



House of Representatives
Commonwealth of Pennsylvania

TO: All House Members
DATE: January 24, 2011
FROM: Representative Mario Scavello
RE: Clean Air Indoor Act Amendment (Former HB 1245)

In the near future, I plan to re-introduce legislation that will strengthen the Clean Indoor Air Act (CIAA) by eliminating exceptions to the new statewide smoking ban and providing for local ordinances. I introduced this legislation last session as HB 1245. In addition, this legislation was introduced in the Senate last session as SB 113.

On September 11, 2008, Pennsylvania implemented the Clean Indoor Air Act (CIAA), 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. In addition to creating confusion and making it difficult to implement the new law, these exceptions also create an unbalanced market for businesses. Many small businesses have been negatively impacted by the exceptions because some are not eligible for an exception where another very similar business is eligible and can allow smoking. In addition, these exceptions leave some individuals unprotected from secondhand smoke.

Under this 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." This legislation also adds 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, 39 states do not preempt local governments from adopting more stringent smokefree rules than state law.

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 Kendra Snuffer in my office by e-mailing ksnuffer@pahousegop.com or calling 787-7732.

Previous co-sponsors: CHRISTIANA, BOYD , D. COSTA, EVERETT , FRANKEL , FREEMAN , GIBBONS , GINGRICH , JOSEPHS , MELIO , MUNDY , MURT , SWANGER and VULAKOVICH.