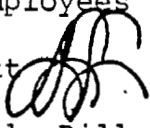


PHILIP MORRIS U.S.A.
INTER - OFFICE CORRESPONDENCE
100 Park Avenue, New York, N.Y. 10017

US legis RECEIVED
FEB 21 1980

To: · All New York Employees
From: · Stanley S. Scott 
Subject: · New York Assembly Bill A2746-C -- The "Grannis Bill"

Date: February 21, 1980 A.H.

Once again Assemblyman Peter Grannis (D-Manhattan) is striving to have A2746-C become law in New York State. This legislation is now being considered by the entire Assembly and may come to a vote as early as March 7.

"The Clean Indoor Air Act," as this bill is known, would prohibit smoking in most public places. This includes restaurants, retail stores, public means of transportation, all schools, hospitals, auditoriums, theaters, libraries, museums, arenas, meeting rooms, places of work, and elevators. Any person who violated this act could draw a \$25 fine for the first offense and \$100 for each successive offense.

Attached is a sheet indicating who your Assemblyman is and a suggested form for addressing a letter. Also included is additional information and comments on A2746-C.

If you agree that this bill should be defeated, I urge you to write your Assemblyman immediately. We would very much appreciate receiving a copy of any response sent to you by a legislator.

Thank you for your consideration of this request.

SSS:jmb

Attachments

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ADDRESS YOUR LETTER AS FOLLOWS:

The Honorable
The State Capitol
Albany, New York 12247

Dear Assemblyman _____:

Sincerely,

Signature _____

cc: The Honorable Stanley Fink
Speaker
New York State Assembly
Albany, New York 12247

USE YOUR PERSONAL STATIONERY OR PLAIN PAPER AND

BE SURE TO INCLUDE YOUR HOME ADDRESS

You live in district No. _____ and

Your Assemblyman is The Honorable _____

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A. 2746-C: WHAT OTHER ORGANIZATIONS HAVE TO SAY ABOUT IT

"The New York AFL-CIO expresses its opposition to this bill. . . The bill is discriminatory. . . imposes restrictions on proprietors of public places that are unenforceable. . . There is no reliable evidence that would necessitate this kind of legislation."

NEW YORK STATE AFL-CIO

"AI's underlying complaint with the subject bill is that it contemplates legislating a practice which is better left to resolution on an individual basis. . . Associated Industries respectfully recommends defeat of this bill."

ASSOCIATED INDUSTRIES OF NEW YORK STATE

"We have taken the position that this bill is unfair to organized labor. . . This legislation is also restrictive to many small businesses which employs our members."

NEW YORK STATE BUILDING AND CONSTRUCTION TRADES COUNCIL

"This legislation is typical of a state mandate being imposed upon county governments with no financial assistance to carry out the terms of the mandate and enforce its provisions. . . This legislation goes too far. . . and places an unfair administrative burden and fiscal mandate upon the local governments of New York State."

NEW YORK STATE ASSOCIATION OF COUNTIES

"This bill puts extreme economic pressures on many groups. . . and we all know that our economy is of great importance at these times. . . The New York State Association of Chiefs of Police does not feel that this bill can be properly enforced, nor the public will encourage the proper enforcement of this legislation."

NEW YORK STATE ASSOCIATION OF CHIEFS OF POLICE, INC.

"To restrict a restaurant patron's right to smoke at the conclusion of his meal reminds us of bringing back prohibition. The food service industry today is burdened with myraids of regulations. . . To add to this burden and particularly where we would have to confront our patrons in the role of a policeman, is to add to our predicament."

NEW YORK STATE RESTAURANT ASSOCIATION

"This bill can jeopardize customer relations and can add a substantial additional cost in reconstruction of established properties. Local managers of hospitality establishments should not lose the flexibility to establish procedures which they feel adapt to the preference to their customers."

