



[www.healthylamoillevalley.org](http://www.healthylamoillevalley.org)

## HEALTHY COMMUNITY POLICY

### PURPOSE:

The Town of Hyde Park, working with Healthy Lamoille Valley and the Vermont Department of Health, has developed and now adopts this policy to encourage healthy behavior in our community. Municipal staff, boards and committees, and non-municipal public & private entities, take actions related to the community's long-term health through municipal planning, regulatory activities (ordinance, rule, zoning or policy), or non-regulatory activity (trail development, community events, regional festivals). Healthy behavior may include increased physical activity, increased food access to improve nutrition, reduced use of tobacco products; reduced high risk drinking (including underage alcohol use and binge drinking); and reduced use of other drugs, including marijuana and opiates. In all situations and events on public property where the event or activity is planned for, or directed to those under 21, or it is likely to attract those under 21 years of age, all alcohol, drug, tobacco and e-cigarette uses shall be prohibited. All visitors to town buildings & properties shall follow the town's healthy community policy. Throughout the policy, tobacco use includes the use of e-cigarettes, vaping and other devices that transfer nicotine into a person.

### TITLE:

This document, "**Town of Hyde Park Healthy Community Policy**", is a set of policy statements that refer to existing adopted policies, recommends policies for future consideration and sets new policy. Adoption of this "Healthy Community Policy" as a comprehensive policy statement of the Hyde Park Selectboard with recommendations for the community to create and sustain a healthy community for all residents and visitors.

### **Why substance use policies and encouragement of healthy behaviors make sense:**

- Individual positive health impacts
- Environmental improvements on public lands and improved road safety
- Public health impact of reducing substance use as the norm
- Educational issue for youth and those at risk

The Town of Hyde Park Selectboard has decided to not adopt this policy as a town ordinance because it would create an expectation of enforcement by town officials or police. This policy is a statement on Hyde Park's community expectations and goals for residents and visitors to allow individual empowerment to follow these policies and encourage others to do the same, without penalties or fines. The Board also recognizes that it has no direct control over non-municipal entities, such as schools or private agencies operating in Hyde Park. The Selectboard encourages all community members to discuss and consider pursuing recommendations in the Vermont Department of Health's 3-4-50 program; development of safe transportation for all users, maintain & promote active events/places and increase access to healthy foods.

### Effective Date:

Policies within this document become effective upon the date adopted by the Selectboard. Policies listed for possible future adoption are not adopted but may be considered with policy amendments.

### Applicable to the following locations:

- Town Buildings: Town Clerk's Office, Town Fire Station, Town Highway Garage, Town Library
- Town Properties: Recreation Fields, Trails, Greens, Sidewalks, Parks, Cemeteries, Vehicles

**Rationale:** Responsible policies help mitigate the harmful consequences of alcohol use. They help reduce access by minors, ensure that adults drink responsibly, and reduce liability, including injury, sexual assault, public disturbances, and vandalism.

**Data:** According to Vermont, Youth Behavior Youth Survey (YRBS-2017) data, 58% of high school students report ever drinking alcohol and 33% report drinking in the last 30 days. People who begin drinking before age 15 are four times more likely to develop alcohol (National Institutes of Health).

### Strategies:

- The existing Town Facility Use Policy addresses acceptable alcohol service when permitted in public space or at public events, including requiring trained servers, insurance requirements & other safeguards. BYOB or "Bring Your Own Beverage" events are discouraged on public property but may be considered and approved by the Selectboard on a case-by-case basis or occur if in compliance with the Hyde Park Rec Fields Rules & Regulations.
- The existing Town Personnel Policy prohibits alcohol consumption in town buildings by employees.
- The Town prohibits the use of alcohol at the Lamoille Valley Rail Trail trailhead on Depot St Ext. and signs may be placed to remind users of the community policy.
- The Town allows alcohol possession at community events if following the State of Vermont alcohol regulations and rules.
- The Town encourages the School administration and other public entities in Hyde Park to develop drug and alcohol policy for students, visitors and employees at those facilities.

### Current Relevant State Policy:

It is illegal for anyone under 21 to drink or purchase alcohol in Vermont.

