

Exploring Prestonwood Country Club Condominium Association Smoking Ban

3/27/2017 Judy Lyle and David Dover

1. Highlights of Federal Tobacco Control Efforts

1964 - First Report of the Surgeon General's Advisory Committee on Smoking and Health

- Identifies smoking as a cause of increased mortality.

1965 – Federal Cigarette Labeling and Advertising Act

- Requires a health warning on cigarette packages.
- Requires Federal Trade Commission to submit annual report to Congress on tobacco industry advertising and labeling practices.
- Requires Department of Health, Education, and Welfare to submit annual report to Congress on health consequences of smoking.

1970 – Public Health Cigarette Smoking Act

- Requires a health warning on cigarette packages.
- Prohibits cigarette advertising on television and radio.

1984 – Comprehensive Smoking Education Act

- Institutes use of four rotating health warning labels, all listed as Surgeon General's Warnings, on cigarette packages and advertisements.

1986 – Comprehensive Smokeless Tobacco Health Education Act

- Institutes use of three rotating health warning labels on smokeless tobacco packages and advertisements.
- Prohibits smokeless tobacco advertising on television and radio.
- Requires Department of Health and Human Services to publish a report every two years to Congress on smokeless tobacco.
- Requires Federal Trade Commission to report annually to Congress on smokeless tobacco sales, advertising, and marketing.
- Requires smokeless industry to submit confidential list of additives and nicotine content in smokeless tobacco products.

1988 – Amendment to Federal Aviation Act

- Makes domestic flights of two hours or less smoke-free.

1992 – Synar Amendment to the Alcohol, Drug Abuse, and Mental Health Administration Reorganization Act requires states to:

- Enact laws prohibiting the sale and distribution of tobacco products to minors
- Enforce these laws in a way that can reasonably be expected to reduce the availability of tobacco products to youth under the age of 18
- Conduct random, unannounced inspections of tobacco outlets
- Report annual findings to the Secretary of the Department of Health and Human Services

1996 – Regulations Restricting the Sale and Distribution of Cigarettes and Smokeless Tobacco to Protect Children and Adolescents

- Asserts jurisdiction over tobacco products, issuing this final rule restricting the sale and distribution of cigarettes and smokeless tobacco to protect youth. (In 2000, the U.S. Supreme Court ruled that FDA did not have the authority to regulate tobacco and that such regulation required authorization by Congress.)

2000 – Wendell H. Ford Aviation Investment and Reform Act

- Prohibits smoking on all flights between the United States and foreign destinations.

2009 – Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act) – Some parts of this law, and FDA regulations authorized by it, are currently subject to litigation, making the implementation of these provisions uncertain.

- Grants FDA the authority to regulate the manufacture, distribution, and marketing of tobacco products
- Requires prominent graphic warning labels for cigarettes and larger text warnings for smokeless tobacco products

- [Prohibits the advertising or labeling of tobacco products with the descriptors “light,” “low,” “mild,” or similar descriptors without an FDA order.](#)
- [Requires tobacco companies to submit research on health, toxicological, behavioral, or physiologic effects of tobacco use.](#)
- Allows FDA to conduct compliance check inspections of tobacco retailers. Penalties for violations include fines, and, for repeated violations, a potential no-tobacco sale order prohibiting the sale of tobacco products.
- [Prohibits the sale of cigarettes containing certain characterizing flavors \(such as strawberry, grape, orange, and other flavors\).](#)
- [Requires tobacco manufacturers to get an order or exemption from FDA before they may introduce new tobacco products.](#)

Portions of this law are currently subject to litigation.

Timeline: Family Smoking Prevention and Tobacco Control Act

[View an accessible version of this infographic.](#)

Read FDA’s [Overview of the Family Smoking Prevention and Tobacco Control Act: Consumer Fact Sheet](#) for more information.

2010 – Prevent All Cigarette Trafficking (PACT) Act – Some parts of this law are currently subject to litigation.

- Prohibits the mailing of cigarettes (including roll-your-own tobacco) and smokeless tobacco through the U.S. Postal Service. Requires internet and mail-order sales retailers to comply with age verification requirements. Among other things, requires internet and other mail-order retailers to pay appropriate federal, state, local, and tribal taxes for cigarettes (including roll-your-own tobacco) and smokeless tobacco.

