

February 4, 1983

Dear TAN enrollee,

The New York Tobacco Action Network (TAN), a volunteer grass roots organization of New Yorkers concerned that personal freedoms should be protected from government interference and restrictive regulations, requests your help in opposing the enactment of the Grannis No-Smoking in Public Places bill in the State Legislature. Some time ago you expressed an interest in TAN by signing a TAN enrollment card with the understanding you wished to be informed if you could help the industry and yourself. Now is the time we need your help.

In coming weeks the Legislature will consider Assemblyman Grannis' No-Smoking bill (A.7246) that would prohibit smoking in most public places except in designated smoking areas. Violators of this proposed law could be fined \$100.00 for lighting a cigarette in the wrong section of a restaurant, office, mall, bowling alley, bank and virtually every other public place.

If you agree the Grannis no-smoking bill is uncalled for, I urge you to write your Assemblyman today. I have enclosed for your information a brief fact sheet that explains the problems associated with this type of restrictive legislation and a list of quotes of what other organizations have had to say about it in the past.

Please take the time to write your letter today. Your legislator needs to hear your feelings prior to voting on this important issue. Should he/she respond to your letter, I would appreciate receiving a copy. As a result of redistricting in 1982, your legislative representative may have changed. To determine who you should send your letter to, please call your county Board of Elections to determine who your Assembly representative is and send a letter to Legislative Office Building (LOB), Albany, New York, 12248.

Again, thank you for your help in this important matter, YOUR LETTER COUNTS.

Sincerely,

Richard E. Scanlan

RES/prp  
Enclosures

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NO SMOKING LEGISLATION -- WHAT OTHER ORGANIZATIONS HAVE SAID

"The Business Council's underlying complaint with the subject bill is that it contemplated legislating a practice which is better left to resolution on an individual basis. Surely by now, employers, employees, and the public they serve are sensitive to the controversy regarding the comfort and health implications of the passive inhalation of smoke."

THE BUSINESS COUNCIL OF NEW YORK  
STATE

"The Chamber strongly urges disapproval of this bill because it would create severe and undue economic hardship on places of public accommodation, and could not realistically be enforced in any event. Similarly, the proposed restrictions on the work place would be chaotic, and costly."

NEW YORK CHAMBER OF COMMERCE AND  
INDUSTRY

"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 myriads of regulations, rulings and laws. . . 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 ASSOCIA-  
TION

"We further oppose this legislation on the grounds that it disrupts the work-place without duly compensating our members. The Public Employees Federation believe that smoking is a basic choice of our membership and should not be taken from us legislatively."

PUBLIC EMPLOYEES FEDERATION

"This legislation at best will be most difficult to enforce and will require inspectors and other personnel to be available and on the alert for inspection during the business hours of the places affected. In the cases of bars and restaurants, these hours are principally evenings and weekends. Enforcement of the mandate of this legislation will be most difficult except when the various places specified are in operation or conducting business."

NEW YORK ASSOCIATION OF COUNTIES

"Nuisance legislation of this type generally effects minorities and poor people to a further degree than others. It also would be a waste of law enforcement time and effort to even attempt to enforce laws of this nature. The limited amount of personnel that we do have could better spend their time in making our neighborhoods safe."

NATIONAL BLACK POLICE ASSOCIATION

"Provisions of the legislation requiring the hospitality industry in the state to act as the arm of the law by enforcing smoking and no smoking zones are not feasible. Owners and managers of facilities would find it impossible to jeopardize customer relations by insisting upon strict compliance."

NEW YORK CONVENTION & VISITORS BUREAU

"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

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"Such a law would be a harassment to the thousands of men and women bowlers who enjoy a healthy and wholesome sport on a regular weekly basis. . . Such a law would be impossible to enforce in any bowling center and any attempts by a bowling proprietor to force the regulations upon his customers would, without a doubt, result in a curtailment of their bowling activities."

NEW YORK STATE BOWLING PROPRIETORS  
ASSOCIATION

"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

"Restaurants can voluntarily restrict or prohibit smoking now, if their customers demand it. . . There is a state objective of improving the business climate in New York State. The proposed bill will only make it more difficult to do business in New York State."

UNITED RESTAURANT, HOTEL, TAVERN  
ASSOCIATION OF NEW YORK STATE

"The 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

"The bill is not only an invasion of individual privacy, but would be very costly. It is not practical and not realistically enforceable and any attempts to do so would be nothing but harassment. . . It would create chaotic conditions. . ."

UNITED TRANSPORTATION UNION

"A more reasonable and practical method of attaining the goal of clean air in areas open to the public would be to encourage on a statewide basis, a voluntary program on that adopted by the New York City Department of Health in cooperation with the New York State Food Merchants Association."

NEW YORK STATE FOOD MERCHANTS  
ASSOCIATION

"American Airlines opposes A.2746 because enforcement of such a statute would be virtually impossible given the diverse nature of an airline terminal."

AMERICAN AIRLINES

"Clearly this bill is neither practical nor workable. In addition to the economic burdens that this bill would place on the business of this State, i.e., restructuring offices, interrupting work flow, creating personnel problems, it would seem to be an invasion of one's personal privacy. . . Surely with the serious problems of taxation, unemployment etc. which face the Legislature, there is no time for such nuisance legislation as this."

NEW YORK STATE AUTOMOBILE DEALERS  
ASSOCIATION

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## QUESTIONS AND ANSWERS

Your State Legislators are considering several anti-tobacco measures that 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.

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, the police, sheriffs, or the health department would be responsible for implementing and enforcing the law.

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.

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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.

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

A -- Several - a bar, a place of work with less than one thousand square feet of floor area, a restaurant or cafeteria with 100 or less seats, and a lobby and public mall.

Q -- I have no problem 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 hotel 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 others who failed to appear for trial, and several cases were dismissed and enforcement was finally discontinued. Experiences in other jurisdictions with similar laws shows more of the same unenforceability.

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Assembly bill 2746 by Assemblyman GRANNIS would restrict smoking in public places -- including restaurants, places of work, hotels and motels, arenas, convention centers and many other areas.

Among the associations and organizations which have filed against A. 2746 are:

1. The Business Council of New York State
2. New York Chamber of Commerce and Industry
3. New York State Public Employees Federation, AFL-CIO
4. New York State Association of Tobacco and Candy Distributors, Inc.
5. New York Convention & Visitors Bureau, Inc.
6. New York State Hotel and Motel Association, Inc.
7. Hotel Association of New York City
8. United Restaurant, Hotel, Tavern Association of New York State
9. National Licensed Beverage Association
10. New York State Bowling Proprietors Association, Inc.
11. Gold Pin Fun Centers
12. Capital District Bowling Proprietors Association, Inc.
13. United Transportation Union
14. New York State Food Merchants Association
15. America Airlines
16. Retail Tobacco Dealers of America, Inc.
17. New York State Restaurant Association
18. Cigarette Merchandisers Association, Inc.
19. National Black Police Association
20. Buffalo Tobacco and Candy Table, Inc.
21. New York State Federation of Police, Inc.
22. Association of Counties
23. New York State Auto Dealers
24. New York State Association of Chiefs of Police, Inc.
25. Long Island Restaurant and Caterers Association
26. Office of Mayor, City of Kingston
27. Wholesale Tobacco Distributors of New York, Inc.
28. New York City Off-Track Betting Corporation

Memoranda of opposition from these organizations are attached.

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