

Rep. Thomas P. Murt
Testimony on HB 682 / Health Committee
15 June 2015

When Pennsylvania implemented its Clean Indoor Air Act in 2008, our state prudently took a major step forward in removing secondhand smoke from most workplaces and public areas in this Commonwealth.

Unfortunately, the law was riddled with holes or in this case - exemptions. The law contained over a dozen exemptions including sections of casino floors, hotel rooms, private clubs, and drinking establishments with less than 20 % food sales.

Presently, Pennsylvania's Clean Indoor Air Act contains far more exemptions than any other neighboring state. Not only do our neighboring states have fewer exemptions than Pennsylvania, they do not exempt casinos which operate in those states. It might be fair to state that we adopted our own exemptions in 2008 in order to compromise, and to get the bill to the finish line and signed into law. We agreed back then to revisit this law and address the exemptions in the future. It is now time to take up this discussion again and to increase the protections we afford to Pennsylvanians from second hand smoke.

These smoking exemptions, in addition to creating confusion, have given some businesses an unfair advantage in the marketplace. By choosing the arbitrary 20% rule for food services, some small businesses receive an exemption for smoking - while others do not. Perhaps even worse, is that workers in the establishments allowing smoking, are left totally unprotected from secondhand smoke.

Under House Bill 682, the only remaining exemptions will be for private residences, cigar bars, tobacco shops, and a designated outdoor smoking area of a sports, recreational facility, and theatre or performance establishment. These exemptions have been deemed reasonable by most stakeholders.

It was recommended that this bill contain a definition of a 'public place' and add it to this legislation. In addition, electronic cigarettes are defined and included in the term 'smoking' as these devices provide a vapor of nicotine for the use of inhalation.

The adoption of this legislation will provide Pennsylvania with a truly comprehensive and effective smoking ban law. We would join 25 other states with comprehensive and operative smoke-free laws.

In addition to support from the American Lung Association, the American Heart Association, the American Cancer Society, and Smoke-free Pennsylvania, many private clubs support this legislation.

It is time to afford more protection to Pennsylvanians from the dangers of secondhand smoke. House Bill 682 accomplishes this objective.