



Coalition on Smoking OR Health

A PUBLIC POLICY PROJECT WITH THE
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BRIEFING BOOK ON INVOLUNTARY SMOKING AND

CLEAN INDOOR AIR LEGISLATION

PREPARED BY THE COALITION ON SMOKING OR HEALTH AND ITS MEMBERS:

THE AMERICAN CANCER SOCIETY
THE AMERICAN LUNG ASSOCIATION
THE AMERICAN HEART ASSOCIATION



"CIGARETTE SMOKING IS THE SINGLE MOST PREVENTABLE CAUSE OF DEATH IN THE UNITED STATES"

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INVOLUNTARY SMOKING BRIEFING BOOK**Introduction**

"...For the purpose of preventive medicine, prudence dictates that nonsmokers avoid exposure to second-hand smoke to the extent possible."

Surgeon General C. Everett Koop
before the U.S. Senate Subcommittee
on Civil Service, Post Office and
General Services, October 1, 1985

Congress has before it proposed legislation to restrict smoking in public buildings and public conveyances* under the Federal government's jurisdiction. More than three dozen states and hundreds of municipalities across the country have enacted or are considering restrictions on smoking in public places, including the workplace. This briefing book is intended to provide Congressional members and staff ready access to essential information about involuntary smoking and legislation designed to limit nonsmokers' exposure to other people's tobacco smoke.

The Coalition on Smoking OR Health and its member organizations, the American Heart Association, the American Cancer Society, and the American Lung Association, strongly support measures which will protect the health of nonsmokers by limiting their exposure to secondhand smoke. The health risks posed by involuntary smoking are well documented; the United States Surgeon General has stated that there is all the medical evidence necessary to support sensible and reasonable protections for the nonsmoker from the irritation and potential harm of involuntary smoking. The Coalition urges Congress to act quickly and definitively to protect the health of nonsmoking Americans -- two thirds of the population -- by restricting smoking in public places and work environments under the jurisdiction of the Federal government.

*To be introduced shortly.

**ORGANIZATIONS ENDORSING RESTRICTIONS
ON SMOKING IN PUBLIC PLACES**

American Heart Association

American Lung Association

American Cancer Society

American Medical Association

American Public Health Association

American Medical Students Association

American Licensed Practical Nurses Association

American College of Chest Physicians

American Nurses Association

Terri Gotthelf Lupus Research Institute

Joint Council of Allergy and Immunology

American Association for Respiratory Therapy

Center for Science in the Public Interest

American Academy of Otolaryngology

Association of Schools of Public Health

American Diabetes Association

Public Citizen

Americans for Nonsmoker's Rights

American Academy of Otolaryngic Allergy

Association of American Cancer Institutes

SUMMARY OF PENDING LEGISLATION

S. 1937, The Nonsmoker's Rights Act of 1985

The purpose of this legislation is to protect nonsmoking Federal workers and visitors to Federal buildings from irritation and the harmful effects of second-hand smoke. The bill requires the promulgation of rules and regulations for the implementation of designated smoking area policies in all Federal office buildings, U.S. Courts and Congressional office buildings. Additionally, the bill:

- would not prohibit smoking, but instead would require reasonable accommodations for both smokers and nonsmokers within existing facilities.
- requires consultation with the Surgeon General in the development of designated smoking area regulations.
- grants authority to individual agencies, if necessary, to accommodate unique circumstances resulting from the special statutory mission of an agency.
- requires consultation with affected employee unions prior to the implementation of designated smoking area rules.
- does not limit the authority of individual agencies to enact stricter smoking regulations, such as the current ban on smoking in the Indian Health Service.

S. 1937 currently is pending on the Senate Calendar.

H.R. 4488, The Nonsmoker's Protection Act of 1986

This legislation would establish a smoke-free environment policy to the maximum extent possible in all U.S. Government buildings. The Secretary of Health and Human Services would be required to promulgate regulations to carry out such a policy. The Secretary would have the authority to exempt certain limited areas of U.S. Government buildings from this policy if the needs of smokers could be reasonably accommodated without risk to the health and safety of nonsmokers. In any dispute arising under the smoking policy, the rights of the nonsmoker would be given precedence. Additionally, the legislation:

- requires consultation with the Surgeon General in the development of the regulations.
- would not require any new construction of facilities; the no smoking policies would be implemented within existing facilities.
- provides that before promulgating regulations, the Secretary will solicit and consider comments from affected labor organizations.
- does not limit the authority of individual agencies to enact stricter smoking regulations, nor does it repeal or amend any existing regulations which curb smoking more stringently than required by the bill.

H.R. 4488 was introduced by Congressman James Scheuer (D-NY) on March 21, 1986 and it was referred to the Energy and Commerce Committee.

Calendar no. 483

99TH CONGRESS
1st Session

SENATE

REPORT
99-220

NONSMOKERS' RIGHTS ACT OF 1985

 DECEMBER 12 (legislative day, DECEMBER 9), 1985.—Ordered to be printed

Mr. ROTH, from the Committee on Governmental Affairs,
submitted the following

REPORT

[To accompany S. 1937]

The Committee having had under consideration an original bill agrees to report favorably thereon and recommends that the bill do pass.

I. BACKGROUND AND STATEMENT

The purpose of the Non-Smokers' Rights Act of 1985, reported herein as an original bill, is to cause the establishment of designated smoking areas in all U.S. Government buildings. Predecessor legislation, S. 1440, was introduced by Senator Stevens for himself and Senators Goldwater, Hatch, Proxmire, and Matsunaga on July 16, 1985.

More than three dozen states and hundreds of municipalities across the country have designated smoking area policies in effect in public places; however, these ordinances do not extend to any Federal facilities. The purpose of this legislation is to protect non-smoking Federal workers and visitors to Federal buildings from the irritation and potentially harmful effects of secondhand smoke.

This legislation and the state and local laws, have arisen in response to increasing medical and scientific evidence linking exposure to secondhand smoke and adverse health conditions such as allergies, respiratory illnesses, and increased incidences of smoking-related cancers. Secondhand smoke consists of sidestream smoke released into the air from the burning end of a cigarette, and mainstream smoke from the filtered or unfiltered tip of a cigarette or from the mouth of a smoker who has inhaled and released cigarette smoke. Secondhand smoking, also known as passive smok-