NEW YORK STATE HOTEL AND MOTEL ASSOCIATION

1005078588

"Ours is an extremely competitive industry and this proposed legislation would handicap our sales efforts. . . In such a competitive atmosphere, (this) legislation. . . needlessly places New York at a disadvantage with our competitors. . . Such infringements within our state fly in the face of the very purpose of the tourism program which the New York State Legislature has funded to attract visitor business to our state."

NEW YORK CONVENTION AND VISITORS BUREAU

"The proposal would be unenforceable in any bowling center and attempts. . . to force its regulations. . . would be resented. . . and bring about a loss to the bowling center's business."

NEW YORK STATE BOWLING PROPRIETORS ASSOCIATION

"A requirement to designate smoking and non-smoking areas would be completely impractical given the complexities of our operations. . . We have developed a voluntary no-smoking program which has been successful."

MADISON SQUARE GARDEN CENTER

"Although factories are excluded, the proposed prohibitions would substantially interfere with operations of and impose costs upon businesses. . . Imagine the practical difficulties and operational inefficiencies that the bills would create for a company. . ."

EMPIRE STATE CHAMBER OF COMMERCE

"Suffice to say that to enact legislation of this type is not practical, feasible, nor enforceable, and we urge that such legislation be defeated."

HOTEL ASSOCIATION OF NEW YORK CITY

"In a society in which are police are undermanned, our courts jammed, prosecutors overworked, calendars backlogged. . . we are hard pressed to visualize meaningful enforcement of this type of statute. . . Also, do we enhance respect for the legislative process and for the laws themselves by placing unenforceable laws on the books?"

NEW YORK CHAMBER OF COMMERCE AND INDUSTRY

"Our patrons show absolutely no interest in No Smoking or Smoking designations and we feel that any attempt to enforce this law upon them would be very costly to our members."

NEW YORK STATE ASSOCIATION NO. 16 OF THE BARBERS, BEAUTICIANS AND ALLIED INDUSTRIES

"The State's business and tourism image would be damaged by establishing yet another precedent offensive to those whose business we seek to retain or attract to our state."

JOHN S. DYSON, FORMER COMMISSIONER STATE OF NEW YORK DEPARTMENT OF COMMERCE

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OTHER QUOTES TO USE

1. "Our courts are over crowded now - it takes five to six years to have some cases heard. We certainly don't need any further jamming of the courts."
2. "Enforcement of major crimes is one of our countries biggest social problems. Do you really think we can have law enforcement officials chasing smokers around."
3. "If you want to see examples of selective enforcement and resulting discrimination cases, in court, just try and put this law on the books."
4. "How much more governmental intrusion can I expect in my private life; I am a grown person and should be able to decide for myself whether I can smoke or not."
5. "Don't you think it's rather foolish to fine an owner of a public place for an act that he didn't commit. Try and make that one stick in court."
6. "Government encroachment is reaching an all time high. What private pleasure will you attempt to regulate next?"
7. "All this law is doing is causing severe financial problems for owners."
8. "Why don't you regulate the wearing of reprehensible after-shave lotion or perfume in public places. If you think about it, you probably have been extremely annoyed by these odors in a public place on more than one occasion."
9. "We have enough regulatory agencies now that are making our tax bills high enough. All this law is going to do is cause bureaucracy to grow and our tax bills to escalate. We can't afford higher taxes to pay for enforcement of this law."
10. "The law is unenforceable! Where are you going to find people to enforce this law? We can't enforce the ones on the book now."
11. "If the truth were known, most non-smokers probably don't want to be segregated. But once again, the boisterous few are attempting to impose their wishes on everybody."

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THE IMPACT OF A. 2746-C ON
PUBLIC PLACES IN NEW YORK STATE

-5-

Assembly Bill A. 2746-C and Senate Bill S. 1968-C would prohibit smoking in public places except in designated smoking areas. The places of work mean any indoor area in which two or more persons work. Indoor area open to the public includes restaurants, retail stores, arenas, meeting rooms, and many other places. This legislation will be considered by the New York State Legislature in the coming weeks.

