

Act 135 Protects Vermonters from Secondhand Smoke

Act 135 included e-cigarettes in the Clean Indoor Air Act and extended secondhand smoke protections in hotels and motels, workplaces, public places, childcare facilities and motor vehicles. Act 135 is also an important step in reducing child poisonings from e-cigarette liquids. Below you will find the major components of the law and implications for public health. Most provisions of the law became effective July 1, 2014. For more information or to report a violation, contact tobaccovt@vermont.gov.

Hotels and Motels

What does the law do? Prohibits smoking in rooms rented to guests in hotels, motels, and other lodging establishments. The Health Department's Food and Lodging Program will inspect for and follow up with Tobacco Control Program on violations.

Why is it important? More than 11,000 Vermonters currently work in the accommodation industry. Act 135 means that hotel and motel employees do not have to be exposed to secondhand smoke while at work. Act 135 also protects the millions of visitors to the state each year. Hotel guests are at risk for second and third-hand smoke exposure even if they are staying in a non-smoking room that previously permitted smoking. There is no safe level of exposure to secondhand smoke, and it remains a major cause of disease, disability and premature death among non-smokers.

What can you do to help? Inform your community about the importance of this protection for all workers and travelers. Every Vermont employee and visitor should be equally protected from secondhand smoke. Talk with hotel owners and employees about the law and the protections it places on them and their customers. Let the community know that if they see a violation to this rule, they may contact the Health Department's Food & Lodging Program.

School Grounds and Childcare Facilities

What does the law do? Act 135 prohibits tobacco use and the use of tobacco substitutes such as e-cigarettes, on all public school grounds and at school sponsored functions. This moves Vermont closer to having 100% tobacco-free school grounds, 100% of the time, and sends the message that tobacco use is unacceptable in environments that foster positive youth development.

Act 135 also expands protections for youth in licensed childcare facilities by prohibiting the use of tobacco products and tobacco substitutes on indoor and outdoor premises at all times. For registered family child care homes, the law bans the use of tobacco and tobacco substitutes when children are in care, and requires that parents be notified if smoking occurs in the home at other times.

Why is it important? This law created consistent tobacco-free policies and protections in Vermont. Act 135 created one policy for the entire state, including schools. According to the Centers for Disease Control & Prevention (CDC) *2022 School Health Profiles*, 100% of Vermont schools prohibited tobacco use for students, and 99% prohibited tobacco use for faculty/staff and visitors. Compliance applies to public school grounds and school-sponsored functions, regardless of whether children are present, and includes everyone, not just students. Including tobacco substitutes such as e-cigarettes in the law protects children from high nicotine, flavored and unregulated products. Youth are at increasing risk for using e-cigarettes, with 2021 data showing 16% of Vermont high school students using electronic vapor products during the last 30 days. One in 20 middle school students used an electronic vapor product (EVP) during the past 30 days. For childcare facilities, Act 135 provides strong protections, from home-based care to preschool through high school.

What can you do to help? Inform the community, especially parents and school staff, of the dangers of both secondhand smoke and youth initiation. Act 135 equally protects every child at every public school. Tell parents that they have a right to know if smoking is occurring in a registered family childcare home, and they should ask if smoking occurs on the property.

State Buildings & Properties

Act 135 establishes a 25-foot minimum smoke-free boundary around *all* State-owned buildings and offices. Additional areas of property or grounds owned by or leased to the State may be designated as smoke-free as well. State buildings that already have a 50-foot boundary can continue enforcing as already established. This law creates more consistency and demonstrates that Vermont supports healthy smoke-free environments for its workers and constituents. If a State building lacks smoke-free signage or the policy appears unenforced, contact tobaccovt@vermont.gov.

State Operated Facilities and Hospitals

Act 135 requires a smoke-free campus for State-owned and operated hospitals and mental health and substance treatment facilities. This mainly affects the Vermont Psychiatric Care Hospital. Act 135 helped establish an expectation that mental health facilities would support health and wellness by creating smoke-free environments, protecting staff and clients. Vermont 2021 data show that 26 percent of people with poor mental health smoke. This is double the smoking rate for Vermont as a whole. Creating a smoke-free environment for people who are affected by mental illness and substance use is an evidence-based way to improve the delivery of tobacco cessation services to clients and staff.

E-liquids

What does the law do? Act 135 banned the sale of liquid or gel substances containing nicotine in Vermont unless the product is in child-resistant packaging, excluding cartridges not designed to be opened by the consumer.

Why is it important? The Centers for Disease Control and Prevent reports a total of 7,043 e-cigarette exposure cases between April 1, 2022 - March 31, 2023. Of the e-cigarette calls to the National Poison Control Center during this time, 88% were of children under the age of five.

Half (51%) of the e-cigarette related calls to poison control centers involved children under the age of 5. According to CDC Former Director Tom Frieden, “E-cigarette liquids as currently sold are a threat to small children because they are not required to be childproof.” Act 135 took an important first step in protecting young children from nicotine poisoning, and Vermont is leading the way among states to implement this sort of restriction.

What can you do to help? Inform your community about the dangers of e-liquid poisonings and the vulnerability of young children to exposure.

Motor Vehicles

What does the law do? Act 135 prohibits smoking or use of a tobacco substitute in motor vehicles occupied by children under the age of 8 who are required to be in a car seat or booster seat. This is a primary offense, meaning a driver can be pulled over and cited even if no other violations occurred. The violation is punishable by a fine of up to \$100.

Why is it important? There is no safe level of exposure to secondhand smoke, and it is especially dangerous to children, as their organs and immune systems are not fully developed. Children exposed to secondhand smoke are at increased risk for Sudden Unexpected Infant Death (SUID or SIDS), respiratory infections, pneumonia, bronchitis, chronic coughing, shortness of breath and ear infections. Secondhand smoke in cars can reach dangerously high levels, even with the car windows open, and in car rides as short as five minutes.

What can you do to help? Inform the public that this law, in effect since July 1, 2014, increases secondhand smoke protections for those most vulnerable to its harmful effects. Tell the public about the dangers of secondhand smoke and how this law protects children, young adults and families. Our goal is not to fine or ticket but to change the acceptability of smoking or vaping around children and protect those who cannot protect themselves. Enforcement of smoke-free laws are important for public health.