



## **Breathe Easy Campaign on the 16th Street Mall**

### **Sponsored by: Denver City Council President Albus Brooks**

#### **Denver's Breathe Easy Ordinance**

The 16th Street Mall and downtown Denver is home to over 20,000 residents, where 120,000 employees go to work each day, and where over 300,000 of visitors enjoy our city each year. According to RTD between 40,000 to 45,000 people ride the RTD free mall ride each day. The 16th Street Mall and downtown Denver is the most populated area in the City and County of Denver. I seek to prohibit smoking of any product including, e-cigarettes, vapes, etc. along the 16th Street Mall. Protecting public health by prohibiting smoking along the 16th Street Mall would not only improve the quality of life for its inhabitants but also its visitors. In addition to preventing secondhand smoke exposure, outdoor smoke-free laws help smokers who are trying to quit, by eliminating the sight and smell of tobacco smoke. Also, as with all smoke-free policies, these measures send a message to children and youth that smoking is not an acceptable behavior or a norm in the community.

Current Denver smoking policies include a smoking prohibition around city buildings and hospitals. The current ordinance, however, does not include electronic cigarettes/vape pens nor is it inclusive of the 16th Street Mall. Including electronic cigarettes in Breathe Easy is essential because of the dramatic increase in the use of such devices in recent years, the tendency of such devices to mimic traditional smoking and thereby "re-normalize" the act of smoking in public places and create the impression that the use of such devices is associated with a healthy lifestyle. Furthermore there is an increasing use of such devices for consuming marijuana which makes enforcing the prohibition of public consumption of marijuana difficult.

Violating the Breathe Easy Ordinance would be a civil offense and would subject an individual to a fine of no more than \$100. However, Breathe Easy will continue to de-normalize smoking in public spaces through an extensive public outreach and education campaign. As a result of this policy, smoking along the 16th Street Mall should decrease as is evident in other municipalities that have adopted prohibitions.

#### **Nation-Wide Smoking Prohibition Policies**

The prohibition of smoking on Denver's 16th Street Mall will be organized through a campaign to promote health and wellness. The first step Denver took to protect people from environmental pollutants on the 16th Street Mall was to have low or no emission buses for the 'Free Mall Ride'. This smoke-free proposition is preceded by several other municipalities not only in Colorado but also nationwide that have outdoor smoking prohibitions. According to the American Nonsmokers' Rights Foundation 4,885 municipalities in the United State have laws in effect that restrict where smoking is permitted; of these 4,885 a total of 1,395 municipalities have a 100% smoke free provision in effect either in non-hospitality work places, and/or restaurants, and/or bars (2017). Furthermore, 1,497 municipalities across the country have smoke-free parks laws of which 19 of those municipalities are within Colorado. There are also 448 municipalities nationally that have smoke-free patios and outdoor dining laws. 11 of those municipalities are in Colorado; Denver is not among the 11 Colorado municipalities. Lastly, 515 municipalities across the country have smoke-free public transit waiting area laws with Colorado having 9 municipalities on that list. Denver is not one of the 9 Colorado municipalities.

Large cities such as Philadelphia and Boston have legislation prohibiting smoking of vape pens in certain areas such as parks, stadiums, and enclosed areas within a public space. Enforcement of these policies is done by police and the health departments with monetary deterrents. While the primary purpose of these policies is to protect the public from

secondhand smoke, studies have shown that prohibitive policies have also reduced smoking prevalence among the general population and youth (CDC 2016).

### **Colorado Prohibition Policies**

In 2006, the State of Colorado passed the Colorado Clean Indoor Air Act which prohibited smoking in indoor areas and required smoking to be practiced in private residences, open spaces, and at least 15 feet away from entryways. The distance requirement from entryways in Denver is 25 feet. Entryways are defined as “the outside of the front or main doorway, including public or private Property.” 25 feet from any entryway, as defined, along the 16th street mall covers an expansive portion of walkable space on the mall. Violation of this prohibition can result in someone paying up to \$500 in fines. The Denver smoke-free hospital ordinance violation can result in someone paying up to \$300 in fines.

### **Other Smoking Prohibitions in Colorado**

Boulder, CO and Golden, CO have both adopted policies that more aggressively protect public health and prohibit smoking in public spaces. The City of Golden prohibits smoking within 25 feet of the public right of way and public sidewalks in the Washington Street Downtown Area. The City and County of Boulder prohibits smoking throughout the entire length of their Pearl Street Mall, that while smaller than Denver’s 16th street mall, is a popular spot for the public to congregate. The City and County of Boulder also restrict the use of electronic smoking/vaping devices in public spaces within the city and county. The purpose of these policies are to promote public health and prevent the normalization of smoking.

