



HOUSING POLICIES RESTRICTING SECONDHAND SMOKE



PUBLIC HEALTH
LAW CENTER
at Mitchell Hamline School of Law

11/6/2019

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AGENDA

- About Us
- Why have a smoke-free Tribal housing policy?
- Policy landscape
- Policy considerations
- Implementation
- Resources

THE PUBLIC HEALTH LAW CENTER



Equality









Equity

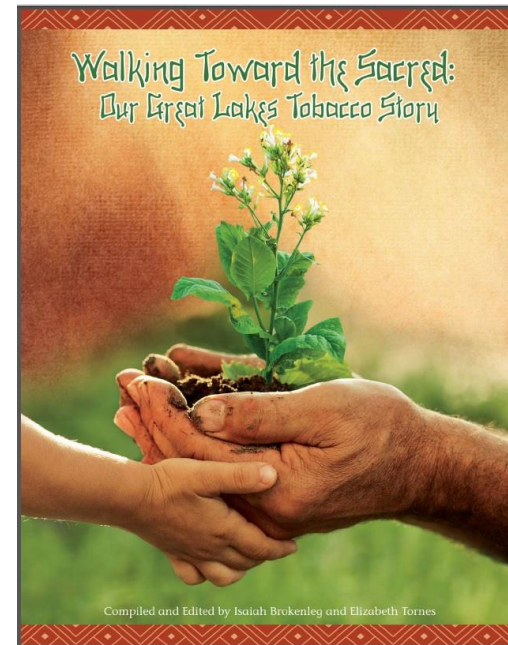
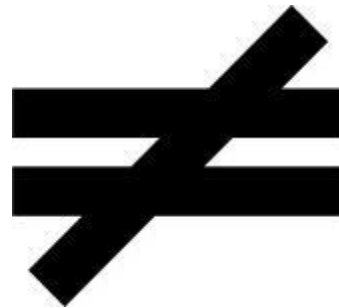


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LEGAL TECHNICAL ASSISTANCE

-  Legal Research
-  Policy Development, Implementation, Defense
-  Publications
-  Trainings
-  Direct Representation
-  Lobby

INITIAL POINT COMMERCIAL VS. TRADITIONAL



Source:

[http://www.glitc.org/
forms/Tabacco/
tabacco-booklet-web-.pdf](http://www.glitc.org/forms/Tabacco/tabacco-booklet-web-.pdf)

WHY HAVE A SMOKE-FREE TRIBAL HOUSING POLICY?

“Using tribal sovereignty is key to ending commercial tobacco use in our communities...”

- Tribal Epidemiology Centers, *Smoke Free Tribal Housing Policies*,

<https://tribalepicenters.org/blog/2016/10/19/smoke-free-tribal-housing-policies>

“Our goal with this [smoke-free housing] policy is to create a healthier environment for the seventh generation.”

- Jim Belanger, Red Cliff Community Health Center

WHY HAVE A SMOKE-FREE TRIBAL HOUSING POLICY?

- Maintenance Cost Savings
- Insurance Savings
- Reduced Legal Liability
- Health Protection
 - Secondhand Smoke
 - Decreases smoking / reduces health disparities
- Model Youth Behavior
- Preserve Cultural Practices

POLICY LANDSCAPE FOR SMOKE-FREE TRIBAL HOUSING

- HUD smoke-free rule does not apply to Tribal housing
- HUD subsidizes Tribal housing through Native American Housing Assistance and Self Determination Act of 1996 (NAHASDA)
- Public housing often multi-unit; Tribal housing often single-family
- Approximately 573 federal recognized Tribes, many seeking federal recognition or state-recognized

PREPARATION FOR A POLICY

- Developing and using coalitions and partnerships
- Conducting a needs assessment
- Identifying and engaging stakeholders
- Creating an action plan
- Planning for evaluation and sustainability
- Obtain Tribe-specific data

POLICY CONSIDERATIONS

SACRED TOBACCO



Source: <https://tribalcollegejournal.org/strengthening-traditions-embracing-commercial-tobacco-free-campus/>