It is illegal to sell alcohol to anyone under 21.

It is illegal to purchase or furnish alcohol for minors, even on your own property.

It is illegal to have a Blood Alcohol Content (BAC) of .08 and operate a motor vehicle or boat (.02 for minors, 0.4 for commercial drivers).

**Other helpful resources:** The Department of Liquor Control offers training in responsible beverage sales and service. The Department of Liquor Control does compliance checks for alcohol at stores and restaurants. Law enforcement does saturation patrols and party patrols.

### Applicable to the following locations:

- Town Buildings: Town Clerk's Office, Town Fire Station, Town Highway Garage, Town Library
- Town Properties: Recreation Fields, Trails, Greens, Sidewalks, Parks, Cemeteries, Vehicles
- Private businesses (encouraged)

**Rationale:** Tobacco use policies protect everyone's health from secondhand smoke, help or motivate smokers to quit, change social norms around tobacco use and mitigate tobacco/smoking related sanitation costs. Creating tobacco free spaces, including tobacco substitutes such as e-cigarettes, vape and JUUL products, is the most effective way to reduce second hand smoke/vape exposure. "There is no risk-free level of exposure to secondhand smoke." (Surgeon General). Designated smoking areas do not eliminate exposure and are difficult to enforce.

### Data:

Data from the 2017 Vermont Youth Risk Behavior Survey (YRBS) shows that, on average, Vermont middle school and high school students are more likely to have tried electronic vapor products like e-cigarettes in 2017 compared to 2015, increasing from 7% to 9% for middle schoolers and from 30% to 34% for high schoolers.

### Strategies:

- The Town allows smoking outside of town buildings. Employees are encouraged to request a prohibition of smoking within a to-be-determined distance from entryways or activity areas, if they encounter negative impacts from tobacco smoke or e-cigarettes on any town property.
- The Town prohibits the use of Tobacco, including e-cigarettes, at the Lamoille Valley Rail Trail trailhead on Depot St Extension and signs may be placed to remind users of the community policy.
- Expanded policies for future consideration could include:
  - Tobacco-free campuses, town properties, including e-cigarettes
  - Tobacco free parks and recreation areas; 25-foot perimeter extensions
  - Tobacco-free town vehicles, including e-cigarettes
  - Employee wellness policy

### Vermont Examples:

Sharon, Hartford, and Dorset, Vermont passed ordinances prohibiting tobacco on all town-owned properties and in vehicles. Morristown prohibits tobacco use at Oxbow Park. Smoke-free parks exist in Burlington, Brattleboro, Enosburg Falls and Hartford. In Sharon, VT, smoke-free policy applies to town-owned properties and vehicles.

### Current Relevant State Policy:

It is illegal for anyone under 18 to purchase or use tobacco products or tobacco substitutes.

It is illegal to sell tobacco products or tobacco substitutes to anyone who is under 18 in Vermont.

Tobacco and tobacco substitutes are banned in all workplaces and public buildings in the state of Vermont, including restaurants, bars, public transportation, stores, state buildings, and rooms rented to guests in hotels, motels, and other lodging establishments. State Colleges will be tobacco free by July 1, 2019.

It is illegal to smoke within 25 feet of state buildings; State House Lawn is smoke free.

Use of tobacco or tobacco substitutes is prohibited on the grounds of any day care or pre-school. It is illegal to smoke in an automobile when a child in a car set or booster seat is present. Liquid or gel substances containing nicotine must be in child-resistant packaging.

## Hyde Park Policy – Marijuana and Opiates

### Applicable to the following locations:

- Town Buildings: Town Clerk’s Office, Town Fire Station, Town Highway Garage, Town Library
- Town Properties: Recreation Fields, Trails, Greens, Sidewalks, Parks, Cemeteries, Vehicles
- Private businesses (encouraged)

### Rationale and Current Relevant State Policy:

Opiate purchase and use are illegal unless the person is under medical care. However, state and national policies on marijuana are in a state of flux. For the purposes of this policy, marijuana and opiates are treated equally. Regulation may be by zoning, ordinance, or town vote for marijuana dispensaries. The Town of Hyde Park has no local regulations or policy regarding marijuana but does have the option to adopt a civil ordinance under 18 V.S.A. §4230a(b)(2)(D). State law has been amended as of July 1, 2018 and under Act 86 it is illegal to consume marijuana in a public place, including any:

