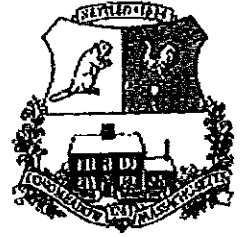


town of
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**Longmeadow Board of Health
Regulation Prohibiting Smoking in Municipal Buildings and Vehicles**

Section I – Authority

There exists conclusive evidence that tobacco smoke causes cancer, respiratory diseases, various cardiac problems, allergies, and irritations to the eyes, nose and throat in both smokers and nonsmokers exposed to secondhand smoke.

In addition, the vapors emitted during the use of “electronic smoking devices” also pose a potential public health concern. These products have not been approved by the U.S. Food and Drug Administration as to their safety and efficacy. The constituents of the nicotine-laced liquid in these products being unregulated and potentially toxic pose unknown health impacts on users and other individuals who are secondarily exposed to the vapors emitted during their use.

Therefore, this regulation is adopted pursuant to Massachusetts General Laws Chapter III, Section 31, as a reasonable health regulation designed to protect the public health of the employees, residents, and users of municipal buildings and vehicles of the Town of Longmeadow.

Section II - Definitions

- a. Municipal Building means an enclosed building or leased space owned or occupied by an office or department of the Town of Longmeadow including, but not limited to the Town Hall, Police Station (30 Williams Street), Fire Station (44 Williams Street), Dept. Of Public Works (DPW) Office Building and Structures within in the Town DPW Yard (Pondside), Greenwood Center, Storrs Library, Old Town Hall, and the Longmeadow Community House.
- b. Municipal vehicles means a vehicle owned or leased by a Department of the Town of Longmeadow and operated by employees of the Town of Longmeadow.
- c. Smoking (or smoke) means the inhaling, exhaling, burning, or possession of any lighted or heated cigar, cigarette, pipe or other tobacco and/or plant product intended for inhalation in any manner or any form. Smoking or smoke also includes the use of electronic cigarettes, electronic cigars, electronic pipes, or other similar products, which provides a vapor of liquid nicotine to the user or relies on vaporization or

aerosolization of any liquid or solid, whether they are manufactured as e-cigarettes, e-cigars, e-pipes, or under any other product name.

d. Employee means any person who is employed for direct or indirect monetary wages or profit or volunteers his or her services to the Town of Longmeadow.

Section III – Prohibition of Smoking in and Proximate to Municipal Buildings and Vehicles

Smoking is hereby prohibited in all municipal buildings and within twenty (20) feet of all municipal buildings. Smoking is also hereby prohibited within all vehicles owned or leased by the Town of Longmeadow

Section IV – Implementation

a. Notification of Department Heads and Employees

1. The Longmeadow Board of Health shall provide written notification to each Department Head of this regulation with the effective date. A copy of this regulation shall be available for examination in each Department for review by employees and business invitees.

2. Written notice of this regulation and its effective date shall also be provided to each employee.

b. Signage

1. No-Smoking signage shall be posted at the entrances of each municipal building.

2. Department Heads shall be responsible for posting a no-smoking sign in a conspicuous place in their respective Town Departments and on the dashboard of each municipal vehicle assigned for use by their Department's employees. Furthermore Department Heads shall be responsible for monitoring that no-smoking signage is continuously posted.

3. The Board of Health shall be responsible for providing building and vehicle signage as needed.

c. Enforcement

1. All Town employees shall request business invitees who are smoking in an indoor area of their respective Town Department to extinguish lit smoking materials immediately. Municipal employees shall contact their Department Head immediately in the event that the business invitee who was observed smoking has refused, upon employee request, to extinguish smoking materials.

2. Dept. Heads shall be responsible for reporting violations of this regulation within their respective Town Departments which were directly observed or reported by other parties (e.g. other employees or the public) and confirmed by the applicable Department Head to the Board of Health for enforcement.

3. All violations shall be enforced by the Board of Health or agent (s) designated by the Board.

Section V. – Penalties and Enforcement for Violation

a. Any individual who smokes inside or within twenty (20) feet of a municipal building or inside a municipal vehicle shall be subject to a civil penalty of \$100 for the first violation, \$200 for a second violation within two years of the date of the first violation, and \$300 for a third or subsequent violation within two years of the second violation. Each event shall constitute a separate violation

b. As an alternative to initiating criminal proceedings, this regulation is subject to enforcement under non-criminal disposition procedures set forth in M.G.L. Chapter 40, Sect. 21D by the Board of Health, its

agents, or designees. Any fines imposed under the provisions of this regulation shall inure to the Town of Longmeadow for such use as the town may direct.

c. Any person aggrieved by the failure or refusal to enforce this regulation in regard to any municipal building or vehicle may register a complaint with the Board of Health and request that the Board initiate enforcement

Section VI – Severability

If any provisions of these regulations are declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

Section VII-Effective Date

This regulation shall become effective as of date of publication.

Date of Board of Health promulgation: December 1, 2014

Date of Publication (in The Reminder): December 18, 2014 Effective Date: December 18, 2014