

101st CONGRESS  
1ST SESSION

# H. R. 598

To amend the Federal Aviation Act of 1958 to prohibit smoking on domestic commercial aircraft flights.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 20, 1989

Mr. OBERSTAR introduced the following bill; which was referred to the Committee on Public Works and Transportation

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## A BILL

To amend the Federal Aviation Act of 1958 to prohibit smoking on domestic commercial aircraft flights.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Aircraft Cabin Air Qual-  
5 ity Protection Act of 1989".

6 SEC. 2. FINDINGS.

7 The Congress finds the following:

8 (1) The Surgeon General's report entitled "The  
9 Health Consequences of Smoking: Chronic Obstructive  
10 Lung Disease", issued in 1984, reported that passive

1 smoking and the accompanying high levels of indoor  
2 air pollution pose a variety of long-term health risks to  
3 passengers on aircraft, where airflow is severely re-  
4 stricted.

5 (2) In 1986, the following 3 reports bearing on  
6 the health risks of smoking aboard commercial aircraft  
7 have been issued:

8 (A) The report of the National Academy of  
9 Sciences entitled "The Airliner Cabin Environ-  
10 ment: Air Quality and Safety", issued in August  
11 1986, which recommended that for health and  
12 safety reasons all smoking should be prohibited on  
13 domestic commercial aircraft flights.

14 (B) The report of the National Academy of  
15 Sciences entitled "Environmental Tobacco  
16 Smoke: Measuring Exposures and Assessing  
17 Health Effects", issued in November 1986, which  
18 provided scientific evidence of the health risks  
19 posed to nonsmokers on aircraft when smoking is  
20 permitted anywhere in the passenger cabin.

21 (C) The report of the study conducted by the  
22 Surgeon General regarding involuntary smoking,  
23 issued in December 1986, which provided addi-  
24 tional evidence of the dangers of environmental  
25 tobacco smoke.

1           (3) Involuntary smoking is a cause of disease, in-  
2           cluding lung cancer, in healthy nonsmokers.

3           (4) Nonsmokers are entitled to a smoke-free envi-  
4           ronment. The National Academy of Sciences has found  
5           that the separation of smokers and nonsmokers in sepa-  
6           rate sections on aircraft does not prevent smoke expo-  
7           sure for all passengers and all flight attendants.

8           (5) The relatively low humidity aboard aircraft,  
9           combined with the reduced fresh air flow on aircraft,  
10          aggravates passenger discomfort and irritation when air  
11          quality contaminants are present. Especially sensitive  
12          persons, such as asthmatics or those with allergies,  
13          may experience extreme discomfort from and severe re-  
14          actions to tobacco smoke exposure in the aircraft cabin  
15          environment. These short-term health risks and the  
16          long-term health risks described in this section are par-  
17          ticularly high for members of flight crews, who are  
18          constantly exposed to these contaminants in their  
19          workplace.

20 SEC. 3. PROHIBITION BY AIR CARRIERS OF SMOKING.

21          (a) IN GENERAL.—Title VI of the Federal Aviation Act  
22          of 1958 (49 U.S.C. App. 1301 et seq.; hereinafter in this Act  
23          referred to as the "Act") is amended by adding at the end the  
24          following:

1 "SEC. 613. PROHIBITION OF SMOKING ON PASSENGER-CARRY-  
2 ING AIRCRAFT ON DOMESTIC FLIGHTS.

3 "(a) IN GENERAL.—Each air carrier shall prohibit  
4 smoking on any aircraft during any flight involving the car-  
5 riage of passengers in interstate or overseas air transporta-  
6 tion.

7 "(b) RULES AND REGULATIONS.—The Administrator  
8 shall promulgate such rules and regulations as may be neces-  
9 sary to carry out this section."

10 (b) CONFORMING AMENDMENT.—That portion of the  
11 table of contents of the Act which appears under the center  
12 heading

TITLE VI—SAFETY REGULATION OF CIVIL AERONAUTICS"

13 is amended by adding at the end the following:

"Sec. 613. Prohibition of smoking on passenger-carrying aircraft on domestic flights.  
"(a) In General.  
"(b) Rules and Regulations."

14 SEC. 4. PROHIBITION OF SMOKING.

15 (a) IN GENERAL.—Section 902 of the Act is amended  
16 by adding at the end the following:

17 "(r) PROHIBITION OF SMOKING.—It shall be unlawful  
18 for any person to smoke on an aircraft during any flight of  
19 the aircraft involving the carriage of passengers in interstate  
20 or overseas air transportation."

21 (b) CONFORMING AMENDMENT.—That portion of the  
22 table of contents of the Act which relates to section 902 is  
23 amended by adding at the end the following:

"(r) Prohibition of smoking."

1 SEC. 5. EFFECTIVE DATE.

2 Sections 613(a) and 902(r) of the Act (as added by this  
3 Act) shall take effect 90 days after the date of the enactment  
4 of this Act.

○

H.R. 561 -- continued

02-07-89 -- 13 added

CAMPBELL, T. (R CA-12)	PELOSI (D CA-05)	SYMAR (D OK-02)
DeFAZIO (D OR-04)	PURSELL (R MI-02)	TORRES (D CA-34)
FAWELL (R IL-13)	SHAW (R FL-15)	WEISS (D NY-17)
JACOBS (D IN-10)	STARK (D CA-09)	WHITTAKER (R KS-05)
LEVINE (D CA-27)		

02-22-89 -- 2 added

CONYERS (D MI-01)	WILSON, C. (D TX-02)
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02-28-89 -- 2 added

de LUGO (D VI-AL)	NIELSON (R UT-03)
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03-22-89 -- 3 added

DURBIN (D IL-20)	MCCOLLUM (R FL-05)	UNSOELD (D WA-03)
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06-13-89 -- 1 added

EDWARDS, M. (R OK-05)

H.R. 598	01-20-89	OBERSTAR (D MN-08)	27 Cosponsors
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02-22-89 -- 12 added

ATKINS (D MA-05) - 1	FRANK (D MA-04) - 1	IRELAND (R FL-10) - 7
BATES (D CA-44) - 9	GARCIA (D NY-18) - 2	KILDEE (D MI-07) - 3
<del>de LUGO (D VI-AL) - 7</del>	GUARINI (D NJ-14) - 2	STALLINGS (D ID-02) - 5
DORNAN (R CA-38) - 9	HANSEN (R UT-01) - 9	WAXMAN (D CA-24) - 9

03-08-89 -- 4 added

BOXER (D CA-06) - 9	FAUNTROY (D DC-AL) - 6	WHEAT (D MO-05) - 8
DeFAZIO (D OR-04) - 5		

04-05-89 -- 7 added

BEREUTER (R NE-01) - 4	MOODY (D WI-05) - 7	SKAGGS (D CO-02) - 8
CONYERS (D MI-01) - 3	MRAZEK (D NY-03) - 2	STARK (D CA-09) - 9
LEVIN, S. (D MI-17) - 3		

04-25-89 -- 2 added

<del>FALEOMAVAEGA (D AS-AL)</del>	JOHNSTON, H. (D FL-14) - 7
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05-25-89 -- 2 added

EDWARDS, M. (R OK-05) - 8	SHAW (R FL-15) - 7
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*FBI - cosponsors of Oberstar's bill*