- street, alley, park, or sidewalk
- public building (other than individual dwellings)
- place of “public accommodation” as defined in 9 V.S.A. §4501 – this includes:
  - schools, restaurants, and stores
  - any establishment or other facility at which services, facilities, goods, privileges, advantages, benefits, or accommodations are offered to the general public
- place where use or possession of a lighted tobacco product, tobacco product, or tobacco substitute as defined in 7 V.S.A. §1001 is prohibited by law (18 V.S.A. §4230a(a)(2)(A) (

### Data:

According to Vermont Youth Risk Behavior Survey (YRBS - 2017) data, while the number of high school students who have ever used marijuana has been stable over the last two years (37%), the number of students who currently use marijuana has increased from 22% to 24%.

### Strategies:

- The Town may adopt in the future zoning regulations allowing or not allowing medical marijuana dispensaries, retail facilities, lounges and grow spaces in the town.
- The Town may adopt in the future zoning regulations controlling the number, location and advertising of medical marijuana dispensaries, retail facilities, lounges, and grow spaces, including regulation through ordinances or policy marijuana use in public spaces.
- The Town prohibits the use of Tobacco, including e-cigarettes, marijuana, illicit opiates, other vape devices and dab pens, at the Lamoille Valley Rail Trail trailhead on Depot St Extension and signs may be placed to remind users of the community policy.
- Illicit opiate use (meaning not under the direction of a physician) negatively impacts the user, family, friends and employers/co-workers. The Town should recognize the needs of the affected and strive to connect impacted residents and employees with services and support needed to improve their personal and social condition.

**Vermont Example:** Morristown: Zoning Section 401.6 **Permit Prohibited.** No permit shall be issued by the Zoning Administrator or the Development Review Board for any marijuana dispensary.

## **SMOKE-FREE PUBLIC PLACES POLICY ( DRAFT – for future consideration )**

### **Rationale (Smoking Education - Smoke Free Town Properties and Parks)**

Policy text comes from **Smoke Free Parks**: A comprehensive review of the policy considerations underlying state and municipal smoke-free parks laws, Tobacco White Paper Series, Respiratory Health Association, 2014). Full PDF and citations can be found at: <https://resphealth.org/news/library/smoke-free-parks/>. Possible strategy is to prohibit smoking & e-cigarettes and other nicotine-based products from use on all town properties and public places.

### **Secondhand Smoke – Generally**

- In 2006, the U.S. Surgeon General published a comprehensive report examining the health effects of involuntary exposure to tobacco smoke. The major conclusion of the report was that “[t]here is no **risk-free level of exposure to secondhand smoke**.” That applies to both indoor and outdoor exposure to secondhand smoke. Among the report’s relevant conclusions:
  - Secondhand smoke causes disease and premature death in children who do not smoke;
  - Children exposed to secondhand smoke are at higher risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma; and
  - Exposure to secondhand smoke has immediate effects on the cardiovascular system, causes heart disease, and causes lung cancer.
  - Secondhand smoke contains more than 7,000 chemicals, including approximately 70 known human carcinogens (cancer-causing agents). In addition, secondhand smoke contains dozens of chemicals identified as outdoor air pollutants or hazardous air pollutants and dozens of chemicals restricted as hazardous waste, and nearly 200 more substances found to be toxic. Chemicals present in secondhand smoke include, formaldehyde, benzene, vinyl chloride, arsenic, ammonia, and hydrogen cyanide.