### **Tentative Legislative Timeline**

- September 13 – Presentation in SAFEHOUSE (Info only)
- October 11 – SAFEHOUSE for vote
- October 10 – Mayor-Council
- October 17 – First Reading
- October 30 – Second Reading, Final Vote

### **Outreach**

- Businesses on 16th Street Mall
- Downtown Residences – LoDoNa RNO, The Spire, Brooks Towers
- Department Environmental Health
- Downtown Denver Partnership
- Denver Health and Hospital Authority/Denver Public Health
- Denver Police Department
- Denver’s Road Home
- Dry Bones
- Urban Peak
- Visit Denver

### **Additional Research**

According to the Center for Disease Control and Prevention (CDC) “secondhand smoke contains more than 7,000 chemicals. Hundreds are toxic and about 70 can cause cancer” (2017). Secondhand smoke has an adverse effect on individuals who do not smoke and has resulted in 2.5 million deaths since 1964 (CDC 2017). Secondhand smoke can also exacerbate respiratory issues among children and adults (WHO 2017). Studies have long shown the carcinogenic and negative effects of cigarettes on smokers and non-smokers (CDC 2017; WHO 2017; Saha et al 2007). Public campaigns have caused a steady decrease in smoking’s popularity and prevalence in the US; since the 1940s the number of self-reporting smokers has almost halved (Gallup 2008).

Tobacco smoke contains at least 172 toxic substances, including 3 regulated outdoor air pollutants, 33 Hazardous Air Pollutants, 47 Chemicals restricted as Hazardous Waste and 67 Known Human or Animal Carcinogens. This is true whether tobacco smoke is inhaled in the act of smoking, or inhaled by nonsmokers out of the air indoors or outdoors. (Repace 2008).

Discarded cigarette butts are also a considerable source of litter in the downtown area. They are a nonbiodegradable form of litter that can take decades to break down. Several trillion discarded cigarette butts litter sidewalks, beaches and other outdoor areas each year and are the single most collected item in international beach cleanups. Cigarette litter is unattractive, expensive to clean up, and an environmental blight, harmful to waterways and wildlife. Outdoor smoke-free policies can help reduce the amount of cigarette litter, as well as maintenance and cleanup costs. (Tobacco Legal Consortium, 2010)

With the rise of Vape Pens and E-Cigarettes use, a myth has surrounded E-Cigarettes claiming that they are somehow safer and risk-free to the public (Bauld 2017). They have been viewed as a safer alternative to smoking traditional cigarettes. However, E-Cigarette's are indeed harmful to nontobacco users:

- E-cigarette aerosol is not harmless water vapor. In addition to nicotine, e-cigarette aerosol can contain heavy metals, ultrafine particulates that can be inhaled deep into the lungs, and cancer causing agents like acrolein.
- E-cigarette aerosols also contain propylene glycol or glycerin and flavorings. Some e-cigarette manufacturers claim that the use of these ingredients is safe because they meet the FDA definition of "generally recognized as safe" (GRAS). However, GRAS status applies to ingestion of these ingredients (i.e., in food), not inhalation. The health effects of inhaling these substances, including from an e-cigarette, are unknown.
- Inhaling e-cigarette aerosol directly from the device or from secondhand aerosol that is exhaled by users is potentially harmful to health. Therefore, adult nontobacco users should not use e-cigarettes or be exposed to secondhand aerosol from these products. (CDC 2015)

Approximately 23% of US adults self-report that they smoke, while in Colorado 15.7% of adults self-report that they smoke (United Health Foundation 2016).

Sanitation Impact

## Works Cited

- Bauld, L. (2017, January 2). I'll say it again: E-Cigarettes are still far safer than smoking. The Guardian.
- CDC. (2016, December 1). Smokefree Policies Reduce Smoking. Retrieved from Smoking & Tobacco Use: [https://www.cdc.gov/tobacco/data\\_statistics/fact\\_sheets/secondhand\\_smoke/protection/reduce\\_smoking/index.htm](https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/protection/reduce_smoking/index.htm)
- CDC. (2017, August 15). State and Community Resources. Retrieved from Smoking & Tobacco Use: <https://www.cdc.gov/tobacco/stateandcommunity/index.htm>
- Health, C. O. (2015, November). E-Cigarette Information . Retrieved from CDC Office on Smoking and Health: <https://www.cdc.gov/tobacco/stateandcommunity/pdfs/cdc-osh-information-on-e-cigarettes-november-2015.pdf>
- Rankings, A. H. (2015). Colorado 2015 Annual Report. Retrieved from America's Health Rankings: <http://www.america'shealthrankings.org/explore/2015-annual-report/measure/Smoking/state/CO>
- Repace, James, (2008) FACT SHEET: Outdoor Air Pollution From Secondhand Smoke. Tufts University School of Medicine and Repace Associates, Inc. <http://www.gaspforair.org/gasp/gedc/pdf/OTS-Fact-Sheet.pdf> (Pulled August 31, 2017).
- Rights, A. f. (2017, July 3). Smokefree Lists, Maps, and Data. Retrieved from American's for NonSmokers' Rights: <http://www.no-smoke.org/goingsmokefree.php?id=519>
- Saad, L. (2008). U.S. Smoking Rate Still Coming Down. New York: Gallup.
- Saha, S. P., Bhalla, D. K., Whayne, T. F., & Gairola, C. (2007). Cigarette smoke and adverse health effects: An overview of research trends and future needs. International Journal of Angiology, 77-83.
- Tobacco Legal Consortium (2010), Tips and Tools. Regulating Smoking Outdoors. Tobacco Legal Consortium. <http://www.gaspforair.org/gasp/gedc/pdf/tclc-guide-smokingoutdoors-2010.pdf> (Pulled August 31, 2017).
- WHO. (2017, May). Tobacco Fact Sheet. Retrieved from WHO Media Center: <http://www.who.int/mediacentre/factsheets/fs339/en/>

