



FAQs for Broomfield Businesses on Vaping and Smoking in Public Places

On October 22, 2019 the Broomfield City Council voted to expand the local smoke-free law to include the use of e-cigarettes and other vaping devices, and to add specified outdoor areas to the list of places where smoking and vaping are prohibited. The new ordinance, No. 2104 - Broomfield Municipal Code section 8-02-030, goes into effect January 1, 2020.

Where will smoking and vaping be prohibited?

Outdoor areas

- Outdoor dining and bar areas open to the public
- Entryways - 25 foot radius outside the main or front doorway
- Public transit waiting areas, such as bus stops
- Public events that require a city permit
- Outdoor areas being used for athletic or sporting activity by or for the public
- Parks, reservations, playgrounds, recreation facilities, or any other open space area owned, leased, or under the control of the city, whether located within or without the corporate boundary limits of the city, which is devoted to recreation and leisure-time use by the public.

Indoor areas (according to the Colorado Clean Indoor Air Act)

- Public places and buildings such as retail and commercial establishments, libraries, theaters, museums, schools, public and private educational institutions, meeting rooms, any public meetings and small businesses regardless of the number of employees.
- Restaurants, bars, hotels, motels, casinos, limited gaming facilities (including bingo), billiard or pool halls, and bowling alleys.
- Grocery stores and food service establishments
- Indoor sports arenas, gymnasiums and auditoriums
- Lobbies, reception areas, hallways, elevators, restrooms, and public and private common areas
- Common areas of assisted living facilities, nursing facilities and assisted living residences.
- Health care facilities, hospitals, clinics, doctor's offices, and child day care facilities
- Any workplace not specifically exempted
- Jury waiting and deliberation rooms, and courtrooms
- Public transportation of any kind, including buses, trains, and taxi cabs

Does the ordinance include vaping, cigars, and other substances?

Yes. Smoking is defined as inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco, plant product, or any other substance intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. Smoking also includes the use of an electronic smoking device.

What is an electronic smoking device?

Electronic smoking devices, also commonly known as e-cigarettes and vapes, are any product that contains or delivers nicotine or any other substance intended for human consumption and that can be used by a person to enable the inhalation of vapor or aerosol from the product and includes but is not limited to a product manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen or any other product name or descriptor.

What do I need to do now?

Post smoke/vape-free signage (available for download at broomfieldhealth.org and inform your employees about the updated ordinance that will go into effect January 1, 2020.

Is smoking and vaping now a crime? What are the penalties for a person found violating the ordinance?

No. Smoking and vaping are still legal in Broomfield and the State of Colorado. The new law, in the Broomfield Municipal Code section 8-02-030, sets limitations on where someone may legally smoke or vape. Smoking and vaping where prohibited could result in violators being issued a fine of up to \$500.

I have an outdoor seating area at my business. Will that need to be smoke/vapor-free?

Yes. Smoking and vaping are prohibited in any outdoor patio, dining or bar areas open to the public.

Am I responsible for ensuring that my customers comply with the ordinance?

Yes. The owner, lessee, principal manager, and person in charge of any premises regulated under this chapter of the municipal code shall be responsible for compliance with the ordinance.

What should I do if a person is smoking/vaping in an area that's smoke/vapor-free according to the ordinance?

You can respectfully point to no smoking/vaping signs and let the person know that Broomfield has a law which makes the area smoke/vapor-free. You can also share a courtesy card with information about the ordinance.

What if a customer or employee says they have a vaporizer that they need to use for medical purposes?

If the device is not a Food and Drug Administration (FDA)-approved device for the delivery of a pharmaceutical medication (e.g., an asthma inhaler), the person needs to find an area where smoking/vaping is permitted in order to use the device. Additionally, smoking/vaping medical or recreational marijuana in any public area is prohibited by State law.

What help is being provided to comply with the ordinance?

The City and County of Broomfield is providing signage, support, and information to address questions regarding the ordinance. More information is available at broomfieldhealth.org.

What resources can I offer my employees if they want to know more about quitting tobacco?

Anyone can find free assistance with quitting tobacco at: 1-800-QUIT-NOW (1.800.784.8669), www.coquitline.org, or by visiting Broomfield.org/quit.

Are there any changes to the legal age to purchase smoke/vape products?

Yes. Broomfield City Council passed another ordinance on October 22, 2019 that will require retailers to obtain a license to sell tobacco/vape products and that raises the minimum legal sales age from 18 to 21 years. This new law, Ordinance No. 2105, goes into effect on May 1, 2020.

For additional information, please visit broomfieldhealth.org, call 720.887.2220 or email publichealth@broomfield.org.