



Cambridge Public Health Department
Cambridge Health Alliance

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To: Robert W. Healy, City Manager
From: Harold Cox, Chief Public Health Officer
Re: Response to Council Order 01-156, dated 2/12/01

Examine the smoking regulations and report on the status and implementation of the regulations

Date: April 2, 2001

City of Cambridge Ordinance number 1225 concerning tobacco control issues was amended on June 21, 1999. This amendment included major changes to the sections addressing youth access to tobacco products (section 8.28.030) and smoking in restaurants (section 8.28.120). The youth access changes were implemented immediately following the amendment. The changes relating to smoking in restaurants were implemented on January 2, 2000 in an effort to provide the needed time to restaurant owners to come into compliance.

Youth Access to Tobacco

The revised ordinance for tobacco retailers clarified the system for fining offenders and prohibited the use of tobacco vending machines and self-service displays that serve minors. The initial steps after the amendment was an extensive educational campaign to insure that retailers were aware of the changes and understood how the changes affected their individual businesses. This educational campaign included mailings, individual on-site visits, and community-wide forums. Membership organizations that represent tobacco retailers were also included in the process to help insure retailer received the necessary information.

Chamber of Commerce Contacted about Changes in Ordinance	June 29, 1999
Educational Packet Sent to all Tobacco Retailers:	June 30, 1999
On-site Educational Visits to all Tobacco Retailers	July - August 1999
Retailer Forum held Discussing Changes in the Ordinance	July 7, 1999
New England Convenience Store Association Contacted	July 11, 1999
Reminder Postcard Sent to all Tobacco Retailers	July 12, 1999
Letter to all Vending Machine Retailers	July 12, 1999
Retailer Forum	July 13, 1999
Number of Current Tobacco Vendors	192 (approximately)

Vending Machines:

There are currently 10 vending machines located in the city of Cambridge. Five of the machines are located in private clubs such as VFW posts whose membership is over 18, and five are

located in adult only establishments. No fines have been issued relating to unauthorized vending machines and the remaining vending machines are located in appropriate establishments.

Self-Service Displays:

Self-service displays refer to tobacco products that can be accessed by a customer without any assistance from store personnel. The Cambridge Tobacco Control Program worked closely with many businesses to insure their compliance while affecting their individual style of business as little as possible. Since June 21, 1999 three fines have been issued for non-compliance with this aspect of the ordinance, all to one establishment. This establishment is now in compliance. Each retailer is visited a minimum of two times each year and is reminded of the importance of keeping the youth of Cambridge from gaining access to tobacco products and all of the details of the tobacco control ordinance.

Sales to Minors:

The Cambridge Tobacco Control Program conducts compliance checks in which a minor is sent into an establishment in an attempt to purchase tobacco. Compliance checks continue to be one of the most effective ways of gauging observance of the city ordinance and are useful as an educational tool highlighting the importance of restricting minors from gaining access to tobacco products. In 2000, 425 compliance visits occurred resulting in 366 completed compliance checks. 31 sales to minors occurred. The rate of sale was at a low of 8.5%, down from 9% in 1999 and 16% in 1998. The decrease in the rate of sale is remarkable not only because it is falling, but also because it is doing so while the number of checks being completed is increasing.

Smoking in Restaurants

Initial Educational & Permit Application Packet sent to Restaurants:	August 1999
Educational Restaurant On-Site Visits:	Sept. and Dec. 1999
Reminder Mailing sent to all Restaurants:	October 1999
Mailing to all Non-responsive Restaurants:	November 1999
Final Permit Mailing to all Eligible Restaurants:	December 1999
Letter Sent to all Restaurants going Smoke-free in January	December 1999
Permits and Signs Distributed:	Dec. and Jan. 2000

As of January 2, 2000:

Number of Permits:	85
Number of 100% Smoke-Free Restaurants:	320 (approximately)

Breakdown of Issued Permits:

- 12 permits to allow smoking have been issued to restaurants in which food is incidental to alcohol, as defined by the Cambridge License Commission.
- 2 restaurants have permits that restrict smoking to when the business is accessible to people over 18 years of age only.
- 36 permits have been issued to restaurants where smoking is permitted in the bar area only.
- 35 permits have been issued to restaurants for one of the above reasons as well as being allowed to permit smoking under a dual use provision. Dual use is a term used to

describe a restaurant that has a common victualer license and an alcohol license, and in which the nature of the establishment changes at a designated time such as the service of food is incidental and/or certain types of entertainment occur.

January 2, 2000 witnessed the implementation of the revised ordinance affecting smoking in restaurants. There are currently 83 active permits to allow smoking in the City of Cambridge. This means that two restaurants that were original issued permits have informed the Cambridge Tobacco Control Program that have voluntarily gone 100% smoke-free. Cambridge can be proud that 80% of its restaurants are smoke-free. This percentage will continue to increase in Cambridge for two reasons. First, restaurants will continue to voluntarily go smoke free because of the positive economic and social benefits of healthier environments. Secondly, the ordinance only allowed for first-time permits to allow smoking to be issued prior to January 2000. Each passing year will bring healthier environments to more Cambridge restaurants.

Over the past 14 months restaurants have been extremely cooperative and have made every attempt to be in compliance with the ordinance. The Tobacco Control Program continues the educational process by visiting every restaurant a minimum of once a year. The program also conducts annual compliance checks of all restaurants that allow smoking. If a restaurant is found to be in non-compliance, or the tobacco control program has received a complaint concerning a restaurant, that establishment is visited more often. In 2000 and 2001, five complaints have been filed with the Cambridge Public Health Department. No violations have been witnessed during inspections.

Next steps for strengthening the current tobacco ordinance

The Cambridge Public Health Department is committed to making Cambridge smoke-free. Services are available to work with restaurants that wish to become smoke-free, and with restaurants that wish to further limit the smoking that is allowed on their premises. Education is a top priority for the program and outreach to restaurants is on-going.

The Public Health staff continue to consider ways to strengthen the current ordinance. Currently, we are supporting the statewide effort to ban smoking in all work spaces. Testimony in support of House Bill 3291 is attached.

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CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

Robert W. Healy, City Manager Richard C. Rossi, Deputy City Manager

April 9, 2001

To The Honorable, The City Council:

Please find attached a response to Awaiting Report Item No. 01-156, regarding a report on examining the smoking regulations and on the status and implementation of the regulations, received from Chief Public Health Officer Harold Cox.

Very truly yours,

Robert W. Healy
City Manager

RWH/mec
Attachment



1405

Consent Agenda #5

Awaiting Report Item Number
01-156, regarding a report on
examining the smoking regulations
and on the status and
implementation of the regulations.

In City Council April 9, 2001

Referred Back to
City Manager for
step to strengthen
The Tobacco
Ordinance on motion
of Councillor Davis