Limiting tobacco retail density near schools and parks is crucial in tobacco control as it reduces youth exposure to tobacco products. Proximity to these areas increases the likelihood of underage smoking initiation. By implementing zoning restrictions, we can create environments less conducive to tobacco use, ultimately curbing the prevalence of smoking and its health risks.

The Challenge

NC law preempts stronger state and local government laws, rules, and ordinances regarding the sale, distribution, display, and promotion of tobacco products. With this, local communities sought a way to mitigate the prevalence of youth vaping. The NC Tobacco Prevention and Control Branch and local health allies learned Local Governments do have clear authority under zoning laws to regulate land use and could utilize this authority to limit the density of tobacco retailers and proximity to areas such as schools and playgrounds. This aims to reduce underage smoking initiation and exposure to tobacco products, ultimately combating the pervasive public health issue of tobacco addiction.

Restricting tobacco retailers from operating near schools has numerous benefits for public health and well-being of students. Zoning restrictions help create healthier environments by reducing the accessibility of tobacco products to youth. Proximity to schools influences the ease that students may encounter and be tempted to experiment with tobacco. Clear boundaries through zoning regulations mitigate the exposure of youth to tobacco marketing/sales, fostering tobacco-free culture around educational institutions. Such restrictions contribute to the overall goal of safeguarding the health of youth and promoting a smoke-free lifestyle, resulting in decreased initiation of tobacco use among youth.

Solution

October 16th, 2023, the Wake County Board of County Commissioners, in Wake County, North Carolina, passed the Wake County Unified Development Ordinance (UDO) Amendment regulating tobacco retail outlet density via zoning and land use. The UDO Amendment prohibits tobacco/vape/hemp retailers from establishing within 1000 ft of a school, public park, greenway, another tobacco/vape/hemp retail, or residence in the county’s unincorporated areas. This was a collaborative effort between the Wake County Public Health Department and the Wake County Planning Department. Additionally, five municipalities within Wake County passed similar UDO Amendments to apply within their municipal jurisdictions.

January 16, 2024, Cumberland County swiftly moved to adopt a comprehensive Unified
Development Ordinance through the Board of County Commissioners. With youth intervention being a major concern of Cumberland County Board of Commissioners, a unanimous decision to regulate tobacco/vape/hemp retailers from over-populating areas youth and vulnerable populations frequently visited was adopted. Cumberland County’s ordinance was an enhanced version of the Wake County ordinance including day care facilities, group homes, halfway houses, and residential habilitation support facilities. Cumberland County Department of Public Health and Cumberland County Planning Department worked together advocating for this ordinance with the support of Wake County.

Results

The spotlight is now on the uncontrolled distribution of harmful products. Those impacted now see a local government willing to combat addiction and support their citizens in their effort to be tobacco free. This zoning ordinance paves the way for ongoing advocacy work in North Carolina and could be used as a model for other states looking to do similar work.

In the time after Wake County and Cumberland County passed their ordinances, 8 municipalities have passed related ordinances with many more considering similar changes. Additional stakeholders requested that measures be adopted to limit the density and proximity of tobacco retailers not only for places where young people gather but also for other vulnerable populations, such as those in substance use disorder and mental health treatment facilities.

Lessons Learned

From a Wake County perspective, this initiative succeeded because of the focus on youth prevention and the support from the local school system. Also, it succeeded due to the communities wanting to do something to curb youth access to vaping and North Carolina has a lot of preemptive language limiting local authority around tobacco prevention and control.

Lessons learned: be as comprehensive as possible with the entities included in the jurisdiction (i.e. schools, daycares, churches, parks, etc.) Planning Departments involve all possible stakeholders in the planning process, even those who oppose the proposed zoning regulations.

From a Cumberland County perspective, County Commissioners exhibit a strong commitment to fostering positive outcomes for the youth. The lack of regulations surrounding emerging products creates significant challenges for parents, educators, and community members in combating addiction rates among those most vulnerable. Implementing policy to minimize the access to unregulated products directly correlates to reducing health disparities among youth and individuals struggling with adverse health effects related to nicotine and other unregulated products.

Stakeholders demonstrate genuine concern for the welfare of the community. When you understand and uphold your purpose, they are more likely to engage with addressing the issue.

For more details about this successful initiative, please visit:

