

General Plan Public Comment Toolkit



2025



Overview

Participating in the general plan update process offers tobacco prevention projects and coalitions an opportunity to contribute to the public discourse and visioning of their community's future development. Ensuring health and tobacco-related issues are included in this conversation can be key to future policy success.*

Who is this Toolkit for?

This toolkit is designed for CTPP project staff and coalition members who are interested in participating in their local general plan cycle and have a foundational understanding of general plans.

For an introduction to General Plans, see [PHLC General Plans and Tobacco Control in California](#) and CTPP's General Plans focus area in *Partners*.



What this Toolkit Provides

This toolkit offers information, resources, and examples to help create written and verbal public comments to be presented to local decision-making bodies.

Important Considerations

Each community has its own way of organizing their general plan, with significant variation from one community to another. As opposed to a plug-in model ordinance, the language in this toolkit is designed as a guide and not intended to be definitive or precise for every community.

This toolkit is for informational purposes and should not be considered legal advice. If you require a specific legal opinion, we encourage you to consult with local counsel.

Suggested Community Engagement

Tobacco prevention project staff are encouraged to attend local planning commission and general plan update meetings and engage in conversations with planning staff, stakeholders, and community members for many reasons, including determining community readiness for the goals and policies in this toolkit.

How the Information is Organized

Because not all general plan updates include all elements, this toolkit is organized by tobacco-related topic. Each topic is then divided into sections that cover pertinent general plan elements where the tobacco-related topic can be addressed.

To illustrate how each section is organized, please refer to the template on page 4. There is also a table of contents for quick access to tobacco-related topics and general plan elements.

**This document utilizes CTPP's definition of tobacco product, which refers to all products intended for human consumption that are made or derived from tobacco or nicotine, whether natural or synthetic. When the word 'tobacco' is used throughout this toolkit, it is used to refer to tobacco in a commercial context. Commercial tobacco is manufactured with chemical additives for recreational use and profit, resulting in disease and death. By contrast, traditional tobacco is and has been used in sacred ways by Indigenous communities and tribes for centuries. For more information, visit <http://keepitsacred.itcml.org>.*


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Topic Layout Template

Tobacco-related Topic

This area indicates which element(s) may be used to address the tobacco-related topic. Some elements may be combined when there is significant overlap.

Applicable Element(s)	This box names the element(s) that can be used to address this topic area. <i>NOTE: Not all communities are required to have an Environmental Justice Element, though environmental justice-related concerns are crucial and can be addressed in other elements. Therefore, you will see environmental justice-related information in each element grouping.</i>
Legal Requirement Summary	Federal and state statutes codify mandatory element requirements. In this section, the requirements that relate to commercial tobacco are summarized in plain language, with links and references to the specific legal codes for more details.
How Tobacco Prevention Priority Areas Can Be Addressed	Current CTPP Priority Areas: Area 1: Counter Pro-tobacco Influences Area 2: Reduce Secondhand Smoke Exposure Area 3: Reduce the Availability of Tobacco Products Area 4: Promote Tobacco Cessation* This section will note the relevant priority areas within this element and, <i>in italics</i> , how the best practice goals and policies can address it.
Evidence	This section outlines the topic-related problem and citations for data that support the problem. Evidence throughout the document can be used for any element as it fits your project's goals and bolsters the points you'd like to address in public comments.
Relevant Resources	This section lists additional resources that support the topic and element, along with hyperlinks for easy access.
Best Practice Language	This section offers examples of language that a project/coalition can offer through the written public comment period. Included are the goals and policies that are the most protective of public health (End Game) followed by those that reduce accessibility and exposure to tobacco products. NOTE: End Game language is denoted with a . Depending on community readiness, projects are encouraged to advocate for the most protective goals and policies. As opposed to plug-in model ordinance language, general plans vary from community to community. The best practice goals and policies listed here can be offered in written public comments with the understanding they may need to be modified and tailored by planning staff to fit your general plan format. Technical assistance, may be available through the Public Health Law Center .
Sample Verbal/ Written Public Comment Excerpt	Common language that can be used for providing verbal/written public comments to a governing body, such as a board of supervisors, city council, or planning commission. Can be used in conjunction with Creating Verbal Public Comments for a General Plan/Element Update Guide found on the RISE website .
References	Sources and citations for the information presented.

*Because the term "tobacco treatment" emphasizes a more inclusive approach, this document will use the term "tobacco treatment" instead of "cessation." For more information, see the [RISE Reducing the Impact of Tobacco on Rural Communities 2025 Policy Platform](#).

Tobacco Product Waste (TPW)

Tobacco Product Waste (TPW) is generally recognized as pollution or trash from tobacco products, such as cigarette butts, vapes, oral nicotine pouches, cigarillo tips, and any product packaging. It is pervasive and persistent in our communities and can be addressed in multiple mandated elements, including *Safety, Land Use, Open Space, Conservation*, and the sometimes-mandated *Environmental Justice Element*. Additionally, TPW can be addressed in optional elements like *Agriculture, Economic Development, and Health*.

Applicable Element(s)	Land Use, Environmental Justice
Legal Requirement Summary	<p>The primary function of the General Plan’s Land Use Element is to lay out a pattern for a city or county’s future development. It must address the type, intensity, and distribution of land uses within the jurisdiction and among other things, should be consistent with the natural resources conservation requirements of the Conservation Element. The Land Use Element should also reflect the community’s vision; promote thoughtful, equitable, and accessible distribution of different land uses, including residential, commercial, industrial, agricultural and open space; and align well with other general plan elements.” Gov. Code § 65302(a).¹</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civic engagement in the public decision-making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California Environmental Protection Agency (CalEPA) (see mapping tool) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).¹</p>
How Tobacco Prevention Priority Areas Can Be Addressed	<p>Area 1: Counter pro-tobacco influences by <i>reducing retailer proximity to environmentally-sensitive and youth-sensitive areas.</i></p> <p>Area 2: Reduce exposure to secondhand smoke <i>and tobacco product waste by reducing retailers, retailer density, and proximity to sensitive areas.</i></p> <p>Area 3: Reduce the availability of tobacco products by <i>reducing retailer density, particularly among priority populations.</i></p>
Evidence	<ul style="list-style-type: none"> • Tobacco product waste aggregates where tobacco retail stores are sited.^{2,3} • Tobacco retail establishments are more densely located in low-income and communities of color.^{4,5} These communities are disproportionately designated as disadvantaged communities, as defined by Gov. Code § 65302(h)¹, due to their higher exposure to various environmental hazards.⁶ • 80% of teenagers in California regularly observe tobacco product waste littered in their communities, which further normalizes the use of tobacco products. In addition, surveyed teens who were LGBTQ+, Hispanic or Latino, from small towns, or from financially disadvantaged families were even more likely to see tobacco waste litter in their communities, even after statistical adjustment for household tobacco use.⁷

<p>Evidence (continued)</p>	<ul style="list-style-type: none"> • Cigarette butts are made up of thousands of plastic microfibers that contain thousands of toxic and carcinogenic chemicals from commercial tobacco smoke, such as nicotine, pesticides, polycyclic aromatic hydrocarbons (PAHs), arsenic, and heavy metals such as lead and cadmium.⁸ • Discarded nicotine e-liquid is legally classified as an acute hazardous waste under the federal Resource Conservation and Recovery Act (RCRA) and California law, because human exposure to it, even in small quantities, can cause death or permanent injury/illness.^{9,10} This is the case regardless of whether the products are spent or if they are unused in their original packaging.^{10,11,12} • E-cigarettes can also be known to use lithium-ion batteries, chargers, and atomizers. These items contain nonrenewable metals and chemicals that are toxic to landfills, so they should be handled as either recyclable e-waste or characteristic hazardous waste, where they cannot be recycled.¹³ • There is currently no safe procedure established for consumers to dispose of commercial tobacco products.¹⁴ • Studies have estimated the economic cost attributable to tobacco litter to be between \$4.7 million and \$90 million for large cities. These estimates do not factor in e-cigarette waste, which is more complex and costly to manage.¹⁵
<p>Relevant Resources</p>	<p>CalEnviroScreen Data Report https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40</p> <p>CalEnviroScreen Data Dashboard https://experience.arcgis.com/experience/6b863505f9454cea802f4be0b4b49d62</p> <p>Tobacco Retailer Mapping Tool https://cthat.org</p> <p>Public Health Law Center, Endgame Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/End-Commercial-Tobacco-Sales-CA-Model-Ordinance.pdf</p> <p>Public Health Law Center, Comprehensive Tobacco Retailer Licensing Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf</p>

<p>Best Practice Language</p>	<p>EG Goal: Phase out all commercial tobacco sales.</p> <p>EG Policy Adopt an ordinance prohibiting any commercial tobacco sales by [date].</p> <p>EG Policy (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses; discontinue any renewals by [date].</p> <p>EG Policy: Remove any existing land use designation that permits tobacco retailer establishments.</p> <p>Goal: Reduce tobacco retailer proximity to and density near open space and disadvantaged communities.</p> <p>Policy: Restrict New Commercial Tobacco Retailers. Discourage new tobacco retail establishments (i.e., smoke shops, vape shops, grocery stores that sell tobacco products) to prevent addiction, encourage tobacco treatment, and reduce exposure to environmental hazards.</p> <p>Policy: Cap the number of licenses issued in regions that meet the definition of “disadvantaged communities.” Licenses may be capped at zero (0), meaning no new license shall be issued.</p> <p>Policy: Prohibit tobacco retailers from being located within one thousand (1,000) feet of one another.</p> <p>Policy: Limit tobacco retailers within one thousand (1,000) feet of youth-populated areas such as schools, parks, and/or childcare.</p> <p>Policy: Restrict commercial tobacco retailers from operating within one thousand (1,000) feet of identified open spaces.</p>
<p>Sample Verbal/ Written Public Comment Excerpt</p>	<p><i>Tobacco smoke contains over 4,000 chemical compounds, of which over 60 are known carcinogens. The California Environmental Protection Agency (CalEPA) has classified nicotine as an “acute hazardous waste.” Nicotine and other leachates seep into groundwater, posing a considerable risk of contaminating the food we consume and the water we ingest, bathe, and recreate in. Pets, wildlife, and people that ingest or handle tobacco product waste are at risk of poisoning.</i></p> <p><i>Studies indicate tobacco product waste aggregates where tobacco retail stores are sited. Once littered, these items are difficult and costly to clean up and a significant portion will inevitably remain in the environment. Even when disposed of properly, these products release secondhand and thirdhand smoke and aerosols, which contaminate and degrade our land and waters.</i></p> <p><i>With all of this in mind, and to meet our legal obligation for the land use element to lessen harm of our natural resources, it's important for our community to make sure that the concentration and location of these retail sites and products are not situated near vulnerable areas, such as the spaces where our young people spend time, where our food is grown, and where families recreate and live, particularly those experiencing higher exposure to toxic hazards.</i></p>

References

1. Cal Gov Code § 65302 (Amended 2024).
2. Araújo MCB, Costa MF. A critical review of the issue of cigarette butt pollution in coastal environments. *Environ Res.* 2019;172:137-149. doi:10.1016/j.envres.2019.02.005.
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9. Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof, 40 CFR § 261.33 (2025). [Accessed February 2, 2026]. <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-D/section-261.33>.
10. Cal Code Regs 22 § 66261.33 (Barclays 2025).
11. Cal Code Regs 22 § 66261.7 (Barclays 2025).
12. "Letter from Barnes Johnson, EPA, to Daniel K. DeWitt (May 8, 2015), <https://rcrapublic.epa.gov/files/14850.pdf>".
13. Hendlin YH. Alert: Public Health Implications of Electronic Cigarette Waste. *Am J Public Health.* 2018;108(11):1489-1490. doi:10.2105/AJPH.2018.304699. [Also accessible at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC6187764/>]
14. World Health Organization. Tobacco and its environmental impact: an overview. 2017. [Accessed April 30, 2025]. <https://www.who.int/publications/i/item/9789241512497>.
15. Schneider JE, Scheibling CM, Peterson NA, Granados PS, Fulton L, Novotny TE. Online Simulation Model to Estimate the Total Costs of Tobacco Product Waste in Large U.S. Cities. *Int J Environ Res Public Health.* 2020;17(13):4705. Published 2020 Jun 30. doi:10.3390/ijerph17134705.

