



Cambridge Public Health Department
Cambridge Health Alliance

119 Windsor Street • Ground Level • Cambridge, MA 02139
617.665.3800 • Fax 617.665.3888

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

Next steps being consider in making Cambridge a smoke-free city.

Date: April 18, 2001

Cambridge was in the forefront of clean air legislation in 1975 when the original tobacco control ordinance looking at smoking in public places was passed by the City Council. As the evidence of the danger of exposure to secondhand smoke increased many revisions have been adopted to further protect the public. Most recently revisions were adopted in 1995 and again in 1999. The evidence is increasingly overwhelming and the Cambridge Public Health Department is committed to continuing to work to make Cambridge smoke-free.

While we have a great interest to promote public health through establishing a smoke-free Cambridge, we are very aware of the many barriers to this realization. It is the challenge of the public health department to find the least intrusive way to protect the health of all members of our community, including restaurant owners, workers, and customers. We have heard from business owners, the Massachusetts Restaurant Association, and restaurant workers among others that a statewide ban would be the fairest and also the healthiest route toward a smoke-free community.

This strong mandate has highlighted the next steps of the Cambridge Public Health Department concerning tobacco control is to work with closely with organizations such as the Massachusetts Coalition for a Healthy Future and the American Cancer Society to pass House Bill 3291. This bill, commonly referred to as the Cahill Bill, would make all worksites in Massachusetts employing two or more people 100% smoke-free, including restaurants and bars. Private clubs would be exempt if all employees are members of the club. Please see the attached information regarding House Bill 3291.

If this bill fails to be passed by the state legislature the public health department is committed to finding specific actions that will move Cambridge further toward smoke-free status. The permits that allow smoking that were issued in January of 2000 are valid until January of 2003. The date of January 2, 2003 appears to be a realistic target date for improved Cambridge regulations in the event that a statewide ban is not delivered.

In the mean time, 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.

House Bill 3291
Lead Sponsor: Michael Cahill

An Act Relative to Banning Smoking in the Workplace

The current situation:

The existing law, commonly called the Clean Indoor Air Act (MGL Ch. 270 §22) was passed in 1987. It states that restaurants with more than 75 seats must set aside a non-smoking section of at least 200 square feet; no barriers are required.

Individual municipalities have the authority to enact stricter smoking bans. Currently, a majority of cities and towns have chosen to do so, to varying degrees. These municipal smoking restrictions range from requiring ventilation and/or separately enclosed sections to requiring all workplaces, including restaurants and bars, to be smoke-free.

The bill first lists places where smoking is prohibited.

These include (but are not limited to): courthouses, waiting areas of airports, waiting areas of health care facilities, group child care centers, school-aged day care centers, buildings owned by the commonwealth, spaces occupied by a state agency or department of the commonwealth.

- The only exceptions apply to residents of the Soldiers' Homes in Chelsea and Holyoke.

The bill states that no person shall smoke in any workplace.

A workplace is defined as "any enclosed area of a structure or portion thereof at which one or more employees perform services for their employer, including the personal residence of the employer during those hours when used as a place of employment."

Workplaces include (but are not limited to):

- Restaurants, hotels, motels, inns, shopping malls, and retail stores.
- Bars (within one year of the effective date)
- The only exception is private clubs, which are exempt if all employees are club members. Additionally, when private clubs are open to the general public, the part that is open to the public must be smoke-free. Private clubs must be not-for-profit establishments with a defined membership.

Violations are considered civil violations.

The owner, manager or other person in charge of the facility will be fined:

- \$50 for the first violation
- \$100 for the second violation within two years
- \$200 for the third violation within two years

Each day on which a violation exists is considered a separate offense.

Enforcement:

The Department of Public Health, the Attorney General, the Massachusetts State Police, local boards of health and their agents, municipal governments and their agents, local police will provide enforcement. In Boston, the Commissioner of Health and his agents are charged with enforcement. In all but a handful of municipalities (mostly rural), local boards of health have trained enforcement officers who are funded through the Massachusetts Tobacco Control Program.

Non-preemptive:

This Act does not preempt municipalities from implementing stronger regulations.



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April 4, 2001

Harold Cox
Chief Public Health Officer for Cambridge, MA

The Honorable Richard T. Moore, Senate Chair
The Honorable Harriet L. Stanley, House Chair
Joint Committee on Health Care
Room 130
State house
Boston, MA 02133

RE: Support of "An Act Relative to Banning Smoking in the Workplace" House Bill 3291

Dear Senator Moore, Representative Stanley and Health Care Committee Members,

I am Harold Cox, the Chief Public Health Officer for Cambridge. I respectfully urge the Committee to support House Bill 3291 which would eliminate smoking in all work sites, including restaurants and bars.

On Feb 3, The Boston Globe said that Cambridge's ban on cigarettes gives smokers a break. I was horrified at this. First, it's not true. We don't give smokers a break. Smoking kills people. And, secondhand smoke kills, too. I was also upset because the article didn't talk about the important steps our community has taken to improve the working conditions for restaurant and bar workers. I guess they don't like to print the good stuff. Actually, it is quite newsworthy that Cambridge, like 160 other communities in Massachusetts, has implemented smoke-free regulations that are stronger than the current state law.

Cambridge was one of the first cities to pass a citywide clean air ordinance that effected youth tobacco access, as well as smoking in public buildings, work places, including restaurants and bars. This ordinance did not completely ban cigarettes in restaurants, but it went a long ways in protecting the health of our residents. Last year, Cambridge made an incremental improvement to this ordinance. This improvement takes another giant step in protecting restaurant and bar employees who have to work in smoking environments. But it still falls short of what I think we need in our community.

I join many others in believing that there should be no smoking in restaurants, bars and other work places. Smoking kills, and second hand smoke kills, too. They tell me that over 50,000 people die from diseases caused by second hand smoke. We can prevent that. We can pass House Bill 3291 as a great start.

In Cambridge, we took over a year working with various parties to craft an ordinance that could receive approval by everybody. Frankly, this year was too long. Our City Councilors were incredibly sensitive to the issue, but they were in a tough spot. Unfortunately, this same scenario is repeated all over this state. We are spending too much time in individual community forums repeating the same data over and over again as we try to do the right thing. That's why I believe it is time to bump this matter up a level. It is time for the state legislature to get involved in this matter.

The same Globe article that bothered me so much, also quoted from Bruce Potter, who is the Massachusetts Restaurant Association representative. Bruce said we should pass a statewide bill banning smoking in restaurants.

So, while I hate the article, I agree with Bruce. We need to do something statewide.

It is time, actually its past time that we look at the facts about health and make a decision that is in the best interest of the whole state. Over 160 communities have sought to get smoking ordinances and regulations that are stronger than the state's current law. This, to me, says it is time for action for the whole state.

So, I ask you, Legislators, to carefully consider all of the arguments presented today. Please carefully understand the differences we can make in the lives of all workers. Please carefully understand the harmful health effects of smoking and second hand smoke. When you have done this, I believe that you will come to the same conclusion that I have...the same conclusion as my colleagues in this room...the same conclusion as people across this state: we need House bill 3291.

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CITY OF CAMBRIDGE • EXECUTIVE DEPARTMENT

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

April 23, 2001

To The Honorable, The City Council:

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Robert W. Healy", written over a horizontal line.

Robert W. Healy
City Manager

RWH/mec
Attachment



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Consent Agenda #10

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

In City Council April 23, 2001

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