POLICY CONSIDERATIONS

SACRED TOBACCO

“Traditional tobacco use” as defined by the [Cheyenne River Sioux Tribe] Cultural Preservation Office and the Great Plains Tribal Chairman’s Health Board means plants for healing the mind, body, and spirit. There are four plants that are used in Lakota ceremonies: tobacco, sage, sweet grass and cedar. Traditional Tobacco is called “cansasa,” another name is ‘kinikinik’. Cansasa translates to red willow. Tobacco is used: 1) in our sacred pipe in ceremonies and is not inhaled; 2) in its natural form to make tobacco ties for prayer or thanksgiving in times of need; 3) only for special purposes in prayer, offering or rituals; 4) as an offering to an elderly when we need his or her help, advice or prayer; 5) as an offering when we see the sacred eagle in the sky, as the eagle is the intercessor to Tunkasila, Great Spirit; 6) as an offering to the drum at pow-wows to give special blessing to the heartbeat of the nation and onto the singers at the drum; 7) as an offering when a person asks someone to do a ceremony such as naming — hunka-pipe ceremony, singing sweat lodge or any of the Lakota ceremonies; 8) as an offering to a person as a way to ask for forgiveness to heal bad feeling when emotions are hurt; 9) as an offering or to an elderly to seek knowledge and to show appreciation to that person for sharing. Traditional tobacco is never abused because it is in its natural form without additives.

Cheyenne River Sioux Tribe, Ordinance No. 75, supra 21, at Sec. 3(B).

POLICY CONSIDERATIONS ELECTRONIC CIGARETTES



Source: Minnesota Department of Health

POLICY CONSIDERATIONS

ELECTRONIC CIGARETTES

- E-cigarettes pose health and fire risk, can complicate enforcement
- No history of traditional or ceremonial use of e-cigarettes
- HUD smoke-free rule does not include e-cigarettes, but PHAs have discretion
- Policy suggestion: Broadly define “smoking” to include electronic smoking devices, define that term

POLICY CONSIDERATIONS

MARIJUANA



Source: <https://nccih.nih.gov/health/marijuana>

POLICY CONSIDERATIONS

MARIJUANA

- 11 states and the District of Columbia have legalized small amounts of marijuana for recreational use.
- Some Tribes are moving into this area.
- Marijuana smoke poses health and fire risks, enforcement challenges
- Policy suggestion: Broadly define “smoking” to include marijuana use

POLICY CONSIDERATIONS

MARIJUANA

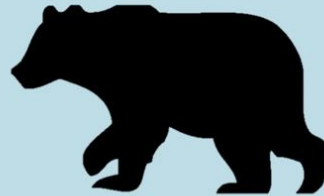
“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco, nicotine, or plant product intended for inhalation, including hookah and marijuana, whether natural or synthetic.

“Smoking” does not include traditional tobacco use but does include the use of an electronic smoking device. “Electronic smoking device” means any device that can be used to deliver aerosolized or vaporized nicotine to the person inhaling from the device, including, but not limited to, an e-cigarette, e-cigar, e-pipe, vape pen or e-hookah.

POLICY CONSIDERATIONS

OUTDOOR AREAS

Welcome to Mato Wakpa Playground



This playground was designed for 5-12 year olds

Playground Rules

- Play at your own risk
- Adult supervision is recommended
- Please be considerate of others
- Use the equipment correctly
 - Do not use when wet
- Our playground is a tobacco, alcohol and drug free zone
 - No tobacco within 50 feet of playground
 - All animals must remain outside of fence
- Playground is open for play from dawn to dusk
 - And above all – have fun!

Help take care of our playground by picking up trash and reporting broken equipment to:

Cheyenne River Housing Authority 605-964-4265

POLICY CONSIDERATIONS

OUTDOOR AREAS

- Smoke can travel indoors
- Litter
- Models youth behavior
- Policy options for outdoor areas:
 - Setback provision (25 or 50 feet)
 - Patios and balconies
 - Certain outdoor areas (playgrounds, pools, etc.)