Applicable Element(s)	Conservation, Open Space, Agriculture, Environmental Justice
<p>Legal Requirement Summary</p>	<p>The Conservation Element focuses on the conservation and sustainable development and utilization of natural resources, and the prevention of their wasteful exploitation, degradation, and destruction. Natural resources include the jurisdiction’s “water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.” Gov. Code § 65302(d).¹</p> <p>The Open Space Element is meant “to assure that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible.” The value of open-space land resources refers to their value when used in an undeveloped form, as opposed to its value for development. Open-space uses include the following: the preservation of natural resources (e.g., wildlife habitats, shores, bodies of water, and watersheds); managed production (e.g., commercial fisheries, agricultural lands, rangeland); outdoor recreation; public health and safety (e.g., areas presenting high fire risk); tribal resources (e.g., religious or ceremonial sites); and military-adjacent lands. Gov. Code § 65560(h),² § 65562.³</p> <p>The Agriculture Element is an optional element that may be developed to promote local agriculture, support long-term protection of agricultural land, and minimize the encroachment of urban development. Protection of agricultural land can also be addressed within the Open Space Element. If adopted as a separate element, its requirements include the identification and designation of priority land for agricultural conservation, cooperating with other public agencies and agricultural associations to protect that land, and establishing partnerships for their long-term protection and stewardship. Gov. Code § 65565.⁴</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civic engagement in the public decision-making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California Environmental Protection Agency (CalEPA) (see SB 535 Mapping Tool) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).¹</p>
<p>How Tobacco Prevention Priority Areas Can Be Addressed</p>	<p>Area 1: Counter pro-tobacco influences by <i>reducing concentration of retail establishments near environmentally sensitive areas.</i></p> <p>Area 2: Reduce exposure to secondhand smoke, thirdhand smoke, <i>and tobacco product waste through restrictions on use near open spaces.</i></p> <p>Area 4: Promote tobacco cessation <i>through requiring no smoking signage that includes tobacco treatment resource information.</i></p>

<p>Evidence</p>	<ul style="list-style-type: none"> • Tobacco product waste contaminates water and soil and harms wildlife.^{5,6} • Cigarette butts are made up of thousands of plastic microfibers that contain thousands of toxic and carcinogenic chemicals from commercial tobacco smoke, such as nicotine, pesticides, polycyclic aromatic hydrocarbons (PAHs), arsenic, and heavy metals such as lead and cadmium.⁷ • E-cigarette and vape e-liquids contain nicotine, which when discarded is legally classified as an acute hazardous waste under the federal Resource Conservation and Recovery Act (RCRA) and California law, because human exposure to it, even in small quantities, can cause death or permanent injury/illness.^{8,9} • This is the case regardless of whether the products are spent or if they are unused in their original packaging.^{9,10} • E-cigarettes can also be known to use lithium-ion batteries, chargers, and atomizers. These items contain nonrenewable metals and chemicals that are toxic to landfills, so they should be handled as either recyclable e-waste or characteristic hazardous waste where they cannot be recycled.¹¹ • Tobacco product waste aggregates where tobacco retail stores are sited.^{12,13} • There is currently no safe procedure established for consumers to dispose of commercial tobacco products.¹⁴ • Studies have estimated the economic cost attributable to tobacco litter to be between \$4.7 million and \$90 million for large cities. These estimates do not factor in e-cigarette waste, which is more complex and costly to manage.¹⁵ (NOTE: While specific data on rural communities is lacking, these communities may have even greater difficulty shouldering the economic costs of TPW cleanup than larger cities.)
<p>Relevant Resources</p>	<p>CalEnviroScreen Data Report https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40</p> <p>CalEnviroScreen Data Dashboard https://experience.arcgis.com/experience/6b863505f9454cea802f4be0b4b49d62</p> <p>SB 535 Disadvantaged Communities Mapping Tool https://oehha.ca.gov/calenviroscreen/sb535</p> <p>Tobacco Retailer Mapping Tool (CTHAT) https://cthat.org</p> <p>Cleanup Toolkit https://static1.squarespace.com/static/6131305e74b368742c8688d0/t/660ee12e439e12280f2005da/1712251182355/SC+TPW+Clean+Up+Toolkit`it.pdf</p> <p>Tobacco Product Waste in California: A White Paper https://merg.sdsu.edu/wp-content/uploads/2022/05/Tobacco-Product-Waste-in-California_-A-White-Paper.pdf</p> <p>Thirdhand Smoke Resource Center https://thirdhandsmoke.org</p> <p>Public Health Law Center, Endgame Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/End-Commercial-Tobacco-Sales-CA-Model-Ordinance.pdf</p>

<p>Relevant Resources (continued)</p>	<p>Public Health Law Center, Comprehensive Tobacco Retailer Licensing Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf</p> <p>Public Health Law Center, Commercial Tobacco-Free Outdoor Areas Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/Outdoor-Smoke-free-Model-Ordinance.pdf</p>
<p>Best Practice Language</p>	<p>EG Goal: Phase out all commercial tobacco sales.</p> <p>EG Policy Adopt an ordinance prohibiting any commercial tobacco sales by [date].</p> <p>EG Policy (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses; discontinue any renewals by [date].</p> <p>Goal: Protect identified open spaces by preventing commercial tobacco litter pollution and engaging in mitigation activities to clean up existing waste.</p> <p>Policy: Restrict tobacco retailers from operating within one thousand (1,000) feet of identified open spaces.</p> <p>Policy: Require the adoption of a comprehensive smoke- and tobacco-free spaces ordinance. As part of a smoke- and tobacco-free spaces ordinance, prohibit ash receptacles in areas where smoking and tobacco use is prohibited to prevent accidental transport of tobacco waste into the environment by wind and other environmental factors.</p> <p>Policy: Where smoking and tobacco use is prohibited, post multilingual signage in open spaces stating: “Tobacco products contain heavy metals and known carcinogens. Nicotine is a highly toxic and addictive chemical, which is classified as an acute hazardous waste under federal law. Littered tobacco and nicotine products pollute land and water and can poison children, pets, and wildlife. We thank you for keeping our environment clean and our wildlife and families safe by refraining from using tobacco products in this area.” Include information about tobacco treatment such as the contact information for Kick It California and/or a local tobacco treatment resource.</p> <p>Policy: Collaborate with organizations not affiliated with the tobacco industry to host periodic tobacco litter cleanup events in identified open spaces to mitigate existing waste. Encourage organizations to collect relevant data, such as quantity and type of littered items and time spent.</p> <p>EG Policy: Prohibit the sale of tobacco and nicotine products generally recognized as single-use, such as single-use electronic smoking devices (commonly known as ‘vapes’); “filtered” cigarettes; little cigars, cigarillos, and cigars with tips; snus; and oral pouches.</p>

<p>Sample Verbal/ Written Public Comment Excerpt</p>	<p><i>Tobacco smoke contains over 4,000 chemical compounds, of which over 60 are known carcinogens. Additionally, the California Environmental Protection Agency (CalEPA) has classified nicotine as an “acute hazardous waste.” Nicotine and other leachates seep into groundwater, posing a considerable risk of contaminating the food we consume and the water we ingest, bathe, and recreate in. Pets, wildlife, and people that ingest or handle tobacco product waste are at risk of poisoning. Studies indicate tobacco product waste accumulates where tobacco retail stores are sited. Once littered, these items are difficult and costly to clean up and a significant portion will inevitably remain in the environment. Even when disposed of properly, these products release secondhand and thirdhand smoke and aerosols, which contaminate and degrade our land and waters. With all of this in mind, it’s important for our community to make sure that the use and disposal of these products do not happen near our precious open spaces—including where we live, grow food, and recreate. These efforts are consistent with and help us meet our [city’s/county’s] legal obligation under the conservation and open space element statutes to prevent the degradation and destruction of our natural resources and to preserve our undeveloped open space lands in their natural state.</i></p>
<p>References</p>	<ol style="list-style-type: none"> 1. Cal Gov Code § 65302 (Amended 2024). 2. Cal Gov Code § 65560 (Amended 2017). 3. Cal Gov Code § 65562 (1970). 4. Cal Gov Code § 65565 (2017). 5. Truth Initiative. Tobacco and the environment. April 26, 2023. [Accessed April 30, 2025]. https://truthinitiative.org/research-resources/harmful-effects-tobacco/tobacco-and-environment. 6. World Health Organization. Tobacco: poisoning our planet. 2022. [Accessed April 30, 2025]. https://iris.who.int/bitstream/handle/10665/354579/9789240051287-eng.pdf?sequence=1. 7. Acarer Arat S. A review on cigarette butts: Environmental abundance, characterization, and toxic pollutants released into water from cigarette butts. <i>Sci Total Environ</i>. 2024;928:172327. doi:10.1016/j.scitotenv.2024.172327. 8. Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof, 40 CFR § 261.33 (2025). [Accessed February 2, 2026]. https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-D/section-261.33. 9. Cal Code Regs 22 § 66261.33 (Barclays 2025). 10. Cal Code Regs 22 § 66261.7 (Barclays 2025). 11. Hendlin YH. Alert: Public Health Implications of Electronic Cigarette Waste. <i>Am J Public Health</i>. 2018;108(11):1489-1490. doi:10.2105/AJPH.2018.304699. [Also accessible at: https://pmc.ncbi.nlm.nih.gov/articles/PMC6187764/] 12. Araújo MCB, Costa MF. A critical review of the issue of cigarette butt pollution in coastal environments. <i>Environ Res</i>. 2019;172:137-149. doi:10.1016/j.envres.2019.02.005. 13. Marah M, Novotny TE. Geographic patterns of cigarette butt waste in the urban environment. <i>Tob Control</i>. 2011;20 Suppl 1(Suppl_1):i42-i44. doi:10.1136/tc.2010.042424. 14. World Health Organization. Tobacco and its environmental impact: an overview. 2017. [Accessed April 30, 2025]. https://www.who.int/publications/i/item/9789241512497. 15. Schneider JE, Scheibling CM, Peterson NA, Granados PS, Fulton L, Novotny TE. Online Simulation Model to Estimate the Total Costs of Tobacco Product Waste in Large U.S. Cities. <i>Int J Environ Res Public Health</i>. 2020;17(13):4705. Published 2020 Jun 30. doi:10.3390/ijerph17134705.

Applicable Element(s)	Safety, Environmental Justice
Legal Requirement Summary	<p>The Safety Element requires cities and counties to anticipate and plan for the consequences of possible natural disasters and to ensure the adoption of emergency operations planning. It must establish development policy, regulations, and programs to minimize the impact of the possible hazards on public health and infrastructure. It must also address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zones. Gov. Code § 65302(g).¹</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civic engagement in the public decision-making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California Environmental Protection Agency (CalEPA) (see Disadvantaged Communities Mapping Tool in resources) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).¹</p>
How Tobacco Prevention Priority Areas Can Be Addressed	<p>Area 1: Counter pro-tobacco Influences by <i>reducing concentration of retail establishments near essential public facilities and areas with high potential for wildfire.</i></p> <p>Area 2: Reduce exposure to secondhand smoke <i>and tobacco product waste by promoting safe handling of tobacco hazardous waste.</i></p> <p>Area 3: Reduce the availability of tobacco products by <i>discouraging the sale of tobacco products unsafe for disassembly.</i></p>
Evidence	<ul style="list-style-type: none"> • In 2023, 27 wildfires were caused by cigarettes or other smoking materials on state-owned land in California.² • A 2025 study reveals that even "fire safe" labeled cigarettes can start wildfires, particularly in dry and windy conditions.³ • Lithium batteries can catch on fire when damaged, which often happens when disposed of in trash or recycle bins, resulting in increased fire risk during transport and at waste facilities.⁴ • Fires caused by lithium batteries pose a unique challenge to firefighters as they can be hard to extinguish. Fire personnel often have no choice but to let lithium fires burn themselves out. While research is limited, there are concerns regarding emissions, including the release of hydrogen fluoride, carbon monoxide, and metal particulates.⁵ • Tobacco product waste aggregates where tobacco retail stores are sited.^{6,7} • Cigarette butts are made up of thousands of plastic microfibers that contain thousands of toxic and carcinogenic chemicals from commercial tobacco smoke, such as nicotine, pesticides, polycyclic aromatic hydrocarbons (PAHs), arsenic, and heavy metals such as lead and cadmium.⁸

<p>Evidence (continued)</p>	<ul style="list-style-type: none"> • E-cigarette and vape e-liquids contain nicotine, which when discarded is legally classified as an acute hazardous waste under the federal Resource Conservation and Recovery Act (RCRA) and California law, because human exposure to it, even in small quantities, can cause death or permanent injury/illness.^{9,10} This is the case regardless of whether the products are spent or if they are unused in their original packaging.^{10,11} • E-cigarettes typically use lithium-ion batteries, chargers, and atomizers. These items contain nonrenewable metals and chemicals that are toxic to landfills, so they should be handled as either recyclable e-waste or characteristic hazardous waste, where they cannot be recycled.¹² • There is currently no safe procedure established for consumers to dispose of commercial tobacco products.¹³ • Studies have estimated the economic cost attributable to tobacco litter to be between \$4.7 million and \$90 million for large cities. These estimates do not factor in e-cigarette waste, which is more complex and costly to manage.¹⁴ (NOTE: While specific data on rural communities is lacking, these communities may have even greater difficulty shouldering the economic costs of TPW cleanup than larger cities.)
<p>Relevant Resources</p>	<p>CalEnviroScreen Data Report https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40</p> <p>CalEnviroScreen Data Dashboard https://experience.arcgis.com/experience/6b863505f9454cea802f4be0b4b49d6</p> <p>Disadvantaged Communities Mapping Tool https://oehha.ca.gov/calenviroscreen/sb535</p> <p>Fire Hazard Severity Zone (FHSZ) Map https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones</p> <p>Hazardous Waste Laws and Tobacco Product Waste: What Retailers Need to Know https://www.publichealthlawcenter.org/sites/default/files/resources/Tobacco-Waste-Disposal-Tobacco-Retailers.pdf</p> <p>Public Health Law Center, Endgame Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/End-Commercial-Tobacco-Sales-CA-Model-Ordinance.pdf</p> <p>Public Health Law Center, Tobacco Product Waste Toolkit https://publichealthlawcenter.org/sites/default/files/resources/Tobacco-Product-Waste-Toolkit.pdf</p> <p>Public Health Law Center, Commercial Tobacco-Free Outdoor Areas Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/Outdoor-Smoke-free-Model-Ordinance.pdf</p>

Best Practice Language

EG Goal: Phase out all commercial tobacco sales.

EG Policy Adopt an ordinance prohibiting any commercial tobacco sales by **[date]**.

EG Policy (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses; discontinue any renewals by **[date]**.

Goal: Reduce the risk of wildfires and protect communities from exposure to tobacco product waste during natural disasters like floods, earthquakes, and wildfires. Ensure compliance with existing hazardous waste law.

Policy: Require tobacco retailers to keep records of all tobacco product waste disposed from their unsold inventory, whether due to expiration or compliance with other tobacco control laws. The records should provide sufficient information to determine whether the retailer has complied with the federal Resource Conservation and Recovery Act (RCRA) and state law requirements for hazardous waste generators and related state regulations.

Policy: Collaborate with the local Certified Unified Program Agency (CUPA) and any other local hazardous waste management agencies to develop training and informational materials on generator legal responsibilities and logistic best practices for businesses that generate hazardous waste (e.g. auto repair and oil change establishments, paint and construction, lawn care and pest control, tobacco retailers, and vape lounges).

Policy: Support the continued operation and expansion of household and business hazardous material waste drop-off events throughout the jurisdiction and raise awareness about less obvious hazardous waste items (e.g. vapes and e-cigarettes that are marketed as disposable but which are actually hazardous waste).

