



TOBACCO-FREE PARKS POLICIES IN KANSAS



Why Have Tobacco-Free Parks?

In the last few years, many Kansas communities have adopted policies to restrict commercial tobacco use in parks and other outdoor areas. There are many reasons to have such policies in place. Studies have demonstrated that secondhand smoke poses a health risk not just in indoor areas, but also outdoor areas.¹ Tobacco-free park policies can help model healthy behaviors for youth. In addition, such policies can help address a serious environmental problem caused by cigarette butts and other tobacco litter.² Finally, there is public support for such policies.³

Kansas State Law

State law does not generally restrict smoking in outdoor areas such as parks. As its name implies, the Kansas Indoor Clean Air Act restricts smoking only in indoor public places and places of work, with the exception of the “access points” of those areas.⁴ State law defines an “access point” as “the area within



a ten foot radius outside of any doorway, open window or air intake leading into” areas where smoking is prohibited.⁵ While this might restrict smoking immediately outside of park buildings, it does not apply throughout a park. Fortunately, Kansas law protects the ability of local units of government to adopt stronger measures to protect people from secondhand smoke.⁶ Many local jurisdictions in Kansas have adopted such policies, as seen on page 3.



Policy Elements

When considering a tobacco-free parks policy, you will need to determine what products are prohibited, where they will be prohibited, and what form the policy will take. Some tobacco-free park policies apply only to combustible tobacco products, such as cigars, pipes, and conventional cigarettes. Other policies go further and also prohibit the use of smokeless tobacco and electronic cigarettes.

Kansas tobacco-free policies also vary in the type of outdoor areas they cover. Some policies apply only to playgrounds. In contrast, other policies are comprehensive and apply to all outdoor areas owned by a city.

Finally, the policies can vary in terms of the forms they take. The most “official” policies are ordinances passed by an elected body such as a city council. These can be enforced through monetary penalties. Others are resolutions that may express the sentiment of a city council, but do not affirmatively prohibit tobacco use. Finally, some are policies passed administratively — for example, by the park department supervisor — that may lack formal enforcement procedures.

Please see the chart below for a list of tobacco-free parks policies in Kansas. This list is not meant to be comprehensive.

Park Policies

 PROHIBITED

 DISCOURAGED

 NOT PROHIBITED

 POSSIBLY ALLOWED

Jurisdiction	Product Status	Location	Exemptions	Penalty	Policy Type
Atchison County	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	County recreation facilities	None	Ejection	<u>Resolution</u>
Arlington RENO COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	All city-owned property	None	Ejection	<u>Ordinance</u>
Atchison ATCHISON COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	Within 25' of a playground	None	Not specified	Ordinance
Buffalo WILSON COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	Park at corner of Elm & Church Streets	None	Not specified	<u>Policy</u>
Buhler RENO COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned land and facilities	None	Possible ejection	<u>Policy</u>
Cheney SEDGWICK COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned outdoor recreation facilities	Cherry Oaks Golf Course	Ejection, graduated fines	<u>Ordinance</u>
Emporia LYON COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	Within 20' of city-owned playgrounds	Golf courses, disc golf courses	Ejection	<u>Ordinance</u>
Eudora DOUGLAS COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned outdoor recreation facilities	None	Ejection	<u>Ordinance</u>
Fredonia WILSON COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned outdoor recreation facilities	Allowed events	Ejection	<u>Resolution</u>
Garden City FINNEY COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned playgrounds	None	Not specified	<u>Ordinance</u>






























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Great Bend BARTON COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	Recreation Commission-owned outdoor recreation facilities	None	Ejection	Recreation Commission Policy
Haven RENO COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned outdoor recreation facilities	None	\$50 fine	Ordinance
Hiawatha BROWN COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned parks & playgrounds	None	Not specified	Ordinance
Highland DONIPHAN COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	All city parks	None	Misdemeanor	Ordinance
Humboldt ALLEN COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	Spectator seating at specified locations	Designated parking areas	Not specified	Resolution
Hutchinson RENO COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City parks	None	Possible ejection	Park Department Policy
Iola ALLEN COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	Riverside Park	Designated areas	Not specified	Ordinance
Junction City GEARY COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned outdoor recreation facilities	Designated areas	Compliance requested	Resolution
Kinsley EDWARDS COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	Within 25' of a playground	None	Not specified	Resolution
Lawrence DOUGLAS COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	Park Department property	None	Not specified	Park Department Policy