POLICY CONSIDERATIONS CESSATION

AMERICAN INDIAN
Commercial Tobacco Program

Enroll Now!

Remember me next time.
Can't access your account?

Call 1-855-372-0037

Home | Enroll Now | How Do I Quit? | Success Stories

Enroll now for free!

Thinking about your commercial tobacco use? We're here to help. **The American Indian Commercial Tobacco Program** offers American Indians free access to online tools, support from other commercial tobacco users, and other information to help you achieve harmony and balance.

ENROLL NOW

Success Story

Debbie's Story

Debbie is thrilled with how much money she is saving.

See More Success Stories

Breathe Easy Quitting Guide

-select a health topic-

Tobacco & Your Health

Learn about health risks and nicotine replacement therapies.

-select a health topic-

Smoking Calculator

How much money have you spent on cigarettes? Use this calculator to find out ..



Additional Resources

- [Keep it Sacred](#)
- [Tobacco Free Kids](#)
- [National Native Network](#)

It can be difficult to meet your commercial tobacco goals, but the American Indian Commercial Tobacco Program is here to help. This is a free program that provides helpful tools, information and support.

<https://americanindian.quitlogix.org>

POLICY CONSIDERATIONS

CESSATION

- Provide resources to property managers
- Culturally appropriate
- Can encourage sacred tobacco use

POLICY CONSIDERATIONS CESSATION

AMERICAN LUNG ASSOCIATION.
Fighting for Air

Stop Smoking

- » About Smoking
- » Tobacco Control
- » Advocacy
- » Federal
- » States & Communities
- » Reports & Resources
- » Lung Action Network
- » How To Quit

Lung HelpLine

Questions about your lung health? Ask an expert.
Call 1-800-548-8252.
» [Learn More](#)

State Tobacco Cessation Coverage

Welcome to the American Lung Association's State Cessation Coverage Database. If you're ready to quit, we can help with our [Freedom From Smoking Online](#) smoking cessation program. Click on a state below to find information about cessation coverage, or [Customize Your Search](#). For more information, read our [factsheets and reports](#), or [contact us](#).

Select a State... ▼

Customize Your Search
Compare State Coverage

Database Last Updated: Mon, Jan 28 2019 14:20:04

California

[Download State Overview PDF](#)

Icon Legend: ✓ = Covered ▼ = Coverage Varies ✗ = Not Covered

Medicaid Coverage

Medi-Cal covers:

- | | | |
|------------------------|-------------------------|-------------------------|
| ✓ Nicotine Gum | ✓ Nicotine Inhaler | ✓ Individual Counseling |
| ✓ Nicotine Patch | ✓ Varenicline (Chantix) | ✓ Quitline |
| ✓ Nicotine Nasal Spray | ✓ Bupropion (Zyban) | |
| ✓ Nicotine Lozenge | ✓ Group Counseling | |

All seven pharmacotherapy treatments are covered. Individual and Group counseling are covered. Managed care plans have to cover at least 90 days. MCOs have to cover at least 2 attempts per year. MCOs must cover 1 medication without PA, but it varies on which one it is. Please contact your plan if interested, or visit

<http://www.dhcs.ca.gov/individuals/Pages/MMCDHealthPlanDir.aspx>

For more information, please call the Medi-Cal office at 800-952-5294 or visit their website at <http://www.dhcs.ca.gov/services/medi-cal/Pages/default.aspx>

Note: the Affordable Care Act requires all Medicaid programs cover all tobacco cessation medications beginning January 1, 2014. If a medication is marked here as not being covered, there is not yet evidence that Medicaid has complied with this requirement. Patients should call their Medicaid program and ask how to receive these medications.