Policy: Prohibit the sale of "mixed hazardous waste products," which includes any tobacco product that contains liquid for use in an electronic smoking device in combination with electronic waste into a single product that cannot be classified and disposed of only as acute hazardous waste, non-acute hazardous waste, or universal waste alone without disassembly by a waste management entity.

Policy: To reduce the risk of wildfires, require the adoption of a comprehensive smoke- and tobacco-free spaces ordinance that prohibits the use of tobacco product within state responsibility areas and high fire hazard severity zones, and within 1,000 feet of essential public facilities. Also, prohibit ash receptacles in areas where smoking and tobacco use is prohibited to prevent accidental transport of tobacco waste into the environment by wind and other environmental factors. Restrict the development of new commercial tobacco retailers within 1,000 feet of state responsibility areas, high fire hazard severity zones, and near essential public facilities such as hospitals and health care facilities, fire stations, and emergency shelters to prevent the spread of accidental fire due to lithium-ion battery explosions or improperly discarded tobacco litter.

**Sample Verbal/
Written Public
Comment Excerpt**

We know that tobacco smoke contains over 4,000 chemical compounds, of which over 60 are known carcinogens. The California Environmental Protection Agency (CalEPA) has classified nicotine as an “acute hazardous waste” because human exposure to it, even in small quantities, can cause death or permanent injury/illness. This is the case regardless of whether the products are spent or if they are unused in their original packaging. E-cigarettes can also be known to use lithium-ion batteries, chargers, and atomizers, which add another layer of potential harm. Proper handling of e-cigarettes that are not designed for safe separation of their nicotine and e-waste components are particularly hazardous for waste management staff and add higher expenses to an already costly disposal process.

Understanding where these products are stored and ensuring that they are not where they can pose a danger to our residents, the environment, and our first responders—particularly in the case of an emergency, such as a flood, fire, or a seismic hazard event—is a crucial step in protecting our health and safety. Also, studies indicate tobacco product waste accumulates where tobacco retail stores are sited, which adds to the concern. Once littered, these items are difficult and costly to clean up, and a significant portion will inevitably remain in the environment, imposing irreparable harm.

Fires that involve lithium batteries pose a unique challenge to firefighters as they are notoriously hard to extinguish. While research on the threat of emissions from lithium battery fires is still limited, concerns include the release of hydrogen fluoride, carbon monoxide, and metal particulates.

Many of these issues can and should be addressed in the Safety (and/or Justice) Element. If we don't outright ban these products, which would be the preferred alternative to maximize community safety, we can use the Safety Element to develop a uniform plan and mapping that applies to all facilities receiving, storing, and disposing of these dangerous products. This approach will help us best understand the estimated concentration of hazardous materials, the potential danger, and a responsible course of action in the case of emergency.

With all of this in mind, it's important for the health of our community to make sure that we address the presence of these products in our communities. The safety element statute directs us to protect the community from unreasonable risks to public health and infrastructure during seismic events, flooding, and wildfires. Tracking the location where tobacco products and associated wastes are concentrated and seeking to reduce the presence of these hazardous materials in our community is consistent with, and can help us meet, our [**city's/county's**] legal obligation.

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Tobacco Retail

A general plan can incorporate goals and policies that support prevention in the tobacco retail space. In addition, general public health can be supported through a healthy retail environment that increases access to healthy food. This section provides guidance on how to promote healthy retail and counter pro-tobacco influences in mandated elements, like *Land Use, Housing, Environmental Justice, and Safety*. It also provides guidance on an optional *Health Element* and can be used to address other relevant optional elements not included here, such as *Economic Development*. Some communities choose to adopt an optional stand-alone *Health Element*, while others simply weave a health focus into all their elements.

Applicable Element(s)	Land Use, Environmental Justice
Legal Requirement Summary	<p>The primary function of the General Plan’s Land Use Element is to lay out a pattern for a city or county’s future development. It must address the type, intensity, and distribution of land uses within the jurisdiction and “will reflect the community’s vision; promote thoughtful, equitable, and accessible distribution of different land uses, including residential, commercial, industrial, agricultural and open space; and align well with other general plan elements.” Gov. Code § 65302(a).</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civic engagement in the public decision making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California Environmental Protection Agency (CalEPA) (see mapping tool) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).</p>
How Tobacco Prevention Priority Areas Can Be Addressed	<p>Area 1: Counter pro-tobacco influences <i>through reducing retailer density and the total number of tobacco retailers in the jurisdiction.</i></p> <p>Area 2: Reduce exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products <i>by reducing retailers, retailer density, and proximity to sensitive areas.</i></p> <p>Area 3: Reduce availability of tobacco products <i>by phasing out commercial tobacco sales or reducing retailer density, particularly in disadvantaged communities and near sensitive populations, and reducing the total number of tobacco retailers in the jurisdiction.</i></p>

<p>Evidence</p>	<ul style="list-style-type: none"> • Initiation refers to the first time an individual uses a substance. Retailer locations close to schools and other youth-oriented locations increase the likelihood of initiation—and many young people from vulnerable populations attend schools within one thousand (1,000) feet of a tobacco retailer.¹ • In California, over 8,400 tobacco retailers fall within one thousand (1,000) feet of a school. Research shows that youth and adults are less likely to use tobacco products when retailers are located farther away and at a lower density.^{2,3} • Current smoking rates are higher in schools in neighborhoods with the highest density of tobacco retailers than in neighborhoods without any tobacco retailers; this density of retail cigarette advertising indicated a similar association of higher smoking prevalence.⁴ • In young adults, exposure to tobacco marketing is associated with same-day product use.⁵ • A 2023 study found that approximately 4 out of 5 teenagers in California regularly observed tobacco product waste littered in their communities. Such prevalence of tobacco product waste further normalizes the use of tobacco products in the communities where they are found. In addition, surveyed teens who were LGBTQ+, Hispanic or Latino, from small towns, or from financially disadvantaged families were even more likely to see tobacco waste litter in their communities, even after statistical adjustment for household tobacco use.⁶ • Cities that have phased out tobacco sales have high retailer compliance rates. Since 2020, two California cities have phased out tobacco sales: Beverly Hills and Manhattan beach. Both have achieved 81.3% and 94.1% compliance rates respectively within one year of policy implementation.⁷
<p>Relevant Resources</p>	<p>Endgame Policy https://www.publichealthlawcenter.org/sites/default/files/inlinefiles/Endgame%20Policy%20Platform%20-%20November%202023.pdf</p> <p>California Tobacco Health Assessment Tool (CTHAT) https://cthat.org/</p> <p>California Youth Tobacco Survey Data https://www.teachvapefree.org/cyts-ca-youth-tobacco-survey-data/</p> <p>Public Health Law Center, Endgame Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/End-Commercial-Tobacco-Sales-CA-Model-Ordinance.pdf</p> <p>Public Health Law Center, Comprehensive Tobacco Retailer Licensing Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf</p>

<p>Best Practice Language</p>	<p>EG Goal: Phase out all commercial tobacco sales.</p> <p>EG Policy Adopt an ordinance prohibiting any commercial tobacco sales by [date].</p> <p>EG Policy (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses; discontinue any renewals by [date].</p> <p>EG Policy: Remove any existing land use designation that permits tobacco retailer establishments.</p> <p>Goal: To promote environmental justice and improve overall community health and well-being, reduce the density and total number of tobacco retailers in the jurisdiction.</p> <p>Policy: Adopt an ordinance requiring a tobacco retail license for all commercial tobacco sales.</p> <p>Policy: Cap the number of licenses issued in regions that meet the definition of “disadvantaged communities.” Licenses may be capped at zero (0), meaning no new license shall be issued.</p> <p>Policy: Limit the proximity between tobacco retailers by prohibiting their location within one thousand (1,000) feet of each other.</p> <p>Policy: Prohibit tobacco retailers from being located within one thousand (1,000) feet of youth-sensitive areas and facilities, such as schools, parks and/or childcare centers.</p>
<p>Sample Verbal/ Written Public Comment Excerpt</p>	<p><i>A local government is responsible for protecting the health, safety, and welfare of its citizens, and has the ability to do so through their general plan. The built environment and land use decisions play an important role in shaping the pattern of community development, which in turn can either promote or hinder good health for its citizens. Land use planning can improve the community’s health when it prioritizes universal access to healthy living options and opportunities for all and discourages or restricts unhealthy ones. Because 80%–90% of health outcomes are a result of the quality of the built environment in the community, like access to green spaces, healthy food, and good schools,¹ our project supports working on these conditions through land use planning and related policies.</i></p> <p><i>The built environment is particularly impactful on youth and young adults who generally have a more limited range of travel and disposable income. Having numerous tobacco retailers within walking or biking distance but few or no fresh food vendors leave young people highly vulnerable to unhealthy influences. For example, in [jurisdiction], [%] of 7th graders; [%] of 9th graders and [%] of 11th graders have used vaping devices that include nicotine and other dangerous substances. (NOTE: If comments are written, cite source for data provided.)</i></p>

<p>Sample Verbal/ Written Public Comment Excerpt (continued)</p>	<p><i>[Name of city/county] has the ability to remedy this problem by adopting goals, policies, and implementation measures that specifically address this vulnerability. Tobacco retailer locations close to schools and other youth oriented locations create a higher risk of youth tobacco use, as visibility of and access to commercial tobacco products increases likelihood for initiation.¹ Smoking rates are higher in schools in neighborhoods with the highest density of tobacco retailers than in neighborhoods without any tobacco retailers.³ Likewise, a higher density of cigarette advertising in retail spaces is associated with a higher smoking prevalence.³ In California, over 8,400 tobacco retailers operate within this 1,000-foot zone around a school, and in [our jurisdiction], [count] (that is [percentage %]) of retailers sell tobacco products within this zone.² Notably, many young people from [vulnerable / dis-invested / under-invested / disadvantaged] populations attend schools within 1,000 feet of a tobacco retailer.¹</i></p> <p><i>Research shows that youth and adults are less likely to use tobacco products when retailers are located farther away and at a lower density.³ Jurisdictions protect youth and adults from exposure to these dangerous products by restricting where tobacco products may be sold and consumed. Some California jurisdictions have even prohibited the sale of all tobacco products within their borders, with high compliance rates from retailers.⁷ With all of this in mind, it's important for our community to make sure that the concentration and location of these retail sites and products are not situated near vulnerable areas, such as the spaces where our young people and families recreate and live.</i></p> <p><i>Some communities choose to weave a health focus into all the elements in their general plans, including land use, while others choose to adopt a standalone Health Element. In either case, our project [is available at your convenience to provide more information / has provided information] to planning staff that can help support these efforts.</i></p>
<p>References</p>	<ol style="list-style-type: none"> 1. CounterTobacco.org. Stores near schools. August 5, 2022. [Accessed November 17, 2025.] https://countertobacco.org/resources-tools/evidence-summaries/stores-near-schools/. 2. California Tobacco Health Assessment Tool (CTHAT). Stanford Prevention Research Center, GreenInfo Network. Available at https://cthat.org. Exported November 21, 2025. 3. Lee JGL, Kong AY, Sewell KB, et al. Associations of tobacco retailer density and proximity with adult tobacco use behaviours and health outcomes: a meta-analysis. <i>Tob Control</i>. 2022;31(e2):e189-e200. doi:10.1136/tobaccocontrol-2021-056717. 4. Henriksen L, Feighery EC, Schleicher NC, Cowling DW, Kline RS, Fortmann SP. Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools? <i>Prev Med</i>. 2008;47(2):210-214. doi:10.1016/j.ypmed.2008.04.008. 5. Hébert ET, Vandewater EA, Businelle MS, Harrell MB, Kelder SH, Perry CL. Tobacco advertising exposure and product use among young adults: An ecological momentary assessment approach. <i>Addict Behav</i>. 2023;139:107601. doi:10.1016/j.addbeh.2022.107601. 6. Chaffee BW, Farooq O, Couch ET, et al. Inequitable exposure to tobacco product litter among adolescents in California, USA. <i>Tob Prev Cessat</i>. 2025;11:10.18332/tpc/200195. Published 2025 Feb 10. doi:10.18332/tpc/200195. 7. Henriksen L, Andersen-Rodgers E, Voelker DH, Johnson TO, Schleicher NC. Evaluations of compliance with count first tobacco sales bans and tobacco marketing in restricted and cross-border stores. <i>Nicotine Tob Res</i>. 2024;26(9):1159-1165. doi:10.1093/ntr/ntae043.

