



DO NOT SUPPORT the following "Smoke Free Air" Legislation

The following bills are inconsistent with the principles of smoke-free workplace legislation, and do not protect workers or customers from secondhand smoke. They give the impression that something has been done to address the problem of secondhand smoke without providing nonsmokers with any actual health protections.

SB 1382 (Stolle)

This bill allows smoking in “designated bar areas” of restaurants with ABC licenses built before July 1, 2009. New restaurants are required to have a designated smoking room. The bill also allows smoking in restaurants during any period in which only people 18 and older are permitted to enter. Finally, this bill exempts cigar bars, private clubs, private functions, and restaurants located within the facilities of a tobacco manufacturer.

The Facts:

- Allowing smoking in a designated bar area is no different than requirements under current law for separate smoking and non-smoking sections. Secondhand smoke does not know it is supposed in the designated area, and infiltrates throughout the entire establishment. This provision offers no health protection.
- Separating smokers from nonsmokers by creating a designated smoking room cannot eliminate exposures of nonsmokers to secondhand smoke. Moreover, separate smoking rooms offer no protection for employees who work in those rooms and may even exacerbate their situation by concentrating all the smoking into one place.
- Cleaning the air and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.
 - The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the preeminent U.S. body on ventilation issues, has concluded that ventilation technology cannot be relied on to control health risks from secondhand smoke exposure.
 - Ventilation provisions are costly to businesses, forcing them to purchase expensive equipment that does not address the health hazards created by secondhand smoke.
- Creating separate rules for establishments based on the date they are built will make enforcement costly and confusing. There is no legitimate economic argument for permitting older establishments to avoid a health regulation.
- Only allowing smoking when minors are not present is inconsistent with the purpose of smokefree laws, which is to protect all people, regardless of age, from secondhand smoke. Secondhand smoke poses significant health risk to all ages, and everyone deserves the right to a safe and healthy work environment.
- The definitions of cigar bars and private functions provide ample opportunities for restaurants to find loopholes, and will make any regulation of smoking nearly impossible to enforce.

HB 1703 (Cosgrove)

This bill requires new restaurants to prohibit smoking, unless they provide a separately ventilated smoking room. The bill also requires employees to consent to work in such a smoking room.

The Facts:

- Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.
 - The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), the preeminent U.S. body on ventilation issues, has concluded that ventilation technology cannot be relied on to control health risks from secondhand smoke exposure.
 - Ventilation provisions are costly to businesses, forcing them to purchase expensive equipment that does not address the health hazards created by secondhand smoke.
- Requiring that employees consent to work in smoke-filled rooms is problematic.
 - Employees can be pressured into “consenting” to work in smoke-filled areas as a condition of employment.
 - Employees may fear that they will be discriminated against or harassed by the business proprietor, their supervisor, or their fellow employees – or even lose their job – if they refuse.
 - Workers should not be put in a position where they must choose between jeopardizing their health or their jobs. Employers also sometimes use consent forms to try to evade legal liability for health conditions that employees develop as a result of being exposed to secondhand smoke on the job.
- Restaurants built before 2010 do not have to implement any additional protections against secondhand smoke.

HB 2483 (Eisenberg)

This bill requires that minors not be permitted in any indoor restaurant, bar, or lounge area that allows smoking.

The Facts:

- It is laudable to attempt to protect children from secondhand smoke in restaurants. Secondhand smoke poses significant health risk to all ages, and everyone deserves the right to a safe and healthy work environment.
- Only allowing smoking when minors are not present is inconsistent with the purpose of smokefree laws, which is to protect all people, regardless of age, from secondhand smoke.