

Frequently Asked Questions

What is current Michigan law on smoking and tobacco use outdoors?

With few exceptions, state law does not regulate smoking and tobacco use outdoors.

Are local units of government free to enact policies restricting commercial tobacco use in outdoor areas?

Yes. Neither federal nor state law prohibits local governments from regulating commercial tobacco use outdoors.

What types of policies may be enacted to regulate commercial tobacco use in local parks, beaches and recreation areas?

The type(s) of policy(ies) available to a local unit of government in choosing to regulate commercial tobacco use in its outdoor areas, parks, and beaches depends to some extent on what type of jurisdiction is enacting the policy and is determined locally. In general, the following applies:

- County Regulation and City Ordinance – are acts of local legislation that often include a civil penalty or monetary fine up to a certain amount of money.
- Policy – a general term for a local government action that is legal, can be binding and enforceable.
- Resolution – deals with matters of a special or temporary character, and they may be limited in effect, which are NOT enforceable.
- Rules – Rules are NOT enforceable. They are meant as general guidelines for behavior and use of parks and beaches, etc. Those that fail to comply may end up violating another ordinance such as trespassing or failing to follow instructions of a peace officer.

Is there a model policy available?

Yes, there are model policies available that can be adapted for local use. Technical assistance with policy development and adoption is available through the Michigan Department of Health and Human Services Tobacco Control Program at 517-335-8376.

How is enforcement of a tobacco-free parks, beaches, and recreation areas policy handled?

Community education, prominent and clear signage, and staff education work well for enforcing this type of policy.

Why are tobacco products a concern for people and wildlife?

Nicotine found in cigarettes and e-cigarette cartridges and bottles is considered hazardous waste and can be toxic to humans and animals. Improper disposal of tobacco/nicotine products can enter the water supply, be consumed by children who find them, and harm wildlife, including aquatic animals. In addition, e-cigarettes contain lithium-ion batteries which can leach heavy metals such as mercury, lead and bromines, as well as battery acid, into the ground.

Why tobacco-free rather than smoke-free?

Municipalities often set out not only to prevent secondhand smoke exposure, but also to protect the natural environment, decrease exposure to toxic tobacco litter, promote a positive health message, and contribute to a tobacco free community norm. Policies that prohibit all commercial tobacco use, including electronic products, are most effective at achieving these combined goals.

Why should policies include e-cigarettes?

While electronic smoking/vaping devices do not have as many harmful chemicals as traditional tobacco products, they are by no means “harmless” for either users or those exposed to the secondhand aerosol emissions that they produce. E-cigarette aerosol has been found to contain nicotine, heavy metals and a variety of other chemicals that are known human carcinogens. It also helps with enforcement issues and takes away an opportunity for youth vaping in parks and trails (e-cigarettes are the #1 used tobacco product among youth).

What are the benefits of tobacco-free outdoor recreation areas, including parks and beaches?

Benefits of tobacco-free outdoor recreational areas are numerous. Health benefits include protection of non-tobacco users from e-cigarette aerosol and secondhand smoke exposure, protection of young children from toxic cigarette butts, e-cigarette/vaping cartridges and bottles, other tobacco litter, and positive role modeling for youth. Benefits to the environment include reduced tobacco litter, cleaner waterways, protection of marine and wildlife from toxic tobacco and nicotine cartridge litter, and reduced risk of fire. Maintenance costs may be reduced due to reduced staff time needed for litter and waste clean-up.

*Communities seeking to enact tobacco-free policies in areas where sacred/ceremonial tobacco use may occur should prohibit commercial tobacco use and include an exemption for sacred/ceremonial tobacco use.

**Tobacco-free means all commercial tobacco products, including e-cigarettes and other new generation products such as the IQOS (I Quit Ordinary Smoking), pouches, smokeless tobacco, cigarillos, cigars, strips, sticks and orbs, etc.