Applicable Element(s)	Safety, Environmental Justice
Legal Requirement Summary	<p>The Safety Element requires cities and counties to anticipate and plan for the consequences of possible natural disasters and to ensure the adoption of emergency operations planning. It must establish development policy, regulations, and programs to minimize the impact of the possible hazards on public health and infrastructure. It must also address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zones. Gov. Code § 65302(g).</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civic engagement in the public decision making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California Environmental Protection Agency (CalEPA) (see Disadvantaged Communities Mapping Tool in resources) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).</p>
How Tobacco Prevention Priority Areas Can Be Addressed	<p>Area 1: Counter Pro-tobacco Influences by <i>reducing the concentration of tobacco retail establishments near essential public facilities and areas with high potential for wildfire.</i></p> <p>Area 2: Reduce exposure to secondhand smoke by <i>reducing tobacco product sales.</i></p> <p>Area 3: Reduce availability of tobacco products by <i>phasing out the sale of all or certain types of tobacco products.</i></p>
Evidence	<ul style="list-style-type: none"> • E-cigarettes or vapes e-liquids contain nicotine, which when discarded is legally classified as an acute hazardous waste under the federal Resource Conservation and Recovery Act (RCRA) and California law because human exposure to it even in small quantities can cause death or permanent injury/illness.¹ This is the case regardless of whether the products are spent or if they are unused in their original packaging.^{2,3} • E-cigarettes also contain lithium-ion batteries, chargers, and atomizers. These items contain nonrenewable metals and chemicals that are toxic to landfills, so they should be handled as either recyclable e-waste or characteristic hazardous waste where they cannot be recycled.⁴ • Lithium batteries can catch on fire when damaged, which often happens when disposed of in trash or recycle bins, resulting in increased fire risk during transport and at waste facilities.⁵ • Fires caused by lithium batteries pose a unique challenge to firefighters as they can be hard to extinguish. Fire personnel often have no choice but to let lithium fires burn themselves out. While research is limited, there are concerns regarding emissions, including the release of hydrogen fluoride, carbon monoxide, and metal particulates.⁶

<p>Evidence (continued)</p>	<ul style="list-style-type: none"> • In 2024, 42 wildfires were caused by cigarettes or other smoking materials on state-owned land in California.⁷ • A 2025 study reveals that even "fire safe" labeled cigarettes can start wildfires, particularly in dry and windy conditions.⁸ • Cigarette butts are made up of thousands of plastic microfibers that contain thousands of toxic and carcinogenic chemicals from commercial tobacco smoke, such as nicotine, pesticides, polycyclic aromatic hydrocarbons (PAHs), arsenic, and heavy metals such as lead and cadmium.⁹ • Tobacco product waste aggregates where tobacco retail stores are sited.^{10,11} • There is currently no safe procedure established for consumers to dispose of commercial tobacco products.¹² • Studies have estimated the economic cost attributable to tobacco litter to be between \$4.7 million and \$90 million for large cities. These estimates do not factor in e-cigarette waste, which is more complex and costly to manage.¹³ • Cities that have phased out tobacco sales have high retailer compliance rates. Since 2020, two California cities have phased out tobacco sales: Beverly Hills and Manhattan Beach. Both have achieved 81.3% and 94.1% compliance rates respectively within one year of policy implementation.¹⁴
<p>Relevant Resources</p>	<p>California Tobacco Health Assessment Tool (CTHAT) https://cthat.org/</p> <p>Fire Hazard Severity Zone (FHSZ) Map https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-andmitigation/fire-hazard-severity-zones</p> <p>Hazardous Waste Laws and Tobacco Product Waste: What Retailers Need to Know https://www.publichealthlawcenter.org/sites/default/files/resources/Tobacco-Waste-Disposal-Tobacco-Retailers.pdf</p> <p>Public Health Law Center, Endgame Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/End-Commercial-Tobacco-Sales-CA-Model-Ordinance.pdf</p> <p>Public Health Law Center, Tobacco Product Waste Toolkit https://publichealthlawcenter.org/sites/default/files/resources/Tobacco-Product-Waste-Toolkit.pdf</p>

Best Practice Language

EG Goal: Phase out commercial tobacco sales in the jurisdiction.

EG Policy Adopt an ordinance prohibiting any commercial tobacco sales in the jurisdiction by [year].

EG Policy (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuing of any new tobacco retail licenses; discontinue any renewals by [year].

Goal: Protect communities from exposure to hazardous materials from tobacco products during flooding, earthquakes, wildfire, and other natural disasters.

Policy: Adopt an ordinance to enact a comprehensive tobacco retailer licensing policy, which will enable [City/County] to better monitor locations with a high concentration of hazardous materials such as electronic cigarettes (i.e. vapes) and other products containing nicotine.

Policy: Restrict the development of new commercial tobacco retailers within one thousand (1,000) feet of state responsibility areas, high fire hazard severity zones, and near essential public facilities such as hospitals and health care facilities, fire stations, and emergency shelters to prevent the spread of accidental fire due to lithium-ion battery explosions or improperly discarded tobacco litter.

Policy: Prohibit the sale of “mixed hazardous waste product” which means any tobacco product that contains liquid for use in an electronic smoking device in combination with electronic waste into a single product that cannot be classified and disposed of only as acute hazardous waste, nonacute hazardous waste, or universal waste alone without disassembly by a waste management entity.

Policy: Create and maintain a hazardous materials map layer identifying entities that store, produce, and transport hazardous waste (e.g. tobacco/vape product retailers, automobile repair shops; hazardous waste facilities, etc.).

(Note: The California Tobacco Health Assessment Tool ([CTHAT](#)) maps tobacco retailer locations and proximity to parks, schools, and other retailers and can be a good resource for the creation of a hazardous materials layer map.)

Policy: Require tobacco retailers to keep records of all tobacco product waste disposed from their unsold inventory, whether due to expiration or compliance with other tobacco prevention laws. The records should provide sufficient information to determine whether the retailer has complied with the federal Resource Conservation and Recovery Act (RCRA), state, local law requirements for hazardous waste generators and related state regulations.

Sample Verbal/ Written Public Comment Excerpt

Tobacco and nicotine products contain materials that are hazardous, such as nicotine, batteries, and other toxic chemicals and metals. Storing these near residential neighborhoods and vulnerable wildlands and public facilities could prove to add additional risk to harm when natural disasters such as fires, floods, and earthquakes occur. Additionally, the risk to our first responders caused by these products is real.

<p>Sample Verbal/ Written Public Comment Excerpt (continued)</p>	<p><i>Our general plan can be used to address these potential hazards by doing everything from prohibiting the storage and sale of these high-risk products to tracking and mapping them through local licensure mechanisms and locating them away from high-risk areas.</i></p> <p><i>With all of this in mind, and to meet our legal obligation for the safety element to anticipate and plan for the consequences of possible natural disasters, it's important for our community to make sure that the concentration and location of these retail sites and products are not situated near vulnerable areas, such as the spaces where our young people and families recreate and live, as well as natural disaster-prone areas.</i></p> <p><i>Our project [has provided / is available to provide] information to planning staff that can help support these efforts.</i></p>
<p>References</p>	<ol style="list-style-type: none"> 1. Discarded commercial chemical products, off-specification species, container residues, and spill residues thereof, 40 CFR § 261.33 (2025). [Accessed February 2, 2026]. https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-D/section-261.33. 2. Cal Code Regs 22 CCR § 66261.33 (Barclays 2025). 3. Cal Code Regs 22 § 66261.7 (Barclays 2025). 4. Hendlin YH. Alert: Public Health Implications of Electronic Cigarette Waste. Public Health. 2018;108(11):1489-1490. doi:10.2105/AJPH.2018.304699. [Also accessible at: https://pmc.ncbi.nlm.nih.gov/articles/PMC6187764/] 5. Environmental Protection Agency. How to safely dispose of e-cigarettes: Information for individuals. Office of Resource Conservation & Recovery. November 2023. Accessed April 30, 2025. https://www.epa.gov/system/files/documents/2024-02/epa_vapedisposal_a4.pdf. 6. Bundy S. Hidden cost of California's lithium industry. Econews. March 2025. 55(2):15. Accessed April 30, 2025. https://drive.google.com/file/d/1qAGOcWJDTReWStTmtITz4LnMvBqVcZvd/view. 7. California Department of Forestry & Fire Protection. 2024 Wildfire activity statistics. Office of the State Fire Marshal. 2024. Accessed November 19, 2025. https://34c031f8-c9fd-4018-8c5a-4159cdf6b0d-cdnendpoint.azureedge.net/-/media/calfire-website/our-impact/firestatistics/2024_redbook_final.pdf. 8. McAllister S, Williams S, Grob I. Can “fire safe” cigarettes (FSCs) start wildfires? Fire Technology. 2025. doi: 10.1007/s10694-025-01699-w. 9. Acarer Arat S. A review on cigarette butts: Environmental abundance, characterization, and toxic pollutants released into water from cigarette butts. Sci Total Environ. 2024;928:172327. doi:10.1016/j.scitotenv.2024.172327. 10. Araújo MCB, Costa MF. A critical review of the issue of cigarette butt pollution in coastal environments. Environ Res. 2019;172:137-149. doi:10.1016/j.envres.2019.02.005. 11. Marah M, Novotny TE. Geographic patterns of cigarette butt waste in the urban environment. Tob Control. 2011;20 Suppl 1(Suppl_1):i42-i44. doi:10.1136/tc.2010.042424. 12. World Health Organization. Tobacco and its environmental impact: an overview. 2017. [Accessed April 30, 2025]. https://www.who.int/publications/i/item/9789241512497. 13. Schneider JE, Scheibling CM, Peterson NA, Granados PS, Fulton L, Novotny TE. Online simulation model to estimate the total costs of tobacco product waste in large U.S. cities. Int J Environ Res Public Health. 2020;17(13):4705. Published 2020 Jun 30. doi:10.3390/ijerph17134705. 14. Henriksen L, Andersen-Rodgers E, Voelker DH, Johnson TO, Schleicher NC. Evaluations of compliance with California's first tobacco sales bans and tobacco marketing in restricted and cross-border stores. Nicotine Tob Res. 2024;26(9):1159-1165. doi:10.1093/ntr/ntae043.

Applicable Element(s)	Health, Environmental Justice
Legal Requirement Summary	<p>While not mandatory, it is common for communities in California to have a Health Element in their General Plan. Gov. Code § 65303 permits jurisdictions to adopt any element beyond the statutorily required ones if it relates to the physical development of the community. In recognition that the built environment is foundational to addressing public health, many jurisdictions have added it to address matters such as walkability, access to nutrition and physical recreation, and reduction of harmful factors. Sometimes the Health Element houses the Environmental Justice Element requirements, though it is also common for it to appear as a separate element altogether.</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civic engagement in the public decision making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California Environmental Protection Agency (CalEPA) (see mapping tool) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).</p>
How Tobacco Prevention Priority Areas Can Be Addressed	<p>Area 1: Counter pro-tobacco influences by <i>eliminating or reducing retailer proximity to environmentally-sensitive and youth-sensitive areas.</i></p> <p>Area 2: Reduce exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products by <i>eliminating or reducing the availability of products.</i></p> <p>Area 3: Reduce the availability of tobacco products by <i>eliminating or reducing retailer density, particularly among priority populations.</i></p> <p>Area 4: Promote tobacco cessation by <i>encouraging tobacco treatment support in all policy adoptions.</i></p>
Evidence	<ul style="list-style-type: none"> • “While there has been significant progress in reducing the disease and death toll from the tobacco industry’s products, tobacco remains the nation’s leading cause of preventable disease, disability, and death. The tobacco industry’s creation of new products, such as e-cigarettes has overwhelmed the market and led to an epidemic of youth nicotine addiction. These highly addictive products have proven serious negative health effects, including the potential for long-term illnesses like cancer and heart disease.”¹ • Tobacco products kill half of consumers when used as intended, totaling more than 7 million people worldwide every year—including 1.6 million deaths caused by secondhand smoke exposure.² • Each year, smoking costs California \$15.44 billion in health care expenses, \$3.85 billion in Medicaid costs, and \$28.1 billion in productivity losses;³ • Approximately two-thirds of people who smoke want to quit and wish that they had never started smoking.⁴

<p>Evidence (continued)</p>	<ul style="list-style-type: none"> • The proliferation of tobacco retailers in an area increases the actual and perceived accessibility of these products and normalizes tobacco use, particularly for youth.^{5,6} • In California, 40,000 adults die from smoking every year⁷, and almost one half of all cancer related deaths (48.5%) in the state are attributed to smoking.⁸
<p>Relevant Resources</p>	<p>Human Response Network's Tobacco Free Trinity – Retailer Information https://www.tobaccofreetrinity.org/_filesugd/295b32_3b53f6e728a94ca59bb66891687553fe.pdf</p> <p>Clackamas County Public Health's Healthy Retail Pilot Project https://www.clackamas.us/publichealth/healthy-retail</p> <p>Public Health Law Center, Endgame Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/End-Commercial-Tobacco-Sales-CA-Model-Ordinance.pdf</p> <p>Public Health Law Center, Comprehensive Tobacco Retailer Licensing Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf</p> <p>RISE Cigarettes and Flavored Tobacco Make No Cents https://www.ca-rise.org/sites/rise/assets/File/RISE-CigaretteSales-FactSheet-24-0226.pdf</p>
<p>Best Practice Goals & Policies for This/These Element(s)</p>	<p>EG Goal: Phase out commercial tobacco sales in the jurisdiction.</p> <p>EG Policy Adopt an ordinance prohibiting any commercial tobacco sales by [date].</p> <p>EG Policy (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses; discontinue any renewals by [date].</p> <p>EG Policy Encourage existing tobacco retailers to shift their business model to a healthier retail space through information about the regulatory landscape of tobacco control and of hazardous waste storage, handling, and disposal, and through incentives geared to facilitate their transition to selling healthy foods and health care basics.</p> <p>Policy: Develop partnerships to create and distribute educational materials to tobacco retailers and others that includes Kick It California and all local tobacco treatment resources. Materials will be developed in every language spoken by at least 10% of the population.</p> <p>Policy: Prohibit smoking and tobacco use within fifty (50) feet of corner stores, markets, grocery stores, farmers' markets and other fresh fruit and vegetable retailers, and community gardens.</p> <p>Goal: Limit the proximity of tobacco retailers to schools and discourage youth access to tobacco products.</p> <p>Policy: Adopt an ordinance to enact a comprehensive tobacco retailer licensing policy to foster compliance with all local, state, and federal regulations. The license should fund routine compliance checks, including compliance with minimum age of sale laws.</p> <p>Policy: Prohibit tobacco retailers from operating within one thousand (1,000) feet of youth-oriented areas such as schools, parks, and/or childcare.</p>

Best Practice Goals & Policies for This/These Element(s) (continued)

Policy: Prohibit tobacco retailers from being located within one thousand (1,000) feet of one another.

Policy: Encourage existing tobacco retailers to shift their business model to a healthier retail space, through information about the regulatory landscape of tobacco control and hazardous waste storage, handling, and disposal, and through incentives geared to facilitate their transition to selling healthy foods and health care basics.

Policy: Develop partnerships to create and distribute educational materials to tobacco retailers and others that includes Kick It California and all local tobacco treatment resources. Materials will be developed in every language spoken by at least 10% of the population.

Policy: Discourage stores from placing alcohol and tobacco products near candy, toys, or other products primarily marketed to children.

Goal: Eliminate barriers to access fresh fruits and vegetables, particularly in 'disadvantaged communities' as defined by state law.

