

100TH CONGRESS  
1ST SESSION

# H. R. 1008

To protect the health of nonsmokers working and visiting in United States Government buildings from the hazards of involuntary smoking by restricting smoking to designated areas in all buildings or building sections occupied by the United States Government.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 4, 1987

Mr. SCHEUER (for himself and Mr. RITTEE) introduced the following bill; which was referred jointly to the Committees on Energy and Commerce, Government Operations, and Post Office and Civil Service

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## A BILL

To protect the health of nonsmokers working and visiting in United States Government buildings from the hazards of involuntary smoking by restricting smoking to designated areas in all buildings or building sections occupied by the United States Government.

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 "Nonsmokers Health Pro-  
5 tection Act of 1987".

6 SEC. 2. FINDINGS.

7 The Congress finds that—

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1 (1) tobacco smoke is a major contributor to indoor  
2 air pollution,

3 (2) the National Academy of Sciences and the  
4 Surgeon General of the United States Public Health  
5 Service have concluded that—

6 (A) involuntary smoking is a cause of dis-  
7 ease, including lung cancer, in healthy non-  
8 smokers,

9 (B) involuntary smoking poses special health  
10 hazards for children, and individuals with chronic  
11 lung disease or impaired pulmonary function, and

12 (C) nonsmokers exposed to airborne tobacco  
13 smoke frequently experience acute, short-term,  
14 adverse physical reactions, including eye, nose,  
15 and throat irritation,

16 (3) the Surgeon General has concluded that the  
17 simple separation of nonsmokers and smokers in the  
18 same airspace does not eliminate the nonsmoker's ex-  
19 posure to airborne tobacco smoke,

20 (4) the National Academy of Sciences has con-  
21 cluded that ventilation rates 5 times those needed in  
22 nonsmoking environments are needed when smoking is  
23 permitted to provide an acceptable comfort level for 80  
24 percent of nonsmokers,

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1           (5) the common courtesy of those who smoke pro-  
2           tects some but by no means all nonsmokers from the  
3           known health hazards of involuntary smoking, and the  
4           health of nonsmokers should not depend on whether  
5           specific smokers are or are not courteous,

6           (6) employers, including the Federal Government,  
7           have an obligation to protect the health and comfort of  
8           nonsmoking employees by providing a reasonably  
9           smoke-free environment, and although steps have been  
10          taken in some agencies of the Federal government to  
11          protect nonsmokers in buildings under the jurisdiction  
12          of those agencies, consistent, government-wide stand-  
13          ards are needed to adequately meet the Federal gov-  
14          ernment's obligation, and

15          (7) Congress recognizes that this Act does not  
16          alter any previously existing need to address any other  
17          existing indoor air pollutants which may pose a hazard  
18          to the health of Federal workers.

19 **SEC. 3. FEDERAL POLICY.**

20          Nonsmokers working and visiting in United States Gov-  
21          ernment buildings are entitled to a reasonably smoke-free en-  
22          vironment for the protection of their health and comfort.

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1 SEC. 4. REGULATIONS OF THE SECRETARY OF HEALTH AND  
2 HUMAN SERVICES.

3 (a) PROMULGATION.—To provide nonsmokers in United  
4 States Government buildings with a reasonably smoke-free  
5 environment, the Secretary of Health and Human Services  
6 (hereinafter in this Act referred to as the “Secretary”), in  
7 consultation with the Surgeon General, shall promulgate reg-  
8 ulations providing for the designation of the exclusive areas  
9 in which smoking shall be allowed within United States Gov-  
10 ernment buildings. Smoking shall not be allowed in United  
11 States Government buildings in areas other than those desig-  
12 nated as smoking areas pursuant to this subsection. For pur-  
13 poses of this Act, the term “United States Government build-  
14 ings” means buildings or sections of buildings owned, leased,  
15 or occupied by the United States Government.

16 (b) PERIOD FOR PROMULGATING RULES.—The Secre-  
17 tary shall promulgate regulations under subsection (a) within  
18 180 days after the date of the enactment of this Act.

19 (c) CONTENT.—Regulations promulgated by the Secre-  
20 tary under subsection (a) shall include the following:

21 (1) The regulations shall make reasonable accom-  
22 modations for the needs of the smokers and nonsmok-  
23 ers who use United States Government buildings but  
24 ensure that that when the health and comfort of the  
25 nonsmoker conflicts with the desire of an individual to  
26 smoke, the health and comfort of the nonsmoker shall

1 take precedence. For purposes of this paragraph and to  
2 ensure the protection of nonsmokers from the health  
3 risks of involuntary smoking, reasonable accommoda-  
4 tions shall include—

5 (A) the provision of reasonably smoke-free  
6 space in all areas shared by smokers and non-  
7 smokers, including work areas, restaurant facili-  
8 ties, vending areas, and other common space,

9 (B) the physical separation of designated  
10 smoking areas from nonsmoking areas and the use  
11 of a ventilation system that will not circulate air  
12 from the smoking area into the nonsmoking areas  
13 of the building,

14 (C) the prohibition of smoking in hallways,  
15 restrooms, elevators or any area where smoking is  
16 currently limited or prohibited because of safety,  
17 health, or other reasons, and

18 (D) the prohibition of smoking in areas of  
19 United States Government buildings visited or  
20 used by the general public.

21 (2) The regulations shall provide for the conspicu-  
22 ous display of signs at the entrances of each building  
23 which specify—

24 (A) that smoking is permitted only in desig-  
25 nated smoking areas, and

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1 (B) the location of designated smoking areas,  
2 if any, in each building.

3 (3) The regulations shall require the display of  
4 signs in designated smoking areas specifying that the  
5 area is a designated smoking area.

6 (4) The regulations shall provide for the effective  
7 enforcement of the prohibition on smoking in all areas  
8 except where smoking is permitted.

9 (5) The regulations may not require that structur-  
10 al changes be made in United States Government  
11 buildings to implement the regulations.

12 **SEC. 5. LIMITATIONS.**

13 No regulation promulgated under section 4(a) shall su-  
14 percede a regulation providing more stringent restrictions on  
15 smoking, or prevent a department or agency from initiating  
16 more stringent restrictions on smoking.

17 **SEC. 6. COLLECTIVE BARGAINING.**

18 **IN GENERAL.**—In a department or agency in which a  
19 labor organization has been accorded recognition as a bar-  
20 gaining unit pursuant to chapter 71 of title 5 of the United  
21 States Code, the department or agency shall engage in col-  
22 lective bargaining pursuant to section 7114 of title 5 United  
23 States Code to implement regulations promulgated under  
24 section 4(a) which affect work areas predominantly occupied  
25 by employees represented by such a labor organization.

1 (b) CONTENT.—Any collective bargaining agreement  
2 entered into pursuant to subsection (a) shall fully comply with  
3 all requirements of this Act, and shall—

4 (1) provide that all Federal employees shall be  
5 permitted to work in a reasonably smoke-free environ-  
6 ment,

7 (2) provide that when the health and comfort of  
8 nonsmokers conflict with the desire of an individual to  
9 smoke, the health and comfort of the nonsmoker shall  
10 take precedence, and

11 (3) limit smoking to designated areas consistent  
12 with the regulations under section 4(a).

13 **SEC. 7. SMOKING CESSATION PROGRAMS.**

14 Federal departments and agencies are encouraged to  
15 offer employees the opportunity to participate in a smoking  
16 cessation program in conjunction with and subsequent to the  
17 implementation of the smoking policy mandated by this Act.  
18 In addition, Federal employees health plan carriers are en-  
19 couraged to provide coverage for smoking cessation programs  
20 in their health benefits package.

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