

NEW YORK COUNCIL ENACTS TOUGH LAW AGAINST SMOKING

MOST BUSINESS COVERED

City's Rules, Voted by 30-1,
Follow National Trend —

Koch Plans to Approve

NYT 12/24/87

By MICHEL MARRIOTT

After years of effort, the New York City Council yesterday overwhelmingly approved the city's first comprehensive anti-smoking bill. It would restrict smoking in places of business and most enclosed public places, including stores, restaurants, schools, indoor sports arenas and taxicabs.

Although in many cases the bill would not prohibit smoking entirely, it would limit it to designated areas to protect nonsmokers. Violators could be fined as much as \$500.

Mayor Koch said he expected to sign the bill into law in January. If he does, it would take effect no later than April, said Leland T. Jones, a spokesman for the Mayor.

Concession to Tobacco Industry

"Basically, it's a strong bill," said Richard Hamburg, a spokesman for the American Heart Association in New York City. But he said he was disappointed that the law did not go further.

The bill exempts private, enclosed offices, small restaurants, small stores, bars and pool halls and, in a concession to the tobacco industry, with heavy lobbying from the Philip Morris Companies, all businesses that produce, promote or distribute tobacco products.

New York State officials have been trying for years to limit smoking statewide, but have been frustrated by court challenges that contend that only the Legislature can make such rules. The rules approved yesterday, coming from the city's legislative body, address those problems. The City Council has not received any indication that the rules will be challenged.

Eight-Foot Radius

Under the bill, the burden is placed on the nonsmoker to declare his work place a smoke-free zone. The zone can be no less than an eight-foot radius from the nearest smoker. If the employee is still bothered by smoke, the employer must make "additional reasonable accommodations," which could mean moving the smoker or nonsmoker.

Smoking would be permitted in any part of the work place where it is not specifically excluded.

The provisions, particularly those covering work sites, are part of what Councilman Joseph F. Liss, chairman of the Health Committee, calls the "most delicate of all balances," that of the rights of smokers and nonsmokers.

"You are going to see them by the droves begin to seriously change their behavior," Mr. Liss, a Queens Democrat, said of New Yorkers who smoke. "Not only are they going to stop smoke

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Anti-Tobacco - Smoking deterrents

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New York City Council Passes Anti-Smoking Bill

Goss, a spokesman in Washington for the tobacco industry, said recently that there was no scientific proof that a health hazard to nonsmokers existed in the District of Columbia and 41 states have laws or regulations that limit smoking, according to the Tobacco Free Young America Project, a Washington-based anti-smoking research group sponsored by the American Cancer Society, the American Lung Association and the American Heart Association. Next month a new anti-smoking law goes into effect in Los Angeles, the largest city in the country to adopt smoking restrictions.

Mr. Harburg of the American Heart Association said anti-smoking laws in Nassau County, which are to be toughened by amendments next month, are much more inclusive than New York City's measure because they carry far fewer exemptions.

In recent years, there has been mounting scientific evidence to suggest that smoke is harmful to nonsmokers. For example in Nassau it is unlawful to smoke or carry a lighted cigarette, cigar or pipe into an open work place such as a factory floor or secretarial pool.

The Cuomo administration had tried to impose statewide anti-smoking regulations, considered by many to be "firm, but flexible."

The bill, known as 915-A, bans smoking on public transportation, including subway cars, taxis, buses and vans. In the bill, the exception of some limousines, in docking and boarding areas, smoking is permitted in an area no more than half the floor area.

The bill prohibits smoking in banks, public restaurants, hallways, classrooms, auditoriums and conference rooms, auditoriums and meeting rooms, and meeting rooms, unless everyone present agrees to allow smoking.

In large enclosed public areas, such as convention halls, smoking is limited to no more than 25 percent of the public floor or seating space, and the smoking area must be contiguous in hotels or other large buildings with lobbies, smoking is permitted in areas that contain no more than 50 percent of the area.

Smoking is prohibited in retail stores that can accommodate more than 150 people or have more than 15 workers. Smoking is also limited in restaurants including seating set aside for a bar. The bill permits smoking in an area no more than 50 percent of the seating space. Restaurants with fewer seats will continue to be unregulated, although any establishment can file with the Health Department to be covered.

Owners and operators who violate the law are subject to fines of up to \$100 for first offenses and up to \$500 for third offenses. However, individuals who break the law could only be fined up to \$50.

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For years, the tobacco industry has opposed any smoking restrictions. Jim Goss, a spokesman in Washington for the tobacco industry, said recently that there was no scientific proof that a health hazard to nonsmokers existed in the District of Columbia and 41 states have laws or regulations that limit smoking, according to the Tobacco Free Young America Project, a Washington-based anti-smoking research group sponsored by the American Cancer Society, the American Lung Association and the American Heart Association. Next month a new anti-smoking law goes into effect in Los Angeles, the largest city in the country to adopt smoking restrictions.

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Councilmen Stanley E. Michaels, left, original sponsor of the anti-smoking bill, and Joseph R. Lissa, chairman of the Health Committee, in the Council Chamber.

Where Lighting Up Will Be O.K., and Where It Won't Be

Other Gathering Places

Smoking is prohibited in stores with the capacity for more than 150 people or that employ more than 15 workers. Other stores are exempt, but have the option of coming under the law by filing notice with the Department of Health.

All stores are required to post signs at entrances indicating whether smoking is permitted. Signs must be posted indicating where smoking is permitted or prohibited.

Smoking is also prohibited in areas of public accommodation of all business establishments, other than restaurants and stores, with more than 15 employees, including banks, hotels, motels, offices where professional and commercial services are rendered, and nonprofit offices.

In hotels and hotels, smoking is permitted in up to 50 percent of the lobby area, where reasonably practicable, but not within 25 feet of the front desk.

Public Transportation

Smoking is prohibited in all public mass transit in all indoor service lines and waiting areas, including taxis, buses, vans, ferries, public restrooms, elevators, theaters, and movie theaters, concert halls and auditoriums, smoking may be permitted in a contiguous area designated for smoking, but not in a contiguous waiting area designated for smoking, as long as those areas do not make up more than 50 percent of the total waiting area.

Smoking is prohibited in health-care facilities, including hospitals, clinics, physical therapy facilities, convalescent homes and homes for the aged, but smoking areas are designated by smokers.

Businesses

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Futures/Options
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