FROM: NO-SMOKE.Org - On February 3, 2017, the U.S. Department of Housing and Urban Development's (HUD) [smokefree public housing rule](#) went into effect. The rule requires Public Housing Agencies/Authorities (PHA) to adopt and implement a smokefree policy for all of their public housing properties in order to protect the health and safety of all residents, and to reduce costs and fire risk. ANR has [model policy language](#) available to assist PHAs with the implementation of a smokefree policy.

HUD's rule will reduce secondhand smoke exposure and create a healthier and safer living environment for residents by requiring all indoor areas of public housing to be smokefree, as well as within 25 feet of doors and on attached balconies and patios. PHAs provide affordable housing to low-income families, seniors, and people with disabilities.

More than 600 PHAs in at least 44 states have already implemented smokefree policies for public housing. HUD's rule is not a brand-new idea, but rather it is a continuation of an existing policy trend to expand the availability of smokefree housing for residents living in all types of multi-unit properties. HUD's decision will help ensure that the 2 million people living in public housing have the ability to breathe smokefree air at home.

In November 2015, the U.S. Department of Housing and Urban Development announced its proposed smokefree rule for PHAs, and a [public comment period](#) was open from November through January 19, 2016. The final rule was issued on November 30, 201

2. Condominium Smoking Ban Process

- Smoke Free Apartments and Condominiums <https://s-fhc.com/FairHousingAct.htm>
- MEEBpc Blog – Health Concerns and Economics are Leading More Condominium Associations to Ban Smoking <https://webcache.googleusercontent.com/search?q=cache:YQ7ibX-0lnIJ:https://meebpc.wordpress.com/page/6/+&cd=1&hl=en&ct=clnk&gl=us>
- Condo Leakage – by William Saleton http://www.slate.com/articles/health_and_science/human_nature/2009/10/condo_leakage.html

3. Ideas on How to Implement a Smoking Ban

http://www.changelabsolutions.org/sites/default/files/CLS_Condo_FactSheet_FINAL_20120517_0.pdf
http://www.changelabsolutions.org/sites/default/files/CLS_Condo_FactSheet_FINAL_20120517_0.pdf

4. Other References

1. Ending the tobacco epidemic: a tobacco control strategic action plan for U.S. Department of Health and Human Services. U.S. Department of Health and Human Services.

The health consequences of involuntary exposure to tobacco smoke: a report of the surgeon general. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health.
2. King BA, Babb SD, Tynan MA, Gerzoff RB. National and state estimates of secondhand smoke infiltration among US multiunit housing residents. *Nicotine Tob Res.* 2013;15(7):1316–1321. doi:10.1093/ntr/nts254. [Google Scholar](#)
3. Bohac DL, Hewett MJ, Hammond SK, Grimsrud DT. Secondhand smoke transfer and reductions by air sealing and ventilation in multiunit buildings: PFT and nicotine verification. *Indoor Air.* 2011;21(1):36–44. doi:10.1111/j.1600-0668.2010.00680.x. [Google Scholar](#) [Medline](#)
4. King BA, Mahoney MC, Cummings KM, Hyland AJ. Intervention to promote smoke-free policies among multiunit housing operators. *J Public Health Manag Pract.* 2011;17(3):E1–E8. doi:10.1097/PHH.0b013e3181ffd8e3. [Google Scholar](#)
5. Smokefree multiunit housing: a guide for creating a smoke-free living environment. Oklahoma State Department of Health, Center for the Advancement of Wellness. <https://www.ok.gov/breatheeasyok/documents/15712%20COO%20MUH%20Landlord%20Manual-Small-Spreads-F2.pdf>. Accessed October 21, 2016.
6. Hewett MJ, Sandell SD, Anderson J, Niebuhr M. Secondhand smoke in apartment buildings: renter and owner or manager perspectives. *Nicotine Tob Res.* 2007;9 suppl 1:S39–S47. doi:10.1080/14622200601083442. [Google Scholar](#)
7. <http://www.apartments.com/blog/smoking-and-rental-properties-what-are-your-rights>
- 8.