### **Outdoor Tobacco Smoke**

- In 2007, a Stanford University study on outdoor secondhand smoke exposure found that “a non-smoker sitting a few feet downwind from a smoldering cigarette is likely to be exposed to substantial levels of contaminated air for brief periods of time.” The air pollution levels within a few feet of outdoor smokers were, in fact, comparable to indoor levels that the researchers had measured in a previous study of homes and bars. According to the study, “[a] nonsmoker who is 1 or 2 feet away from a single burning cigarette can easily inhale pollution that is 10 times greater, on average, than background ‘clean’ levels...However, with multiple smokers present, the average levels could be 20, 30, or 50+ times greater than background.”
- The researchers noted that based on their findings, “a child in close proximity to adult smokers at a backyard party . . . could receive substantial exposure to secondhand smoke.” While the study found that outdoor smoke levels within a few feet of a smoker can be as high outdoors as indoors, the study noted that outdoor tobacco smoke dissipated quickly once combustion ended. In addition, the study showed that once you move six feet away from the smoker, exposure to secondhand smoke is significantly reduced.
- In a 2005 study of outdoor tobacco smoke conducted at University of Maryland at Baltimore, researchers found that outdoor tobacco smoke levels did not reach acceptable background levels for either fine particles or carcinogens until the recipient was about 23 feet from the source of the secondhandsmoke.
- A 2013 South Korean study on outdoor tobacco smoke found that ambient particulate matter from a single lit cigarette was detectable in outdoor air as far as 30 feet from the smoking source. Levels of particulate matter at 30 feet were still able to reach levels nearly three times higher than the threshold set by the U.S. National Ambient Air Quality Standard. Within three feet of the cigarette, the particulate matter was able to reach a peak 93 times higher than the threshold.

## ENVIRONMENTAL CONCERNS

Environmental concerns are another frequent reason cited for enacting smoke-free parks policies. Cigarette butts are the most littered item in the U.S. and the world. Litter is a blight on streets, sidewalks, and green spaces. Clean-up costs associated with discarded tobacco products can be staggeringly large. Studies also demonstrate the potential for environmental contamination. Policies establishing smoke-free outdoor spaces can reduce tobacco litter in those environments.

### a. Litter

- Cigarette butts are the single most littered item both in the U.S. and across the globe. In the U.S., approximately 250 billion cigarette butts are littered every year. This accounts for, on average, 22-36 percent of all visible litter. Based on surveys of smokers, the overall littering rate for cigarette butts is estimated at 65 percent.
- Cigarette butts are photodegradable, not biodegradable. Contemporary cigarette filters are not made of organic materials like cotton or wool, but a synthetic material called cellulose acetate. Biodegradable materials can be consumed by microorganisms and reverted to naturally occurring compounds. Cellulose acetate is photodegradable, meaning ultraviolet light eventually breaks it into smaller pieces, but it cannot decompose. Cellulose acetate can linger in the environment for 10 to 15 years before it finally photodegrades. An estimated 80 percent of littered cigarette butts in the U.S. end up in waterways.

**b. Heavy Metal Contamination** - Tobacco product litter has the potential to contaminate the environment, particularly aquatic environments. At least two studies have identified tobacco product litter as a point source for metal contamination.

## III. SOCIAL NORMS

The final major argument supporting smoke-free park policies is that they help establish and reinforce smoke-free environments as a social norm, and further discourages smoking among children and adults (i.e. kids don't grow up seeing smoking behaviors). Beginning in the mid-1970s, youth attitudes towards tobacco became increasingly negative. When youth see adults smoking in public places, they may associate smoking with acceptable behavior and have an increased risk to copy the behavior themselves. The increased prevalence of smoke-free places will, therefore, arguably result in fewer opportunities for youth to start smoking to begin with. This section briefly outlines what is currently understood about social norms as they relate to smoke-free environments:

- The notion of positive community role modeling of non-smoking behaviors is hardly a new concept. It has been well established that adolescents who live with non-smoking parents or who work in non-smoking places of employment are less likely to become smokers themselves. In addition, studies have found that youths living in communities with strong smoke-free restaurant laws are less than half as likely to become established smokers than youth living in municipalities with weak smoke-free restaurant laws.
- Policies that result in reduced visibility of smoking in public will also reduce the perceived acceptability of smoking by youth in those locations. The CDC notes that tobacco control policies are effective because they "change the environment" to encourage and support tobacco-free lifestyles.
- Implementing policies that encourage smoke-free living, such as smoke-free outdoor spaces, can also help to support smokers in their efforts to quit. Some studies have concluded that smoking bans in public places motivate smokers to quit at higher rates than in environments where smoking is permitted.