sure it fits and there is adequate authority.
“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device.

“Electronic smoking device” means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah.
EXEMPTIONS
ARE THEY WORTH IT?

• From private clubs to hookah bars.
• Increase health disparities by leaving communities behind.
• No public health benefit.
• Increased likelihood of litigation.
WORKING WITH TRIBAL NATIONS

Source: http://www.glitc.org/forms/Tabacco/tabacco-booklet-web-.pdf
FOCUSING ON EQUITY AND INCLUSION
WHEN WE WORK ON PUBLIC HEALTH LAWS

Introduction
Law and policy are essential tools for improving public health and addressing the social determinants of health. Laws, in the form of statutes, codes, ordinances, and administrative or agency rules, are a particularly potent type of policy because they have the power of government behind them. Laws are also powerful because they reflect and help to shape and reinforce social norms.

Law impacts our health and our opportunities to lead healthy lives in multi-layered ways. It regulates our access to healthcare services, which directly affects our health. Law also impacts our health in less direct but still significant ways by shaping where we live and what our physical environment is like (e.g., can we live near green spaces? clean air to breathe? safe places to walk outside?), and restricting or widening the choices and opportunities that are available to us (can we get appealing, nutritious food? can we get a job that pays a living wage? can we use public restrooms?). In other words, the law is a key force for equity and health equity, both for good and for ill.

There are many helpful ways to explain what equity means. PolicyLink provides this concise and inspiring definition: “This is equity: just and fair inclusion into a society in which all can participate, prosper, and reach their full potential. Unlocking the promise of the nation by unleashing the promise in us all.”

In turn, Dr. Paula E. Brearley defines the highest possible level of health equity as “opportunities for health and health equity, both for good and for ill.”

Law is a key force for equity and health equity, both for good and for ill.

DRAFTING TRIBAL PUBLIC HEALTH LAWS & POLICIES
to Reduce and Prevent Chronic Disease

Laws and policies can support the efforts of Tribal nations to reduce and prevent chronic disease within their communities.

Tribes are sovereign nations with unique political and legal status, which makes them distinct from other cultural and racial groups in the U.S. They have their own legal systems and so have the ability to swiftly address the needs of their communities through various policy approaches. Primary prevention strategies and documents guide, and may also reflect customary tribal systems.

AMERICANS FOR NONSMOKERS’ RIGHTS

Model Ordinance Prohibiting Smoking in All Workplaces and Public Places (100% Smokefree)

Sec. 1000. Title
This Article shall be known as the ______________ [name of City or County] Smokefree Air Ordinance of ______ [year].

Sec. 1001. Findings and Intent
The ______________ [City or County Governing Body] does hereby find that:

The 2006 U.S. Surgeon General’s Report, The Health Consequences of Involuntary Exposure to Tobacco Smoke, has concluded that (1) secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smokefree workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; and (6) evidence from peer-reviewed studies shows that smokefree policies and laws do not have an adverse economic impact on the hospitality industry. According to the 2010 U.S. Surgeon...
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