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Lecompton DOUGLAS COUNTY	COMBUSTIBLE TOBACCO SMOKELESS TOBACCO E-CIGARETTES	City parks	None	Not specified	<u>Resolution</u>
Lenexa JOHNSON COUNTY	COMBUSTIBLE TOBACCO SMOKELESS TOBACCO E-CIGARETTES	Specified city-owned properties & within 15' of those areas	None	Graduated fines	<u>Smoke-Free Ordinance</u>
Liberal SEWARD COUNTY	COMBUSTIBLE TOBACCO SMOKELESS TOBACCO E-CIGARETTES	Cooper Clark Park, Liberal Memorial Library grounds	None	Graduated fines	<u>Ordinance</u>
Lyndon OSAGE COUNTY	COMBUSTIBLE TOBACCO SMOKELESS TOBACCO E-CIGARETTES	City parks	Lawful parking areas	\$250 fine	<u>Ordinance</u>
Neodesha WILSON COUNTY	COMBUSTIBLE TOBACCO SMOKELESS TOBACCO E-CIGARETTES	City-owned outdoor recreation facilities	Designated parking areas	Asked to comply	<u>Resolution</u>
Nickerson RENO COUNTY	COMBUSTIBLE TOBACCO SMOKELESS TOBACCO E-CIGARETTES	City-owned outdoor recreation facilities	None	Not specified	<u>Ordinance</u>
Ottawa FRANKLIN COUNTY	COMBUSTIBLE TOBACCO SMOKELESS TOBACCO E-CIGARETTES	Park areas where children are present	Possibly "voluntary smoking areas"	None	<u>"Voluntary" resolution</u>
Princeton FRANKLIN COUNTY	COMBUSTIBLE TOBACCO SMOKELESS TOBACCO E-CIGARETTES	Park grounds & facilities managed by Recreation Board	None	Ejection	<u>Recreation Commission Policy</u>

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Sabetha BROWN/NEMAHA COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned parks, playgrounds & recreation areas	Sabetha City Lake, Pony Creek Lake	Graduated fines	<u>Ordinance</u>
South Hutchinson RENO COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned outdoor recreation facilities	None	Ejection, \$50 fine	<u>Ordinance</u>
Westwood Hills JOHNSON COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City's public outdoor green space known as The Green	None	Not specified	Ordinance
Williamsburg FRANKLIN COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned outdoor recreation facilities	None	Ejection	<u>Resolution</u>
Woodbine DICKINSON COUNTY	 COMBUSTIBLE TOBACCO  SMOKELESS TOBACCO  E-CIGARETTES	City-owned park land, park facilities, & open space	None	Not specified	<u>Policy</u>

Drafting Your Policy

When drafting your policy, keep the following considerations in mind:

- **Include community-specific findings.** The policy should include community-specific findings, such as the results of cigarette butt cleanup projects or tobacco sales rates in your community.
- **Limit exemptions.** Exemptions can undermine the purpose of a law and complicate enforcement. For example, an exemption for designated smoking areas can confuse people visiting the park by making them think that smoking is allowed throughout the park.
- **Consider implementation.** Educate the public about a tobacco-free parks policy before it goes into effect. Use signage to notify the public of the new policy. The Kansas Department

of Health and Environment may provide tobacco-free signage at no cost to communities that have adopted tobacco and smoke-free policies.

- **Consider enforcement.** Determine the appropriate level of enforcement and procedure. Enforcement could be as simple as informing those violating the policy they are not in compliance, or it could be stronger, such as ejecting violators or levying monetary fines.

Additional Resources

The Public Health Law Center and the Kansas Department of Health and Environment Tobacco Use Prevention Program have resources that might be useful as you contemplate a tobacco-free parks policy in your community.

- Tobacco-Free Outdoor Areas. A web site featuring resources related to tobacco-free outdoor areas.
- Kansas-Specific Resources. A web site featuring resources on public health laws and policies in Kansas.
- Young Lungs at Play Toolkit. The 2018 Young Lungs at Play Toolkit contains materials to help you establish a tobacco-free park or playground.

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The Public Health Law Center provides information and legal technical assistance on issues related to public health. The Center does not provide legal representation or advice. This document should not be considered legal advice.

Endnotes

- 1 See, e.g., Xisca Sureda et al., *Secondhand Tobacco Smoke Exposure in Open and Semi-Open Settings: A Systematic Review*, 121 ENVIRONMENTAL HEALTH PERSPECTIVES 766 (2013), <https://ehp.niehs.nih.gov/doi/pdf/10.1289/ehp.1205806>.
- 2 See, e.g., Kathleen M. Register, *Cigarette Butts as Litter — Toxic as Well as Ugly*, <http://www.longwood.edu/cleanva/ciglit-terarticle.htm>.
- 3 See, e.g., Tobacco Free Youth Recreation, University of Minnesota Tobacco-Free Parks and Recreation Research Study, <http://www.tobaccofreeparks.org/research.html>.
- 4 Kan. Stat. Ann. § 21-6110(a) (2017).
- 5 Kan. Stat. Ann. § 21-6109(a) (2017).
- 6 Kan. Stat. Ann. § 21-6114 (2017).