

FREQUENTLY ASKED QUESTIONS

About Tobacco-Free Park Policies in New York

What is current New York State Law on smoking in public parks?

As of October 13, 2022, NYS Public Health Law Section 1399-0-2 prohibits smoking of tobacco and cannabis in “any public park,” with the term “park” defined to include “public parks, beaches, pools, boardwalks, marinas, playgrounds, recreation centers, and group camps.” Local governments are required to post prominent signage to inform and encourage compliance. The use of e-cigarettes in public parks is not prohibited by this state law.

Are local governments able to enact additional policies restricting tobacco use?

NY Public Health Law explicitly provides that local communities can “adopt and enforce additional local law[s], ordinances, or regulations [relating to smoking] which comply with at least the minimum applicable standards set forth” by the state law. [N.Y. PUB. HEALTH LAW § 1399-r]

What kinds of local policies are currently in effect in the Capital Region?

Many Capital Region municipalities prohibit tobacco use, including e-cigarettes, anywhere within their public parks; on or near playing fields, pools, and playgrounds. Several municipalities initially prohibited tobacco use in certain areas but expanded their policies to cover the entire park because 100% tobacco-free policies are more effective at preventing secondhand smoke and aerosol exposure, easier to understand, and easier to enforce.

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 tobacco use, including electronic products, are most effective at achieving these combined goals.

Why include e-cigarettes?

While electronic smoking devices are arguably less dangerous than traditional tobacco products, they are by no means “safe” for either users or those exposed to the secondhand aerosol emissions that they produce. Besides containing addictive nicotine, e-cigarette aerosol

has been found to contain heavy metals and a variety of other chemicals that are known human carcinogens.

How do other New York State communities enforce their policies?

The communities that passed an ordinance to establish tobacco-free parks also imposed monetary fines for violations. Even so, communities mostly rely upon voluntary compliance for their policy enforcement and encourage self-enforcement by widely publicizing the policy, and posting prominent signage with positive messaging. The majority of Capital District communities with policies have utilized free signage available from Capital District Tobacco-Free Communities.

Are existing policies working?

Across the state and in the Capital District, municipalities that have adopted policies report high satisfaction with their policies and positive public response.

What other benefits result from tobacco-free policies?

Tobacco-free parks protect all park users from exposure to the harmful and damaging effects of secondhand smoke and electronic cigarette aerosol emissions, helping to prevent asthma attacks and other respiratory health ailments. Tobacco-free policies also reduce tobacco litter—the most littered item in the world. Cigarette and e-cigarette waste are not biodegradable; and all tobacco waste is not only unsightly, but toxic to children, domestic pets and wildlife, if ingested.

Will policies keep some people from using public park and recreation areas?

Actually, not having a policy is more likely to decrease people’s use of these shared public spaces. The community norm for shared public spaces is becoming a tobacco-free norm.



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Benefits of Tobacco-Free Parks & Outdoor Recreation Facilities



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- **Tobacco-free parks enhance visitors' enjoyment of clean air, natural beauty and healthy activities.**
- **Tobacco-free policies protect all park visitors from the harmful effects of exposure to secondhand smoke and electronic cigarette aerosol emissions.** Secondhand smoke is a human carcinogen for which there is no safe level of exposure. Even in outdoor settings, secondhand smoke levels can reach levels as high as those found in indoor facilities where smoking is permitted. Exposure to secondhand smoke is especially harmful to children and adults with asthma or other chronic conditions. The aerosol emitted by electronic smoking products frequently contains a variety of human carcinogens such as formaldehyde and benzene, and has been deemed harmful by the U.S. Surgeon General.
- **Tobacco-free policies reduce cigarette litter.** Discarded cigarette butts pollute the land and water and are highly toxic and dangerous to children, domestic animals, and wildlife. Small children are at risk of swallowing, choking or burning themselves with discarded butts and suffering nicotine poisoning.
- **Tobacco-free policies communicate a positive message to the community that tobacco use is not compatible with an active, healthy lifestyle.**
- **Tobacco-free park policies enjoy overwhelming support of Capital District residents.** The most recent data from Community Surveys conducted by Siena Research Institute in 2020 found majority support for tobacco-free recreation areas among Capital District residents: 67% of Rensselaer County residents favor smoke-free outdoor spaces. 75% of Rensselaer County residents are in favor of policies that ban smoking on the grounds of all municipal properties.
- **Policies provide consistency among community athletic facilities and groups.** The majority of community sporting events are held at either municipal or school district athletic facilities, and all school districts prohibit tobacco and electronic product use on their entire grounds. Also, many community athletic associations have tobacco-free policies and would benefit from a tobacco-free policy at the public facilities they use.
- **Policies reduce maintenance costs and fire risks.** Cigarette butts are the most littered item in the world and they aren't biodegradable. Carelessly discarded cigarette butts are a frequent cause of fires, especially during periods of dry weather. E-cigarettes contain toxic waste and microplastics and do not biodegrade.
- **Tobacco-free policies help promote the message that tobacco use and sports just don't mix.** The tobacco-free sports movement is growing among professional athletes and for good reason—tobacco use impairs physical health and athletic performance.



For more information or assistance, please contact:

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Smoke and Vape Free Parks in the Capital Region

Village of Altamont
City of Cohoes
Town of East Greenbush
Town of Glenville
Town of Guilderland
Village of Menands
Village of Nassau
Town of Niskayuna

Town of North Greenbush
City of Rensselaer
Town of Rotterdam
Town of Sand Lake
City of Schenectady
Village of Scotia
City of Watervliet