[View Medicaid Coverage Details](#)

Health Insurance Marketplace Coverage

All plans in the Health Insurance Marketplace are required to cover tobacco cessation

Source: <http://www.lungusa2.org/cessation2/>

IMPLEMENTATION



IMPLEMENTATION

- Resident education
- Signage
- Cessation resources
- Graduated penalties for noncompliance

RESOURCES



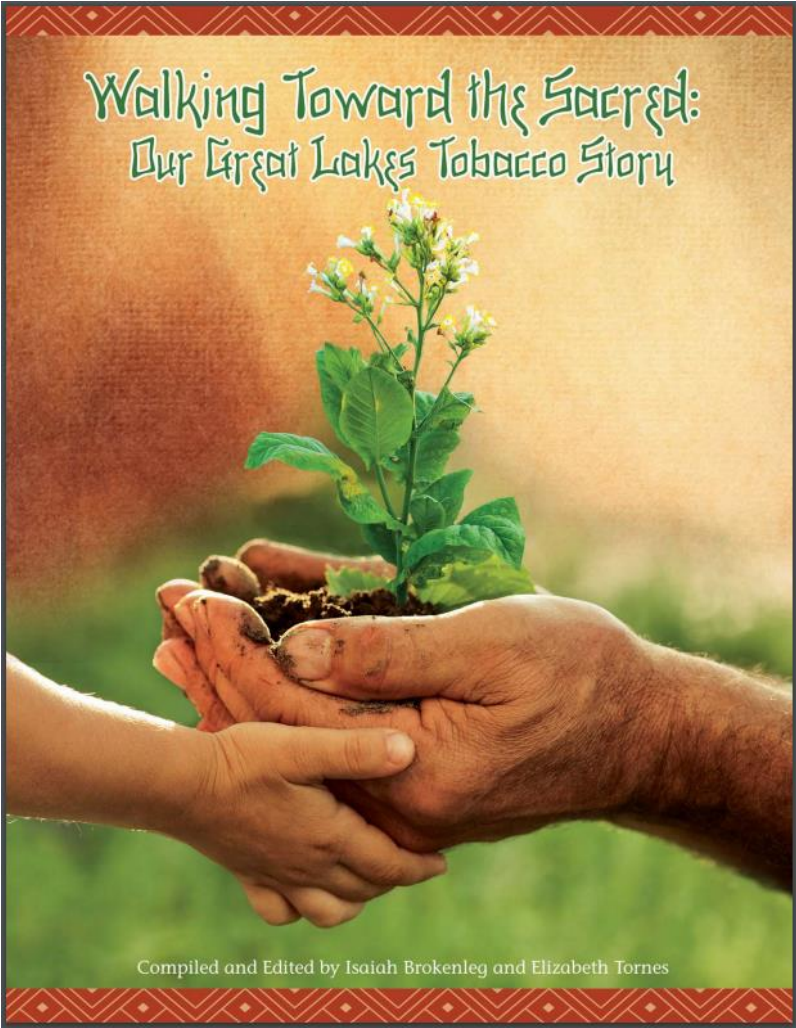
**YOUR
FAMILY DESERVES
A SMOKE FREE HOME**

SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS
Strategic Alliance for Health

Healthy U.P. Communities
SAULT STE. MARIE • ST. IGNACE • MANISTIQUE • MUNISING

Facilitating
Adoption of a
Smoke Free
Housing Policy
for a Tribal
Housing Authority

<https://www.networksnorthwest.org/userfiles/filemanager/3131/>

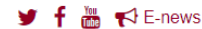


*Walking Toward the Sacred:
Our Great Lakes Tobacco Story*

Compiled and Edited by Isaiah Brokenleg and Elizabeth Tornes

<http://www.glitc.org/forms/Tabacco/tabacco-booklet-web-.pdf>

RESOURCES



Health through the power of law and policy

Tobacco Control	Healthy Eating	Active Living	Other Public Health Law	About Us	Webinars
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Tribal Commercial Tobacco Control

[Home](#) » [Topics](#) » [Commercial Tobacco Control](#) » [Tribal Commercial Tobacco Control](#)

As sovereign nations, Tribes have a critical role to play in addressing the public health problems posed by [commercial tobacco](#). This is particularly true since [rates of commercial tobacco use are higher among American Indian / Alaska Native \(AI/AN\) populations than among the general population](#), a fact reflected in disproportionate rates of chronic disease in AI/AN populations. Yet addressing the death and disease caused by commercial tobacco in Indian Country raises several complex issues, including the need to respect traditional tobacco use and the sovereignty of Tribes, navigate a complex area of law, and acknowledge history and culture. We hope the resources in this section of our website will be of use as members of Native communities take the lead in tackling the problem of commercial tobacco-related illnesses and cancer disparities.