Policy: Develop partnerships to provide technical and financial assistance and resources for small, local retailers to incentivize a shift towards health friendly retail practices, as well as technical assistance to help retailers understand and come into compliance with state and local commercial tobacco prevention regulations.

Policy: Develop and conduct healthy food surveys to identify potential barriers stemming from land use that limit access to fresh fruits and vegetables, such as walking and active transportation feasibility, proximity to healthy food retailers, safety concerns, air quality concerns (i.e., smoking, car exhaust), aesthetics, and income spent on tobacco and alcohol products

Policy: Update the zoning code to permit the sale of fresh produce in residential zones and encourage the establishment of community gardens, particularly in communities designated as disadvantaged, as defined by state law.

Policy: Prohibit smoking and tobacco use within fifty (50) feet of tobacco retailers, corner stores, markets, grocery stores, farmers' markets and other fresh fruit and vegetable retailers, and community gardens.

Sample Verbal/ Written Public Comment Excerpt

The tobacco industry, which now includes e-cigarette manufacturers, has been using the same overall strategy since the 1950s—combatting scientific facts and manipulating people into addiction to make a profit. Tobacco is the only legal product that kills a large proportion of its consumers when used as intended by manufacturers. The World Health Organization (WHO) estimates that tobacco use is currently responsible for more than seven million deaths each year and including an estimated 1.6 million non-smokers exposed to secondhand smoke. In California, this equates to about 40,000 preventable deaths per year. As the Public Health Law Center notes, “[t]he industry’s tactics include lobbying, instilling fear, uncertainty, and doubt by astroturfing [pretending to be grass roots] and greenwashing [pretending to be environmentally responsible], manipulating personal responsibility, and funding research to undermine the undeniable scientific fact that smoking causes cancer and many other health harms.”

<p>Sample Verbal/ Written Public Comment Excerpt (continued)</p>	<p><i>Governments have an obligation to protect their residents from dangerous products and situations and an even more serious obligation to protect vulnerable community members, such as children, from preventable dangers. General plans are a community's way to envision a positive future for everyone through not only ensuring protections from harm but also through policies that promote wellness, such as increasing access to healthy options. Indoor and outdoor spaces that provide for healthy activities, healthy food, and healthy retail options are all part of this. But when you think of these ideas, do you see addictive tobacco or nicotine products as part of them? It isn't natural to see these things together. No one wants their child to be exposed to or targeted to pick up a dangerous and addictive habit. And no community wants to create conditions where this becomes possible.</i></p> <p><i>We can ensure this positive and healthy future for our community through addressing health in our general plan. We can either include a health element or weave health into each of the elements. Our project can provide valuable information and free assistance to help craft goals and policy language to ensure our community's healthy future.</i></p>
<p>References</p>	<ol style="list-style-type: none"> 1. Public Health Law Center, American Lung Association – California. Endgame policy platform. Law and Policy Partnership to End the Commercial Tobacco Epidemic. November 2023. [Accessed November 20, 2025]. https://www.publichealthlawcenter.org/sites/default/files/inlinefiles/Endgame%20Policy%20Platform%20-%20November%202023.pdf. 2. World Health Organization. Tobacco. June 25, 2025. [Accessed November 20, 2025]. https://www.who.int/news-room/factsheets/detail/tobacco#:~:text=Tobacco%20kills%20up%20to%20half,exposed%20to%20second-hand%20smoke. 3. Campaign for Tobacco-free Kids. The toll of tobacco in California. Updated September 18, 2025. [Accessed November 20, 2025]. https://www.tobaccofreekids.org/problem/tollus/california. 4. Babb S, Malarcher A, Schauer G, Asman K, Jamal A. Quitting smoking among adults - United States, 2000-2015. <i>MMWR Morb Mortal Wkly Rep.</i> 2017;65(52):1457-1464. Published 2017 Jan 6. doi:10.15585/mmwr.mm6552a1. 5. Glasser AM, Onnen N, Craigmile PF, Schwartz E, Roberts ME. Associations between disparities in tobacco retailer density and disparities in tobacco use. <i>Prev Med.</i> 2022;154:106910. doi:10.1016/j.ypmed.2021.106910. 6. CounterTobacco.org. Disparities in point-of-sale advertising and retailer density. Updated February 18, 2025. [Accessed November 20, 2025]. https://countertobacco.org/resources-tools/evidence-summaries/disparities-in-point-ofsale-advertising-and-retailer-density/. 7. American Lung Association. State of tobacco control, California highlights. 2025. [Accessed November 20, 2025]. https://www.lung.org/research/sotc/stategrades/highlights/california. 8. Maguire FB, Movsisyan AS, Morris CR, Parikh-Patel A, Keegan THM, Tong EK. Evaluation of cancer deaths attributable to tobacco in California, 2014–2019. <i>JAMA Netw Open.</i> 2022;5(12):e2246651. Published 2022 Dec 1. doi:10.1001/jamanetworkopen.2022.46651.

Smoke Free Multi-Unit Housing (SF MUH)

A general plan can incorporate goals and policies that support preventing exposure to secondhand and thirdhand smoke* *in multi-unit housing***, including residences and common areas. This section provides guidance for mandated elements, like *Land Use*, *Housing*, and *Environmental Justice*, and an optional *Health* element.

***Secondhand smoke** is smoke from burning tobacco products, like cigarettes, cigars, hookahs, or pipes. Exposure occurs when people breathe in the smoke breathed out by people who smoke or smoke emitted from the burning tobacco products themselves. (See [CDC | About Secondhand Smoke](#)). The California legislature recognizes **thirdhand smoke** as “the toxic chemical residue left behind by tobacco smoke [and which] accumulates in carpets, walls, and furniture, becomes embedded in building materials, and persists for years after smoking stops.” [Assem. Bill 455, 2025-2026 Reg. Sess., ch. 263, 2025 Cal. Stat.](#)

**Jurisdictions may have their own definition of multi-unit housing, which can include apartments, condos, retirement communities, assisted living facilities, additional dwelling units (ADUs), etc. This toolkit refers to multi-unit housing in a general sense, and projects can tailor this as needed for local purposes.

Applicable Element(s)	Land Use, Environmental Justice
Legal Requirement Summary	<p>The primary function of the General Plan’s Land Use Element is to lay out a pattern for a city or county’s future development. It must address the type, intensity, and distribution of land uses within the jurisdiction and “will reflect the community’s vision; promote thoughtful, equitable, and accessible distribution of different land uses, including residential, commercial, industrial, agricultural and open space; and align well with other general plan elements.” Gov. Code § 65302(a).</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civil engagement in the public decision making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California EPA (see mapping tool) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).</p>
How Tobacco Prevention Priority Areas Can Be Addressed	<p>Area 1: Counter pro-tobacco influences <i>by reducing exposure to tobacco product use in residences and shared common areas, creating social norm change.</i></p> <p>Area 2: Reduce exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products <i>by requiring 100% smokefree multi-unit housing complexes.</i></p> <p>Area 3: Reduce availability of tobacco products <i>by preventing tobacco retailers from being located near multi-unit housing.</i></p>

<p>Evidence</p>	<ul style="list-style-type: none"> • Secondhand smoke (sometimes called passive smoke, environmental tobacco smoke, or involuntary smoke) is a mixture of side stream smoke (the smoke from the burning tip of a cigarette or other smoked tobacco product) and mainstream smoke (smoke exhaled by a smoker that is diluted by the surrounding air).¹ • The California Air Resources Board identified secondhand smoke as a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants, and a serious health threat for which there is no safe level of exposure.² • Secondhand smoke is particularly problematic in multi-unit housing because it easily transfers from one unit to another through shared ventilation systems, gaps in doors and windows, and even through small cracks in building walls.³ • Thirdhand smoke is the toxic chemical residue left behind by tobacco smoke. It accumulates in carpets, walls, and furniture, becomes embedded in building materials, and persists for years after smoking stops.^{4,5} • Thirdhand smoke remains in units occupied by people who smoked long after the units become vacant. Studies consistently find that thirdhand smoke can persist for years, even after the residence is cleaned, repainted, and recarpeted.^{6,7} • A 2024 systematic review of sociodemographic disparities in thirdhand smoke exposure identified that living in multiunit housing is a potential contributor to higher risk in children. The study also identified socioeconomic status, race, and younger age (2-4 year) as additional risk factors.⁸ • A 2019 study across 30 U.S. cities found that, on average, 63% of public schools were located within 1,000 feet of a tobacco retailer, the lowest-income neighborhoods had nearly five times more tobacco retailers than the highest income neighborhoods, and 70% of residents across the 30 cities lived within a half mile of a tobacco retailer.⁹ • “The U.S. Surgeon General and others have found that proximity to tobacco retail outlets and higher retail density is associated with increased tobacco product consumption, decreased quit attempts among adults who smoke cigarettes and want to quit, and with higher youth initiation of tobacco product use.”¹⁰ • The tobacco industry is known to target Black, Brown, Indigenous, AAPI, LGBTQ, lower income, and rural communities with predatory marketing practices. As a result, these communities tend to have higher concentrations of tobacco retailers.¹¹
<p>Relevant Resources</p>	<p>CalEnviroScreen Data Report https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40</p> <p>CalEnviroScreen Data Dashboard https://experience.arcgis.com/experience/6b863505f9454cea802f4be0b4b49d62</p> <p>SB 535 Disadvantaged Communities Mapping Tool https://oehha.ca.gov/calenviroscreen/sb535</p> <p>Tobacco Retailer Mapping Tool (CTHAT) https://cthat.org</p> <p>Thirdhand Smoke Resource Center https://thirdhandsmoke.org</p>

<p>Relevant Resources (continued)</p>	<p>Public Health Law Center, Smoke-Free Multiunit Housing Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/CA-Smoke-free-MUH-Model-Ordinance.pdf</p> <p>Public Health Law Center, Comprehensive Tobacco Retailer Licensing Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf</p>
<p>Best Practice Language</p>	<p>Goal: Ensure development patterns promote healthy, safe, and equitable living environments that eliminate exposure to secondhand and thirdhand smoke.</p> <p>EG Policy Require all new multi-unit housing (MUH) developments containing two or more units to be 100% smoke-free in all units, indoor areas, and outdoor areas.</p> <p>Policy Adopt an ordinance prohibiting new tobacco retailers from being located within one thousand (1,000) feet of MUH residences.</p> <p>Policy: (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses for establishments within one thousand (1,000) feet of MUH residences and discontinuing renewals for existing establishments within 1,000 feet of MUH residences by [date].</p>
<p>Sample Verbal/ Written Public Comment Excerpt</p>	<p><i>A community's values and vision are articulated and advanced through its general plan. General plans are also guided by state requirements to ensure that communities are safe from known dangers, such as exposure to certain toxins. Locally, we can create stronger protections than are required by state law when it becomes evident our safety is at risk.</i></p> <p><i>The California Air Resources Board has identified secondhand smoke as a toxic air contaminant. It is in the same category as the most toxic automotive and industrial air pollutants and a serious health threat for which there is no safe level of exposure. Secondhand smoke is particularly problematic in multiunit housing because it easily transfers from one unit to another through shared ventilation systems, gaps in doors and windows, and even through small cracks in building walls. This exposes all residents to dangerous chemicals, including those who do not use tobacco products themselves.</i></p> <p><i>Additionally, thirdhand smoke—the residuals that land on surfaces such as carpets, walls, and furniture—remains in units occupied by people who smoked long after the units become vacant. Studies consistently find that thirdhand smoke can persist for years, even after the residence is cleaned, repainted, and recarpeted.</i></p> <p><i>We have a legal and moral obligation to reduce pollution exposure, promote safe and sanitary homes, and reduce any unique or compounded health risks in disadvantaged communities. By ensuring that all multi-unit housing, including indoor and outdoor spaces, is smoke-free, we protect our families from these dangerous conditions. This also protects property owners and managers from the cost of mitigating these hazards, property devaluation, and potential liabilities.</i></p> <p><i>To further protect our families, particularly our children, we can also ensure that tobacco retailers are located a good distance away from multi-unit housing complexes and other residential neighborhoods.</i></p>

<p>Sample Verbal/ Written Public Comment Excerpt (continued)</p>	<p>Our project [has provided / is available to provide] information and best practice language to planning staff that can help support these efforts through the Land Use Element.</p>
<p>References</p>	<ol style="list-style-type: none"> 1. National Cancer Institute. Secondhand smoke and cancer. December 4, 2018. Accessed March 6, 2026. https://www.cancer.gov/aboutcancer/causes-prevention/risk/tobacco/second-hand-smoke-fact-sheet#r1 2. California Air Resources Board. Environmental tobacco smoke identified as a toxic air contaminant. Accessed March 6, 2026. https://ww2.arb.ca.gov/ourwork/programs/environmental-tobacco-smoke-identified-toxic-aircontaminant/about 3. Repace JL. Secondhand smoke infiltration in multiunit housing: Health effects and nicotine levels. Indoor Environments. 2024;1(2):100013. https://doi.org/10.1016/j.indenv.2024.100013 4. Assem. Bill 455, 2025-2026 Reg. Sess., ch. 263, 2025 Cal. Stat. 5. Health & Safety Code § 25417.2 6. Matt GE, Quintana PJ, Zakarian JM, et al. When smokers move out and non-smokers move in: residential thirdhand smoke pollution and exposure. Tob Control. 2011;20(1):e1. doi:10.1136/tc.2010.037382 7. Matt GE, Quintana PJE, Hoh E, et al. Persistent tobacco smoke residue in multiunit housing: Legacy of permissive indoor smoking policies and challenges in the implementation of smoking bans. Prev Med Rep. 2020;18:101088. Published 2020 Apr 2. doi:10.1016/j.pmedr.2020.101088 8. Hamzai L, Quintana PJE, Matt GE, et al. Sociodemographic disparities in thirdhand smoke exposure among children in the United States: a narrative review. J Environ Expo Assess. 2024;3:29. doi:10.20517/jeea.2024.27 9. Advancing Science & Practice in the Retail Environment. Executive summary: Retail tobacco density & access. 2020. Accessed March 6, 2026. https://aspirecenter.org/wp-content/uploads/2020/08/ASPiRE_RetailTobaccoDensityandAccess_ExecSumm.pdf 10. Centers for Disease Control and Prevention, Office on Smoking and Health. Summary of scientific evidence: Tobacco retail density, location, and licensure. April 2021. Accessed March 6, 2026. https://www.cdc.gov/tobacco/media/pdfs/2024/07/Tobacco-Retail-Density-Location-and-Licensure-508.pdf 11. CounterTobacco.org. Disparities in point-of-sale advertising and retailer density. Updated February 18, 2025. Accessed March 6, 2026. https://countertobacco.org/resources-tools/evidence-summaries/disparities-in-point-of-sale-advertising-and-retailer-density/

