

**MEMO**



DEC 06 2010

Senate of Pennsylvania

December 3, 2010

**TO:** ALL SENATORS  
**FROM:** Stewart J. Greenleaf *Stewart*  
**SUBJECT:** Cosponsorship -- **Clean Indoor Air Act amendments**

I am reintroducing **Senate Bill 113** to strengthen the Clean Indoor Air Act (CIAA) by eliminating exceptions to the statewide smoking ban and providing for local ordinances.

On September 11, 2008 Pennsylvania joined over 30 states that have some type of indoor smoking ban. Passage of Act 27 represented a major step forward in Pennsylvania by removing secondhand smoke in about 95% of workplaces and public areas in this Commonwealth.

However, Pennsylvania's CIAA contains a dozen exceptions, including drinking establishments with less than 20 percent food sales, portions of casino floors, and private clubs. These exceptions create confusion and make it harder to implement the law. They also leave some individuals unprotected from secondhand smoke. Furthermore, they provide for an unlevel playing field when some establishments must comply while others do not.

Under my legislation, the following exceptions are removed from the CIAA: (1) Drinking establishments, (2) Gaming floors, (3) Private clubs, (4) Residential facilities, (5) Fundraisers, (6) Tobacco promotion events, and (7) Full service truck stops. To ensure that smoking is prohibited in these places, they have been added to the definition of "Public place." I have also added language that prohibits smoking in any outdoor deck, patio, or similar outdoor service area of a food or drinking establishment. This revision is similar to a ban contained in the Philadelphia Clean Indoor Air Worker Protection Law.

The CIAA currently supersedes all local ordinances concerning smoking in public places with the exception of the ordinance in the City of Philadelphia. This legislation would remove the state preemption language and give all political subdivisions the ability to enact smokefree ordinances that are more protective than state law. According to the American Nonsmokers' Rights Foundation, 37 states do not preempt local governments from adopting more stringent smokefree rules than state law. Our six neighboring states (New York, New Jersey, Delaware, Maryland, West Virginia and Ohio) do not preempt local smokefree ordinances.

In 2008, Maryland's smokefree law was extended to include all bars and private social clubs. Smoking continues to be banned at all Maryland casinos, healthcare-related facilities, and truck stops. Municipalities are not preempted. The State of Oregon enacted a smokefree law that went into effect in 2009. It prohibits smoking in all bars, gaming venues, truck stops, and assisted living facilities. Also, in 2009 Utah and Montana enacted 100% smokefree bar laws. Finally, the U.S. Virgin Islands enacted a smokefree law for all workplaces, restaurants, bars and gaming, which is scheduled to go into effect on May 10, 2011.

The adoption of this legislation will provide Pennsylvania with a truly comprehensive smoking ban law. We would join 23 other states, according to the American Lung Association, with comprehensive smokefree laws. This measure is supported by the American Lung Association, the American Heart Association, the American Cancer Society, and Smokefree Pennsylvania.

*If you are interested in cosponsoring this legislation, please contact Pat Snively of my office by e-mailing her at [psnively@pasen.gov](mailto:psnively@pasen.gov).*