Featured resources are below. Other relevant resources in right sidebar (desktop/tablet), or end of page (mobile).



[Tribal Tax Policies for Commercial Tobacco \(2019\)](#)

This is a resource for Tribal governments and Tribal public health advocates so that they can realize the public health benefits of increased commercial tobacco taxes and simultaneously protect Tribal sovereignty and cultural practices. Written in partnership with the National Indian Health Board, the National Native Network, and the Michigan Public Health Institute.



[Drafting Tribal Public Health Laws and Policies \(2015\)](#)

This publication is designed to assist Tribal leaders, health departments, public health advocates, and community members in thinking about how to draft *written* public health laws or policies for their Tribes.

Related Topics

[Smoke-Free Casinos](#)

[Smoke-Free and Tobacco-Free Places](#)

[Taxation and Product Pricing](#)

[Tobacco Cessation](#)

Resources

[Tribal Tax Policies for Commercial Tobacco \(2019\)](#)

[Applicability of Freedom to Breathe Act to Indian Tribes/Reservations \(2007\)](#)

[Tribal Tobacco Products Taxation Survey \(2016\)](#)

[Tribal Tobacco Control and the Law \(2015\)](#)

<https://www.publichealthlawcenter.org/topics/commercial-tobacco-control/tribal-commercial-tobacco-control>



RESOURCES



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 Search

Health through the power of law and policy

Tobacco Control	Healthy Eating	Active Living	Other Public Health Law	About Us	Webinars
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Housing

[Home](#) » [Topics](#) » [Commercial Tobacco Control](#) » [Smoke-free & Tobacco-free Places](#) » [Housing](#)

Recent regulation of secondhand smoke has focused primarily on reducing or eliminating exposure in places of employment or in public places. This effort has proved successful in significantly reducing the incidence of smoking-related health conditions. Since people spend more time in their homes than any other location, policies aimed at controlling exposure to tobacco smoke in private multi-unit residences can significantly improve residents' health.

Initial efforts at assessing and controlling exposure to secondhand smoke in private residences have focused on multi-unit rental apartment buildings. Problems with secondhand smoke exposure in common interest communities – condominiums, cooperatives and planned communities – have not received as much attention as rental buildings. Because of the different legal arrangements involved in a landlord and tenant transaction compared with an owner-occupant, the approaches to solutions, legal options, and legislative policy choices differ between the two situations.

A significant subset of multi-unit residences within the rental category is housing that is subsidized by the federal government or owned by state or local public entities. Receipt of public funds subjects this category of housing to additional regulations, so a separate section is included under rental apartments for issues and resources related to subsidized or public housing.

The Tobacco Control Legal Consortium at the Public Health Law Center administers the National Smoke-free Housing Listserv. This listserv provides members of the public health, tobacco control, and housing communities with a national forum to share comments, questions, and advice on law, policy, and regulatory issues related to smoke-free and tobacco-free housing. To request membership in the listserv, [click here](#) or [email us](#).

Featured information below. Relevant resources in right sidebar (desktop/tablet), or end of page (mobile).

Older resources can be found in our [Housing resource archive](#).

<https://www.publichealthlawcenter.org/topics/commercial-tobacco-control/smoke-free-tobacco-free-places/housing>

Related Topics

[Public & Subsidized Housing](#)

[Common Interest Communities](#)

[Housing for Special Populations](#)

Resources

[Marijuana in Multi-Unit Residential Settings \(2019\)](#)

[Smoke-free Housing and Rent Abatement \(2019\)](#)

[There is No Constitutional Right to Smoke or Toke \(2019\)](#)

[Toking, Smoking & Public Health: Lessons from Tobacco Control for Marijuana Regulation \(2018\)](#)



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