Applicable Element(s)	Housing, Environmental Justice
<p>Legal Requirement Summary</p>	<p>In requiring the Housing Element, the legislature explicitly declared that the “early attainment of decent housing and a suitable living environment” for every person in the state is a “priority of the highest order.” Localities are required to identify and predict the housing needs of their community and develop strategies and quantifiable implementation programs subject to a timeline to meet those needs. Housing needs must be assessed across each income category and must include a documented analysis of existing housing stock conditions. The jurisdiction must adopt quantified objectives and policies to develop adequate housing for extremely low-, low-, and moderately low-income households, and to “conserve and improve the condition of the existing affordable housing stock.” An inventory of resources must identify land that is suitable for development of housing and emergency shelters or structures suitable for conversion to those uses, and rezone those sites as needed. The needs of “target populations” must also be specifically addressed, including disabled people, the elderly, people suffering from substance abuse, emancipated minors, aging-out foster children, large families with children, unhoused people, farmworkers, and formerly incarcerated people. The Housing Element has a statutorily mandated revision cycle of five or eight years. Gov. Code §§ 65580-65589.8; Gov. Code §65583.</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civil engagement in the public decision-making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California EPA (see mapping tool) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).</p>
<p>How Tobacco Prevention Priority Areas Can Be Addressed</p>	<p>Area 1: Counter Pro-tobacco Influences <i>by reducing exposure in and around multi-unit residences and shared common spaces, creating social norm change.</i></p> <p>Area 2: Reduce Secondhand Smoke Exposure <i>by eliminating tobacco product use in multi-unit housing complexes.</i></p> <p>Area 4: Promote Tobacco Cessation <i>by encouraging distribution of local and statewide tobacco treatment resources.</i></p>

<p>Evidence</p>	<ul style="list-style-type: none"> • The California Air Resources Board identified secondhand smoke as a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants, and a serious health threat for which there is no safe level of exposure.¹ • Secondhand smoke is particularly problematic in multi-unit housing because it easily transfers from one unit to another through shared ventilation systems, gaps in doors and windows, and even through small cracks in building walls.² • Thirdhand smoke remains in units occupied by people who smoked long after the units become vacant. Studies consistently find that thirdhand smoke can persist for years, even after the residence is cleaned, repainted, and recarpeted.^{3,4} • A 2024 systematic review of sociodemographic disparities in thirdhand smoke exposure identified that living in multiunit housing is a potential contributor to higher risk in children. The study also identified socioeconomic status, race, and younger age (2-4 year) as additional risk factors.⁵ • Costly remediation methods are needed to reduce thirdhand smoke concentration in housing structures, but elimination of the contaminant does not appear to be possible.⁶ • Research has shown that thirdhand smoke damages human cellular DNA, and is carcinogenic at exposure levels relevant to residents of multi-unit housing.⁷ • California's new law (AB 455), effective in 2026, makes California the first state requiring sellers of single-family homes to disclose any known history of thirdhand smoke or vaping residue in writing to buyers, using the standard Transfer Disclosure Statement. This disclosure covers residue from cigarettes, cigars, pipes, and e-cigarettes, as sellers can be held liable for damages if they willfully or negligently fail to disclose these persistent, harmful toxins that cling to surfaces.⁸
<p>Relevant Resources</p>	<p>Thirdhand Smoke Resource Center https://thirdhandsmoke.org</p> <p>Public Health Law Center Smoke-Free Multiunit Housing Model Ordinance https://www.publichealthlawcenter.org/sites/default/files/resources/CA-Smoke-free-MUH-Model-Ordinance.pdf</p> <p>Public Health Law Center, Smoke-Free Multi-Unit Housing & Latino Residents: The Importance of Equitable Policy Enforcement https://publichealthlawcenter.org/sites/default/files/resources/SF-MUH-Equitable-Enforcement.pdf</p> <p>Public Health Law Center, Smoke-Free Tribal Housing Policies in California https://publichealthlawcenter.org/sites/default/files/resources/Tribal-Smoke-free-Housing.pdf</p>

Best Practice Goals & Policies for This/These Element(s)

Goal: Ensure all residents have access to healthy, safe, habitable, and smokefree housing.

EG Policy Adopt a comprehensive smoke free multi-unit housing ordinance phasing out the use of all commercial tobacco and vaping products in all units, indoor areas, and outdoor areas in developments containing two or more units by [**target date**].

Policy For jurisdictions that choose not to adopt comprehensive MUH protections: Encourage landlords and HOAs to adopt smokefree lease clauses and bylaws through benefits programs, such as landlord incentives, recognition programs, or reduction of an applicable fee (e.g., building inspection, development, etc.).

Policy Prioritize proactive building code enforcement and remediation efforts in disadvantaged communities and in older housing stock where ventilation and building conditions increase smoke infiltration risks.

Policy: Promote awareness among property owners and residents about the fire risk from fire-prone tobacco products, and on the negative impact of thirdhand smoke on the health of residents and on the quality and longevity of housing structures.

Policy: In collaboration with the local health agency, develop and distribute information regarding access to tobacco treatment and cessation resources to all MUH property owners, managers, and residents. For example, Kick It California (<https://www.kickitca.org/>) and any locally available resources.

**Sample Verbal/
Written Public
Comment Excerpt**

Our homes are where our families spend the majority of their time. In requiring the Housing Element since 1969, our state legislature understood this and has since explicitly prioritized decent housing and a suitable living environment for every person in California. Additionally, in 2016, SB 1000 was adopted to promote policies that reduce air pollution exposure and promote safe and sanitary homes. These legislative priorities provide clear support for our community to address second- and third-hand smoke through the Housing Element.

The California Air Resources Board has identified secondhand smoke as a toxic air contaminant. It is in the same category as the most toxic automotive and industrial air pollutants and a serious health threat for which there is no safe level of exposure. Secondhand smoke is particularly problematic in multi-unit housing because it easily transfers from one unit to another through shared ventilation systems, gaps in doors and windows, and even through small cracks in building walls. This exposes all residents to dangerous chemicals, including those who do not use tobacco products themselves. The presence of secondhand smoke in the home can be particularly concerning for those who have health conditions exacerbated by exposure, such as asthma, COPD and cardiovascular disease.

Thirdhand smoke—the residuals from secondhand smoke that land on surfaces— is absorbed into walls, flooring, and furniture. It contains carcinogenic chemicals that become more concentrated over time, presenting a health hazard long after the initial smoke is gone. Thirdhand smoke likely poses the greatest danger to infants, toddlers, and pets, who walk and crawl on rugs and furnishings and place household items in their mouths. Studies consistently find that thirdhand smoke can persist for years, even after the residence is cleaned, repainted, and recarpeted. Our state legislature recognizes this such that they recently passed a thirdhand residue mandatory disclosure requirement for all single family real estate sales.*

There are no constitutional protections for those who smoke. Instead, many laws and private agreements support protecting residents from air pollution caused by secondhand smoke, particularly among those with health vulnerabilities. Many communities rely on voluntary protections through individually-owned properties, but this approach can leave our most vulnerable residents unprotected and unfairly places the responsibility on property owners and landlords.

Updating our housing element to include second- and third-hand smoke protections for those living in multi-unit housing will ensure that we are not only meeting our legal obligation to prioritize decent housing and a suitable living environment for every Californian, but our moral obligation as well. Our project [**has provided / is available to provide**] information and best practice language to planning staff that can help support these efforts in our Housing Element.

*See https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202520260AB455

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8. Cal Assem. Bill 455, 2025-2026 Reg. Sess., ch. 263, 2025 Cal. Stat.

Applicable Element(s)	Health, Environmental Justice
Legal Requirement Summary	<p>While not mandatory, it is common for communities in California to have a Health Element in their General Plan. Gov. Code § 65303 permits jurisdictions to adopt any element beyond the statutorily required ones if it relates to the physical development of the community. In recognition that the built environment is foundational to addressing public health, many jurisdictions have added it to address matters such as walkability, access to nutrition and physical recreation, and reduction of harmful factors. Sometimes the Health Element houses the Environmental Justice Element requirements, though it is also common for it to appear as a separate element altogether.</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civil engagement in the public decision making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California EPA (see Disadvantaged Communities Mapping Tool in resources) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).</p>
How Tobacco Prevention Priority Areas Can Be Addressed	<p>Area 1: Counter Pro-tobacco Influences <i>by reducing exposure in and around homes and shared common spaces in multi-unit housing helping create social norm change.</i></p> <p>Area 2: Reduce exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products <i>by adopting a comprehensive SF MUH ordinance or an umbrella Indoor Air Quality Protection Policy that includes recommendations for reducing exposure.</i></p> <p>Area 4: Promote Tobacco Cessation <i>by encouraging distribution of local and statewide treatment and cessation resources.</i></p>
Evidence	<ul style="list-style-type: none"> • The California Air Resources Board identified secondhand smoke as a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants, and a serious health threat for which there is no safe level of exposure.¹ • Secondhand smoke is particularly problematic in multi-unit housing because it easily transfers from one unit to another through shared ventilation systems, gaps in doors and windows, and even through small cracks in building walls.² • As indicated by the U.S. Surgeon General, there is no safe level of exposure to secondhand smoke and even brief exposure to it can cause immediate harm.^{3,4}

Evidence (continued)

- For people who do not smoke, secondhand smoke exposure can lead to coronary heart disease, stroke, lung cancer, and reproductive health effects, among other harmful conditions. In children and infants, it can also cause low birth weight, sudden infant death syndrome (SIDS), respiratory and ear infections, and asthma attacks.⁵
- Thirdhand smoke contains carcinogenic materials that accumulate over time, presenting a health hazard long after the initial smoke is gone.^{6,7}
- Thirdhand smoke remains in units occupied by people who smoked long after the units become vacant. Studies consistently find that thirdhand smoke can persist for years, even after the residence is cleaned, repainted, and recarpeted.^{8,9}
- Human exposure to these thirdhand smoke carcinogens can occur through inhalation, ingestion, or skin absorption through contact with carpeting, furnishings, or clothing. Thirdhand smoke potentially poses the greatest danger to infants and toddlers, who crawl on rugs and furnishings and place household items in their mouths.¹⁰
- Research has shown that thirdhand smoke damages human cellular DNA, and is carcinogenic at exposure levels relevant to residents of multi-unit housing.¹¹
- A 2024 systematic review of sociodemographic disparities in thirdhand smoke exposure identified that living in multiunit housing is a potential contributor to higher risk in children. The study also identified socioeconomic status, race, and younger age (2-4 year) as additional risk factors.¹²
- California's new law (AB 455), effective in 2026, makes California the first state requiring sellers of single-family homes to disclose any known history of thirdhand smoke or vaping residue in writing to buyers, using the standard Transfer Disclosure Statement. This disclosure covers residue from cigarettes, cigars, pipes, and e-cigarettes, as sellers can be held liable for damages if they willfully or negligently fail to disclose these persistent, harmful toxins that cling to surfaces.¹³

Relevant Resources

Health Problems Caused by Secondhand Smoke:

<https://www.cdc.gov/tobacco/secondhand-smoke/health.html>

Consumer Guide: A Report of the Surgeon General; How Tobacco Smoke Causes Disease - What it means to you:

<https://stacks.cdc.gov/view/cdc/153198>

Thirdhand Smoke Resource Center:

<https://thirdhandsmoke.org/>

Public Health Law Center Smoke-Free Multiunit Housing Model Ordinance

<https://www.publichealthlawcenter.org/sites/default/files/resources/CA-Smoke-free-MUH-Model-Ordinance.pdf>

Public Health Law Center, Smoke-Free Multi-Unit Housing & Latino Residents: The Importance of Equitable Policy Enforcement

<https://publichealthlawcenter.org/sites/default/files/resources/SF-MUH-Equitable-Enforcement.pdf>

Public Health Law Center, Smoke-Free Tribal Housing Policies in California

<https://publichealthlawcenter.org/sites/default/files/resources/Tribal-Smoke-free-Housing.pdf>

Best Practice Goals & Policies for This/These Element(s)

Goal: Reduce exposure to harmful air pollutants—including secondhand and thirdhand smoke—in all MUH and ensure equitable health outcomes for priority populations.

EG Policy Adopt a comprehensive smoke free multi-unit housing ordinance phasing out the use of all commercial tobacco and vaping products in all units, indoor areas, and outdoor areas in developments containing two or more units by [**target date**].

Policy: Adopt an umbrella Indoor Air Quality Protection Policy that: identifies key indoor air pollutants such as mold, wildfire smoke infiltration, secondhand smoke, vape aerosols, asbestos, VOCs, etc.; sets a framework for reducing exposure to identified key indoor air pollutants; promotes health equity, and protects priority populations and people with health vulnerabilities.

Policy: Encourage local health agencies to provide MUH residents with multilingual education on secondhand smoke / thirdhand smoke health harms, describing increased risks for infants, children, seniors, and those with chronic illnesses. Include information for local and state tobacco treatment / cessation resources.

Policy: Prepare an analysis to address unique issues facing disadvantaged communities, including indoor air pollution, access to healthy foods, reduced density of alcohol and tobacco retailers, and participation in the public decision-making process.

**Sample Verbal/
Written Public
Comment Excerpt**

We are extremely proud of our community for a forward-thinking approach to community health through the inclusion of an optional Health Element in our General Plan. Kudos to us!