Some questions and answers about the impact of this legislation on New Yorkers and its businesses and industries:

Q -- What would this law do?

A -- It would prohibit smoking, except in certain designated areas, in all public places, and places of work.

Q -- What does "place of work" mean?

A -- It is defined as any indoor area in which two or more persons work, but excludes factories and private enclosed offices.

Q -- What kinds of public places are covered?

A -- All kinds: offices, restaurants, stores, shopping malls, bowling alleys, barber and beauty shops, banks, arenas, supermarkets; virtually every public place.

Q -- How about government owned facilities?

A -- They're covered too.

Q -- What about areas where smoking could be permitted?

A -- The owner of a public place could designate an area where smoking is allowed, but must purchase and place signs to that effect in the public place.

Q -- How about a smoker and non-smoker who work together and share an office?

A -- Too bad. The bill only exempts private offices occupied exclusively by smokers. Other offices require separation of smokers and non-smokers by designated areas.

Q -- Who enforces this law?

A -- The owner or person in charge of the public place, and the owner or person in charge of the public place must make "reasonable efforts" to prevent smoking.

Q -- Can a violator of this law be arrested?

A -- Yes - and the fine for each violation is \$100. The owner or person in charge can also be fined for not policing this law.

Q -- Who makes sure the law is enforced? And how do they do it?

A -- The Department of Health would adopt rules to implement the law, spend thousands of dollars to hire and train personnel, seek legislation to make them peace officers empowered to issue summons, and thus create additional burdens on the Courts.

Q -- Don't the police have better things to do than to apprehend smokers?

A -- They have repeatedly said so in public testimony before numerous legislative bodies.

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Q -- Are there any exceptions to the law where public places are not covered by the law?

A -- Two - a bar, and a place of work with less than one thousand square feet of floor area.

Q -- I have no problems with my employees. They have not requested smoking and non-smoking areas. Would I still have to comply with the law?

A -- Yes - you would have to place your smoking employees in the designated smoking area. If they can't be relocated, they could only smoke during a break.

Q -- It sounds like the government is forcing people to take a restroom break so they can catch a quick smoke.

A -- That's what is likely to happen, reducing employee productivity.

Q -- Isn't all this legislating working conditions without the consent of labor or management?

A -- Of course it is!

Q -- What is the economic impact of such a law?

A -- The cost to the State would be monumental. Increased police department budgets for enforcement, loss of business by hotels and conventions, decrease in tax revenue to the state, loss of numerous jobs, costs of buying signs, physical reconfigurations to office designs, etc.

Q -- Has such legislation been workable in the past?

A -- Ask the New York City Department of Health when it tried to enforce its resolution of July 25, 1974, restricting smoking in certain public places. They arrested some 74 persons and fined 30 of them between \$5 and \$25. Warrants were issued for the arrest of the others who failed to appear for trail, and several cases were dismissed and enforcement was finally discontinued. Experiences in other jurisdictions with similar laws shows more of the same unenforceability.

Q -- Is such legislation necessary in New York?

A -- Absolutely not. Legislation has repeatedly been found to be the least desirable solution. Every proprietor and manager of an establishment already has authority to designate smoking and non-smoking areas, should the clientel so desire. Legislation is unfair, unreasonable, inappropriate, and unenforceable.

Q -- If I don't want A. 2746-C (S. 1968-C) to become law, what can I do about it?

A -- Write or phone your own Senators and Assemblypersons, telling them why you feel this bill should be defeated. Get your friends and co-workers to do the same. Letters to your Assemblypersons should be sent to the following address: Legislative Office Building, Albany, New York 12248, or to telephone, the number is 518/455-4100; this is a general switchboard, and they will connect you with your Assemblyperson. Remember to refer to the bill number which is A. 2746-C/S. 1968-C in all correspondence.

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