



FREQUENTLY ASKED QUESTIONS:

POLICIES TO PROHIBIT SMOKING, MARIJUANA, E-CIGARETTES AND VAPORIZING

QUESTION

ANSWER

Are no-smoking policies legal?

Yes. Colorado's Clean Indoor Air Act allows owners and managers to make any part of their property no-smoking.

Are these policies discriminatory?

No. Smoking of any kind is NOT protected by Federal or Colorado law. Prohibiting smoking does **not** discriminate against smokers and does not violate any fair-housing regulations as people who smoke are not a protected class.

What about recreational marijuana, vaporizers, or electronic cigarettes?

Can Prohibit. These products emit some of the same toxic or cancer-causing chemicals as tobacco smoke and may cause health problems for adults and children when drifting into adjoining units.

Owners and managers may prohibit smoking of any kind (including marijuana, vaporizing, e-cigarettes) on the property by setting policies and posting notice to that effect in accordance with Federal and Colorado law. (Amendment 64 Section 6(d); CRS 25-14-204)

What about medical marijuana?

Can Prohibit. Under the Colorado Fair Housing Act, owners and managers do **not** have to allow residents to use medical marijuana in private units as "reasonable accommodation." Federal Fair Housing Act, Section 504, and Americans with Disabilities Act do not consider medical marijuana users to be "disabled" or "handicapped."

How do I define "smoking?"

No-smoking policies should use a broad definition of "smoking" inclusive of all activities involving marijuana, hookah, vaporizing, and electronic cigarettes, in lease language.

What's the bottom line?

Policies that prohibit smoking, including marijuana and vaporizers, are legally permissible and non-discriminatory.

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