As part of the overall health of our community, one area we think is important to address is secondhand and thirdhand smoke. We know there is no safe level of secondhand smoke. The California Air Resources Board has identified secondhand smoke as a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants, and a serious health threat for which there is no safe level of exposure. Secondhand smoke is particularly problematic in multi-unit housing because it easily transfers from one unit to another through shared ventilation systems, gaps in doors, and through nearby windows, doors, or other vents, exposing our most vulnerable community members, such as infants, toddlers, children, elders, and pets, to these dangerous conditions.

Additionally, in recognition of the dangers of thirdhand smoke (the residuals that are left on surfaces like walls, furniture, and flooring), the State of California recently adopted [AB 455](#) (2025). This law requires disclosure of thirdhand smoke or vaping residue in single family home real estate sales, signaling an understanding of the dangers and an effort to protect our families from harm.

I'm confident we share the belief that prevention is the best protection for our families and those most vulnerable to the impacts of these dangerous products. The best prevention would be adopting a comprehensive smoke-free ordinance prohibiting smoking and vaping in all multi-unit housing, as well as providing tobacco treatment and cessation resources for those transitioning off these dangerous products.

*Our [**project/coalition**] is available for free to provide best-practice language for relevant goals and policies that can be included in the health element to address these documented health hazards.*

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13. Cal Assem. Bill 455, 2025-2026 Reg. Sess., ch. 263, 2025 Cal. Stat.

Smoke Free Outdoor Air (SF OA)

A general plan can incorporate goals and policies that support preventing exposure to secondhand smoke* in outdoor areas used by the public, including outdoor recreational areas, service areas, dining areas, places of employment, public event areas, and other public places and open spaces. This section provides guidance for mandated *Land Use, Conservation and Open Space*, and *Environmental Justice* elements, and an optional *Health* element.

***Secondhand smoke (SHS)** is smoke from burning tobacco products, like cigarettes, cigars, hookahs, or pipes. Exposure occurs when people breathe in the smoke breathed out by people who smoke or smoke emitted from the burning tobacco products themselves. (See [CDC | About Secondhand Smoke](#)).

Applicable Element(s)	Land Use, Environmental Justice
Legal Requirement Summary	<p>The primary function of the General Plan’s Land Use Element is to lay out a pattern for a city or county’s future development. It must address the type, intensity, and distribution of land uses within the jurisdiction and “will reflect the community’s vision; promote thoughtful, equitable, and accessible distribution of different land uses, including residential, commercial, industrial, agricultural and open space; and align well with other general plan elements.” Gov. Code § 65302(a).</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civil engagement in the public decision making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California EPA (see mapping tool) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).</p>
How Tobacco Prevention Priority Areas Can Be Addressed	<p>Area 1: Counter pro-tobacco influences <i>by reducing exposure to tobacco product use in outdoor public spaces, creating social norm change.</i></p> <p>Area 2: Reduce exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products <i>by requiring adoption of a comprehensive smokefree outdoor air ordinance.</i></p> <p>Area 3: Reduce the Availability of Tobacco Products <i>by reducing tobacco retailer density and restricting proximity to outdoor public spaces.</i></p>
Evidence	<ul style="list-style-type: none"> • Secondhand smoke (sometimes called passive smoke, environmental tobacco smoke, or involuntary smoke) is a mixture of side stream smoke (the smoke from the burning tip of a cigarette or other smoked tobacco product) and mainstream smoke (smoke exhaled by a smoker that is diluted by the surrounding air).¹ • The California Air Resources Board identified secondhand smoke (SHS) as a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants, and a serious health threat for which there is no safe level of exposure.²

<p>Evidence (continued)</p>	<ul style="list-style-type: none"> • Secondhand smoke contains more than 7,000 chemical compounds, 69 of which are known to be carcinogenic to humans and animals.³ • Aerosols from electronic smoking devices contain chemicals, such as formaldehyde, acetaldehyde, lead, nickel, chromium, arsenic, and toluene, which are known to the State of California to cause cancer, birth defects, and other reproductive harm.⁴ • Secondhand smoke causes the premature death of 19,000 adults and 290 infants each year.⁵ • Outdoor tobacco smoke is detectable 9 meters (~30 feet) from its source.⁶ • “Secondhand smoke concentrations in a variety of outdoor locations can reach levels comparable to indoor concentrations where smoking is permitted.”⁷ • “The U.S. Surgeon General and others have found that proximity to tobacco retail outlets and higher retail density is associated with increased tobacco product consumption, decreased quit attempts among adults who smoke cigarettes and want to quit, and with higher youth initiation of tobacco product use.”⁸ • The tobacco industry is known to target Black, Brown, Indigenous, AAPI, LGBTQ, lower income, and rural communities with predatory marketing practices. As a result, these communities tend to have higher concentrations of tobacco retailers.⁹ • A 2019 study across 30 U.S. cities found that, on average, 63% of public schools were located within 1,000 feet of a tobacco retailer, the lowest-income neighborhoods had nearly five times more tobacco retailers than the highest income neighborhoods, and 70% of residents across the 30 cities lived within a half mile of a tobacco retailer.¹⁰
<p>Relevant Resources</p>	<p>CalEnviroScreen Data Report https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40</p> <p>CalEnviroScreen Data Dashboard https://experience.arcgis.com/experience/6b863505f9454cea802f4be0b4b49d62</p> <p>SB 535 Disadvantaged Communities Mapping Tool https://oehha.ca.gov/calenviroscreen/sb535</p> <p>Tobacco Retailer Mapping Tool (CTHAT) - https://cthat.org</p> <p>Truth Initiative Secondhand Smoke Fact Sheet: https://truthinitiative.org/sites/default/files/media/files/2022/05/Truth_Secondhand%20Smoke%20FactSheet_051722.pdf</p> <p>PHLC Commercial Tobacco-Free Outdoor Areas Model Policy: https://www.publichealthlawcenter.org/sites/default/files/resources/Outdoor-Smoke-free-Model-Ordinance.pdf</p> <p>Public Health Law Center, Comprehensive Tobacco Retailer Licensing Model Ordinance https://publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf</p>

<p>Best Practice Language</p>	<p>Goal: Ensure development patterns promote equitable access to healthy, clean, and safe outdoor environments that eliminate exposure to secondhand smoke.</p> <p>Policy: Ensure existing parks and outdoor recreation areas are and remain accessible to safe foot and bike traffic by all surrounding communities.</p> <p>Policy: For communities that do not have safe and equitable access to parks and outdoor recreation areas, identify spaces to develop such areas with community consultation and input, prioritizing disadvantaged communities.</p> <p>EG Policy: Adopt a comprehensive smoke- and tobacco-free outdoor air ordinance prohibiting commercial tobacco use in all outdoor recreational areas, service areas, dining areas, places of employment, public event areas, and other identified public places.</p> <p>Policy: Prohibit new tobacco retailers from operating within one thousand (1,000) feet of each other and of outdoor recreational areas, service areas, dining areas, places of employment, public event areas, and other identified public places.</p> <p>Policy: (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses for establishments within one thousand (1,000) feet of each other and outdoor recreational areas, service areas, dining areas, places of employment, public event areas, and other identified public places. Discontinue renewals for existing establishments within 1,000 feet of outdoor recreational areas, service areas, dining areas, places of employment, public event areas, and other identified public places by [date].</p>
<p>Sample Verbal/ Written Public Comment Excerpt</p>	<p><i>A community's values and vision are articulated and advanced through its general plan. General plans have state requirements to ensure that communities are safe from known dangers, such as exposure to certain toxins. Locally, we can create even stronger protections than what is required by state law. This becomes a necessity when it becomes evident that our safety is at risk.</i></p> <p><i>The California Air Resources Board has identified secondhand smoke as a toxic air contaminant. It contains more than 7,000 chemicals of which hundreds are toxic and about 70 can cause cancer. The Board puts it in the same category as the most toxic automotive and industrial air pollutants because and poses a serious health threat. There is no safe level of exposure to secondhand smoke, even outdoors.</i></p> <p><i>Secondhand smoke causes the premature death of 19,000 adults and 290 infants each year in the U.S. With outdoor tobacco smoke detectable at almost 30 feet from its source, it is important for us to find ways to protect non-smokers from the dangers. We can use the general plan land use element to promote equitable access to healthy, clean, and safe outdoor environments that eliminate exposure to secondhand smoke. To further protect our families, particularly our children, we can also ensure that tobacco retailers are located a good distance away from where families gather and recreate.</i></p> <p><i>We have a legal and moral obligation to reduce pollution exposure and reduce any unique or compounded health risks in disadvantaged communities by providing safe, clean, and accessible outdoor spaces and we can do this by ensuring that all outdoor spaces are smokefree.</i></p> <p><i>Our project [has provided / is available to provide] information and best practice language to planning staff that can help support these efforts through the Land Use Element.</i></p>

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Applicable Element(s)	Health, Environmental Justice
<p>Legal Requirement Summary</p>	<p>While not mandatory, it is common for communities in California to have a Health Element in their General Plan. Gov. Code § 65303 permits jurisdictions to adopt any element beyond the statutorily required ones if it relates to the physical development of the community. In recognition that the built environment is foundational to addressing public health, many jurisdictions have added it to address matters such as walkability, access to nutrition and physical recreation, and reduction of harmful factors. Sometimes the Health Element houses the Environmental Justice Element requirements, though it is also common for it to appear as a separate element altogether.</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civil engagement in the public decision-making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California EPA (see Disadvantaged Communities Mapping Tool in resources) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).</p>
<p>How Tobacco Prevention Priority Areas Can Be Addressed</p>	<p>Area 1: Counter Pro-tobacco Influences <i>by reducing secondhand smoke exposure in outdoor public spaces, creating social norm change.</i></p> <p>Area 2: Reduce exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products <i>by requiring adoption of a comprehensive smokefree outdoor air ordinance.</i></p> <p>Area 4: Promote Tobacco Cessation <i>by encouraging distribution of local and statewide treatment and cessation resources.</i></p>
<p>Evidence</p>	<ul style="list-style-type: none"> • Secondhand smoke (sometimes called passive smoke, environmental tobacco smoke, or involuntary smoke) is a mixture of side stream smoke (the smoke from the burning tip of a cigarette or other smoked tobacco product) and mainstream smoke (smoke exhaled by a smoker that is diluted by the surrounding air).¹ • The California Air Resources Board identified secondhand smoke (SHS) as a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants, and a serious health threat for which there is no safe level of exposure.² • Secondhand smoke contains more than 7,000 chemical compounds, 69 of which are known to be carcinogenic to humans and animals.³ • Aerosols from electronic smoking devices contain chemicals, such as formaldehyde, acetaldehyde, lead, nickel, chromium, arsenic, and toluene, which are known to the State of California to cause cancer, birth defects, and other reproductive harm.⁴ • As indicated by the U.S. Surgeon General, there is no safe level of exposure to secondhand smoke and even brief exposure to it can cause immediate harm.^{5,6}

Evidence (continued)

- Exposure to secondhand smoke anywhere has negative health impacts and can reach hazardous levels even outdoors.⁷
- “Secondhand smoke concentrations in a variety of outdoor locations can reach levels comparable to indoor concentrations where smoking is permitted.”⁸
- Outdoor tobacco smoke is detectable 9 meters (~30 feet) from its source.⁹
- For people who do not smoke, secondhand smoke exposure can lead to coronary heart disease, stroke, lung cancer, and reproductive health effects, among other harmful conditions. In children and infants, it can also cause low birth weight, sudden infant death syndrome (SIDS), respiratory and ear infections, and asthma attacks.¹⁰
- Secondhand smoke causes the premature death of 19,000 adults and 290 infants each year.⁵
- “The U.S. Surgeon General and others have found that proximity to tobacco retail outlets and higher retail density is associated with increased tobacco product consumption, decreased quit attempts among adults who smoke cigarettes and want to quit, and with higher youth initiation of tobacco product use.”¹¹
- The tobacco industry is known to target Black, Brown, Indigenous, AAPI, LGBTQ, lower income, and rural communities with predatory marketing practices. As a result, these communities tend to have higher concentrations of tobacco retailers.¹²
- A 2019 study across 30 U.S. cities found that, on average, 63% of public schools were located within 1,000 feet of a tobacco retailer, the lowest-income neighborhoods had nearly five times more tobacco retailers than the highest income neighborhoods, and 70% of residents across the 30 cities lived within a half mile of a tobacco retailer.¹³
- Smoking rates are higher in schools in neighborhoods with the highest density of tobacco retailers than in neighborhoods without any tobacco retailers. The density of retail cigarette advertising indicated a similar association of higher smoking prevalence.¹⁴
- Studies on the behavioral impact of smoke free laws found that these policies reduce tobacco use, increase cessation, and reduce youth initiation of tobacco use.¹⁵

Relevant Resources

For more information about the impacts of secondhand smoke:

CDC - Health Problems Caused by Secondhand Smoke:

<https://www.cdc.gov/tobacco/secondhand-smoke/health.html>

Consumer Guide: A Report of the Surgeon General; How Tobacco Smoke Causes Disease: What it means to you: <https://stacks.cdc.gov/view/cdc/153198>

Thirdhand Smoke Resource Center:

<https://thirdhandsmoke.org>

Public Health Law Center Commercial Tobacco-Free Outdoor Areas Model Policy:

<https://www.publichealthlawcenter.org/sites/default/files/resources/Outdoor-Smoke-free-Model-Ordinance.pdf>

Best Practice Language

Goal: Reduce exposure to harmful air pollutants—including secondhand smoke—in all outdoor environments to ensure equitable health outcomes, particularly for priority populations.

EG Policy: Adopt a comprehensive smoke- and tobacco-free outdoor air ordinance prohibiting commercial tobacco use in all outdoor recreational areas, service areas, dining areas, places of employment, public event areas, and other identified public places.

Policy: Encourage local health agencies to provide multilingual education on SHS health harms, describing increased risks for infants, children, seniors, and those with chronic illnesses. Include information for local and state tobacco treatment/cessation resources.

Policy: Prepare an analysis to address unique issues facing disadvantaged communities, including outdoor air quality, access to healthy foods, reduced density of alcohol and tobacco retailers, and participation in the public decision-making process.

Policy: Prohibit new tobacco retailers from operating within one thousand (1,000) feet of each other and of outdoor recreational areas, service areas, dining areas, places of employment, public event areas, and other identified public places.

Policy: (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses for establishments within one thousand (1,000) feet of each other and outdoor recreational areas, service areas, dining areas, places of employment, public event areas, and other identified public places. Discontinue renewals for existing establishments within 1,000 feet of outdoor recreational areas, service areas, dining areas, places of employment, public event areas, and other identified public places by [date].

Sample Verbal/ Written Public Comment Excerpt

We are extremely proud of our community for a forward-thinking approach to community health through the inclusion of a Health Element in our General Plan. Kudos to us!

As part of the overall health of our community, one area we think is important to address is clean outdoor air, which includes exposure to secondhand smoke. We know there is no safe level of secondhand smoke, even in outdoor spaces. The California Air Resources Board has identified secondhand smoke as a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants.

Exposure to secondhand smoke anywhere has negative health impacts and can reach hazardous levels even outdoors. For people who do not smoke, secondhand smoke exposure can lead to coronary heart disease, stroke, lung cancer, and reproductive health effects. In children and infants, it can also cause low birth weight, sudden infant death syndrome (SIDS), respiratory and ear infections, and asthma attacks. Secondhand smoke causes the premature death of 19,000 adults and 290 infants each year in the U.S.

We also know that the tobacco industry intentionally targets Black, Brown, Indigenous, AAPI, LGBTQ, lower income, and rural communities with predatory marketing practices. As a result, these communities tend to have higher concentrations of tobacco retailers, creating a disparity in secondhand smoke exposure.

<p>Sample Verbal/ Written Public Comment Excerpt (continued)</p>	<p><i>When we create public spaces that are free from secondhand smoke, all our residents and visitors are protected from dangerous exposure to these toxic products, our children see more healthy behaviors modeled, and our community spaces are more likely to be clean and free of hazardous and toxic materials. This provides the opportunity for greater health for everyone.</i></p> <p><i>I'm confident we share the belief that prevention provides the best protection for our families and those most vulnerable to the impacts of these dangerous products. The best prevention that many communities are adopting is a comprehensive smoke-free ordinance that prohibits smoking and vaping in all public outdoor spaces, as well as provides treatment and cessation resources for those transitioning off these dangerous products.</i></p> <p><i>Our [project/coalition] is available for free to provide language for relevant goals and policies that can be included in the health element.</i></p>
<p>References</p>	<ol style="list-style-type: none"> 1. National Cancer Institute. Secondhand smoke and cancer. December 4, 2018. Accessed May 18, 2026. https://www.cancer.gov/about-cancer/causes-prevention/risk/tobacco/second-hand-smoke-fact-sheet#r1 2. California Air Resources Board. Environmental tobacco smoke identified as a toxic air contaminant. Accessed March 6, 2026. https://ww2.arb.ca.gov/our-work/programs/environmental-tobacco-smoke-identified-toxic-air-contaminant 3. U.S. Department of Health and Human Services. <i>How tobacco smoke causes disease: The biology and behavioral basis for smoking-attributable disease: A report of the surgeon general</i>. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2010. 4. Chapman R. <i>State health officer's report on e-cigarettes: a community health threat</i>. California Department of Public Health, California Tobacco Control Program; 2015. 5. U.S. Department of Health and Human Services. <i>Eliminating tobacco-related disease and death: Addressing disparities—a report of the Surgeon General</i>. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2024. 6. U.S. Department of Health and Human Services. <i>The health consequences of involuntary exposure to tobacco smoke: A report of the Surgeon General</i>. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2006. 7. Ruprecht AA, De Marco C, Pozzi P, et al. Outdoor second-hand cigarette smoke significantly affects air quality. <i>Eur Respir J</i>. 2016;48(3):918-920. doi:10.1183/13993003.00064-2016 8. California Air Resources Board. <i>Technical support document for the proposed identification of environmental tobacco smoke as a toxic air contaminant: Part A</i>. Chapter 5, pp. V6-V19. California Environmental Protection Agency, California Air Resources Board, Office of Environmental Health Hazard Assessment; 2003. 9. Hwang J, Lee K. Determination of outdoor tobacco smoke exposure by distance from a smoking source. <i>Nicotine Tob Res</i>. 2014;16(4):478-484. doi:10.1093/ntr/ntt178 10. U.S. Department of Health and Human Services. <i>The health consequences of smoking: 50 years of progress. A report of the Surgeon General</i>. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health; 2014. Printed with corrections, January 2014. 11. Centers for Disease Control and Prevention, Office on Smoking and Health. <i>Summary of scientific evidence: tobacco retail density, location, and licensure</i>. Centers for Disease Control and Prevention, Office on Smoking and Health; April 2021. https://www.cdc.gov/tobacco/media/pdfs/2024/07/Tobacco-Retail-Density-Location-and-Licensure-508.pdf

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13. Advancing Science & Practice in the Retail Environment. Executive summary: Retail tobacco density & access. 2020. Accessed March 6, 2026. https://aspirecenter.org/wp-content/uploads/2020/08/ASPiRE_RetailTobaccoDensityandAccess_ExecSumm.pdf
14. Henriksen L, Feighery EC, Schleicher NC, Cowling DW, Kline RS, Fortmann SP. Is adolescent smoking related to the density and proximity of tobacco outlets and retail cigarette advertising near schools?. *Prev Med.* 2008;47(2):210-214. doi:10.1016/j.ypmed.2008.04.008
15. Centers for Disease Control and Prevention. Preventing exposure to secondhand smoke in the community. May 15, 2024. Accessed May 18, 2026. <https://www.cdc.gov/tobacco/secondhand-smoke/community.html#comprehensive-smokefree-laws-benefits>

Applicable Element(s)	Conservation, Open Space, Agriculture, Environmental Justice
<p>Legal Requirement Summary</p>	<p>The Conservation Element focuses on the conservation and sustainable development and utilization of natural resources, and the prevention of their wasteful exploitation, degradation, and destruction. Natural resources include the jurisdiction’s “water and its hydraulic force, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.” Gov. Code § 65302(d).</p> <p>The Open Space Element is meant “to assure that cities and counties recognize that open-space land is a limited and valuable resource which must be conserved wherever possible.” The value of open-space land resources refers to their value when used in an undeveloped form, as opposed to its value for development. Open-space uses include the following: the preservation of natural resources (e.g., wildlife habitats, shores, bodies of water, and watersheds); managed production (e.g., commercial fisheries, agricultural lands, rangeland); outdoor recreation; public health and safety (e.g. areas presenting high fire risk); tribal resources (e.g., religious or ceremonial sites); and military-adjacent lands. Gov. Code § 65560(h), § 65562.</p> <p>The Agriculture Element is an optional element that may be developed to promote local agriculture, support long-term protection of agricultural land, and minimize the encroachment of urban development. Protection of agricultural land can also be addressed within the Open Space Element. If adopted as a separate element, its requirements include the identification and designation of priority land for agricultural conservation, cooperating with other public agencies and agricultural associations to protect that land, and establishing partnerships for their long-term protection and stewardship. Gov. Code § 65565.</p> <p>The purpose of the Environmental Justice Element is for cities and counties to identify objectives and policies to reduce the unique or compounded health risks in disadvantaged communities, to promote civil engagement in the public decision making process, and to prioritize improvements and programs that address the needs of disadvantaged communities. Reducing pollution exposure, promoting safe and sanitary homes, and reducing any unique or compounded health risks in disadvantaged communities are some priorities in this element. Disadvantaged communities are areas identified by the California EPA (see Disadvantaged Communities Mapping Tool in resources) and any other area that is low-income and disproportionately affected by environmental pollution, other negative health hazards, or environmental degradation. Gov. Code § 65302(h).</p>
<p>How Tobacco Prevention Priority Areas Can Be Addressed</p>	<p>Area 1: Counter pro-tobacco influences <i>by reducing concentration of retail establishments near open space land.</i></p> <p>Area 2: Reduce exposure to secondhand smoke, tobacco smoke residue, tobacco waste, and other tobacco products <i>through restrictions on use in and near open space land.</i></p> <p>Area 3: Reduce the Availability of Tobacco Products <i>by restricting proximity to open space land.</i></p> <p>Area 4: Promote tobacco cessation <i>through requiring no smoking signage that includes cessation resource information.</i></p>

Evidence

- Secondhand smoke (sometimes called passive smoke, environmental tobacco smoke, or involuntary smoke) is a mixture of side stream smoke (the smoke from the burning tip of a cigarette or other smoked tobacco product) and mainstream smoke (smoke exhaled by a smoker that is diluted by the surrounding air).¹
- The California Air Resources Board identified secondhand smoke (SHS) as a toxic air contaminant, in the same category as the most toxic automotive and industrial air pollutants, and a serious health threat for which there is no safe level of exposure.²
- Secondhand smoke contains more than 7,000 chemical compounds, 69 of which are known to be carcinogenic to humans and animals.³
- Aerosols from electronic smoking devices contain chemicals, such as formaldehyde, acetaldehyde, lead, nickel, chromium, arsenic, and toluene, which are known to the State of California to cause cancer, birth defects, and other reproductive harm.⁴
- As indicated by the U.S. Surgeon General, there is no safe level of exposure to secondhand smoke and even brief exposure to it can cause immediate harm.^{5,6}
- Exposure to secondhand smoke anywhere has negative health impacts and can reach hazardous levels even outdoors.⁷
- Outdoor tobacco smoke is detectable 9 meters (~30 feet) from its source.⁸
- “The U.S. Surgeon General and others have found that proximity to tobacco retail outlets and higher retail density is associated with increased tobacco product consumption, decreased quit attempts among adults who smoke cigarettes and want to quit, and with higher youth initiation of tobacco product use.”⁹
- The tobacco industry is known to target Black, Brown, Indigenous, AAPI, LGBTQ, lower income, and rural communities with predatory marketing practices. As a result, these communities tend to have higher concentrations of tobacco retailers.¹⁰

Relevant Resources

CalEnviro Screen Data Report:

<https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

CalEnviroScreen Data Dashboard:

<https://experience.arcgis.com/experience/6b863505f9454cea802f4be0b4b49d62>

SB 535 Disadvantaged Communities Mapping Tool:

<https://oehha.ca.gov/calenviroscreen/sb535>

Tobacco Retailer Mapping Tool (CTHAT):

<https://cthat.org>

Thirdhand Smoke Resource Center:

<https://thirdhandsmoke.org>

Public Health Law Center Commercial Tobacco-Free Outdoor Areas Model Policy:

<https://www.publichealthlawcenter.org/sites/default/files/resources/Outdoor-Smoke-free-Model-Ordinance.pdf>

Public Health Law Center, Comprehensive Tobacco Retailer Licensing Model Ordinance:

<https://publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf>

<p>Best Practice Goals & Policies for This/These Element(s)</p>	<p>EG EG Goal: Conserve our natural resources and ensure the community's safe enjoyment of clean outdoor air by prohibiting commercial tobacco use and sales in the proximity of open space land.</p> <p>EG Policy: Require the adoption of a comprehensive smoke- and tobacco-free outdoor areas ordinance that prohibits commercial tobacco use in or within a minimum 30-foot buffer zone from open space land. Prohibit ash receptacles in areas where smoking and tobacco use is prohibited.</p> <p>Policy: Where smoking and tobacco use is prohibited, post multilingual signage, including information about treatment/cessation such as contact information for Kick It California and local treatment/cessation resources.</p> <p>Policy: Prohibit new tobacco retailers from operating within one thousand (1,000) feet of open space land.</p> <p>Policy: (for jurisdictions with an existing TRL): Adopt an ordinance prohibiting the issuance of any new tobacco retail licenses for establishments within one thousand (1,000) feet of open space land. Discontinue renewals for existing establishments within 1,000 feet of open space land by [date].</p>
<p>Sample Verbal/ Written Public Comment Excerpt</p>	<p><i>Tobacco use produces secondhand and thirdhand smoke and aerosols, and tobacco product waste, which contaminate and degrade our land and waters. Tobacco smoke contains over 4,000 chemical compounds, of which nearly 70 are known carcinogens. Tobacco use also produces litter, which is difficult and costly to clean up and a significant portion will inevitably remain in the environment causing further harm. Nicotine and other leachates seep into groundwater, posing a considerable risk of contaminating the food humans and other living creatures consume and the water we ingest, bathe, and recreate in. Pets, wildlife, and people can be exposed to these poisonous residuals.</i></p> <p><i>We have a legal and moral obligation to protect our natural resources, reduce pollution exposure, promote safe outdoor spaces, and reduce any unique or compounded health risks in disadvantaged communities. With this in mind, it's important for our community to make sure that the use of these products does not happen in or near our precious open spaces. By ensuring that all open space land is smoke-free, we protect our waters, our soil, plants and animals from these dangerous contaminants.</i></p> <p><i>We also know that tobacco use increases where tobacco retail stores are sited. To further protect these important lands, the creatures that live there, and the people who work and recreate within them, particularly our children, we can also ensure that tobacco retailers are located a good distance away from open space lands.</i></p> <p><i>Our project [has provided / is available to provide] information and best practice language to planning staff that can help support these efforts through the Open Space/Conservation/Environmental Justice Element.</i></p>
<p>References</p>	<ol style="list-style-type: none"> 1. National Cancer Institute. Secondhand smoke and cancer. December 4, 2018. Accessed May 18, 2026. https://www.cancer.gov/about-cancer/causes-prevention/risk/tobacco/second-hand-smoke-fact-sheet#r1 2. California Air Resources Board. Environmental tobacco smoke identified as a toxic air contaminant. Accessed March 6, 2026. https://ww2.arb.ca.gov/our-work/programs/environmental-tobacco-smoke-identified-toxic-air-contaminant

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4. Chapman R. *State health officer's report on e-cigarettes: a community health threat*. California Department of Public Health, California Tobacco Control Program; 2015.
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