



City of Cambridge

Calendar No. 5

6.

IN CITY COUNCIL

September 22, 1975

Mayor Sullivan

WHEREAS:

This City Council on September 15, 1975, passed to be ordained Ordinance No. 849 which provides restrictions on smoking in certain designated places to which the public has access in the course of their daily business, entertainment or the pursuit of education and learning, and

WHEREAS:

Ordinance No. 849 provides for the regulation of smoking in restaurants which can accommodate fifty patrons or more by restricting smoking in certain designated areas, and

WHEREAS:

This City Council is particularly concerned with the restrictions imposed by Ordinance No. 849 and desires to take corrective action by way of amendment or new ordinance relative to the regulation of smoking in restaurants, therefore be it

ORDERED:

That this City Council rescind Ordinance No. 849, and be it further

ORDERED:

That a new series of public hearings in which all interested parties may be heard in the near future for the purpose of perfecting an ordinance which will have the support of all interested citizens.

In City Council September 29, 1975
Placed on file.



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

OFFICE OF
THE CITY CLERK

December 5, 1975

The Honorable Members of the City Council
City Hall
Cambridge, Massachusetts

Dear Councillor:-

This office has been in receipt of many requests for copies of Ordinance Number 849 which prohibits smoking in certain designated public places. As you will recall on September 22, 1975 the City Council adopted an order rescinding Ordinance Number 849 and indicated by this vote that the provisions relative to restaurants be eliminated from Ordinance Number 849.

In order to comply with the expressed wishes of the City Council it is essential that the amended Ordinance enclosed with this letter be passed to a second reading and published in due course prior to ordination on December 22, 1975.

Final action will ensure that the major provisions of Ordinance Number 849 will be in full force and effect.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosure: Ordinance Number 849;



City of Cambridge

ORDINANCE WITH PROPOSED AMENDMENT.

In the Year One Thousand, Nine Hundred Seventy-Five

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 13 entitled: "Offenses," Article II entitled: "Offenses Against Public Health" is hereby amended by striking out the present Article II and inserting in place thereof a new Article II entitled: "Offenses Against Public Health," Section 13-4 entitled: "Smoking Prohibited" which reads as follows:-

(a) It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violative of the right of non-smokers to breathe air which is free of smoke contamination.

(b) As used herein, "smoking" shall include carrying a lighted cigarette, cigar, pipe or other tobacco product.

(c) No person, whether an owner, proprietor, manager, employee, patron, visitor, or customer, shall be permitted to smoke in any supermarket, grocery store, or other retail food store which is designed and arranged to display and sell food products for consumption off the premises by the general public; provided, however, that nothing herein shall prevent smoking in specially designated and properly ventilated areas within the aforementioned premises segregated from both the areas in which food is handled and the areas necessarily used by general shoppers.

(d) No person shall smoke in any elevator accessible to the public.

(e) No person shall smoke in any classroom, lecture hall, theater, motion picture theater, opera house, concert hall, or library, except in properly ventilated area which may be designated by the management or other person in charge, which areas shall be specially labelled and shall not consist of more than 20% of the total seats in the place in question.

(f) No person shall smoke in any area of any hospital, sanatorium, nursing home, convalescent home, or home for the aged for chronically ill patients which is accessible either to patients or to visitors, provided that the management may provide for patients to elect in writing upon admission to the facility to be placed in

City of Cambridge

a smoking room, in which case the room in which the patient so electing is placed shall be so labelled, and no patient not so electing shall be placed in that room, and further that the management may provide waiting areas for visitors separate from areas used by patients in which the visitors may smoke, but such areas shall be conspicuously labelled as such and shall not constitute more than 50% of the total visitor waiting area in each section of the facility.

(g) No person shall smoke in any waiting room used by patients in the office of any physician, dentist, psychologist, physiotherapist, podiatrist, chiropractor, optometrist, or optician, unless a separate waiting room is provided for patients who wish to avoid smoke and unless conspicuous notice of this fact is provided to all patients.

(h) Every person having control of premises upon which smoking is prohibited by this ordinance, or his or her agent or designee, shall conspicuously display upon the premises a sign reading "Smoking Prohibited by Law."

(i) It shall be unlawful for any person having control of any premises or place in which smoking is prohibited by this ordinance to knowingly permit a violation of this ordinance. A person shall be held to have knowingly permitted a violation of this ordinance if a visitor to his or her premises observes one or more people smoking (other than in properly designated smoking areas) on three successive visits. Any licenses issued by this City to such person shall be subject to suspension for up to fifteen (15) days for a single violation of this subsection, and shall be subject to suspension for up to one year, or to revocation, for any successive violation.

(j) Any person who knowingly violates any provision of this ordinance, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (h) of this ordinance, shall be fined in an amount of not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00).

(k) If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

In City Council September 15, 1975.

Passed to be ordained by a yea and nay vote:- Yeas 9; Nays 0; Absent 0.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.



City of Cambridge

IN CITY COUNCIL

September 29, 1975

Mayor Sullivan

WHEREAS:

This City Council on September 15, 1975, passed to be ordained Ordinance No. 849 which provides restrictions on smoking in certain designated places to which the public has access in the course of their daily business, entertainment or the pursuit of education and learning, and

WHEREAS:

Ordinance No. 849 provides for the regulation of smoking in restaurants which can accommodate fifty patrons or more by restricting smoking in certain designated areas, and

WHEREAS:

This City Council is particularly concerned with the restrictions imposed by Ordinance No. 849 and desires to take corrective action by way of amendment or new ordinance relative to the regulation of smoking in restaurants, therefore be it

ORDERED:

That the portion of Paragraph F of said Ordinance No. 849 which reads as follows:- "No person shall smoke in the areas of any restaurant used for food preparation, or in the areas open to the general public in any restaurant which has a seating capacity in excess of fifty (50) patrons, except that the management of any restaurant which has a seating capacity in excess of fifty (50) patrons may designate properly ventilated waiting, lounge, and eating areas as smoking areas, provided that no more than 50% of area available for each such purpose, and no more than 50% of the total seating capacity, may be so designated by and further provided that any area so designated by conspicuously labelled as such," be and hereby is rescinded, and be it further

ORDERED:

That His Honor the Mayor be and hereby is requested to arrange for a meeting of the Massachusetts Action of Smoking and Health, the restaurant owners, the proponents of Ordinance No. 849 and other interested citizens with a view towards reaching an agreement on an ordinance which will be of mutual acceptance to all groups.

in City Council Sept. 29, 1975

Adopted by yeas and nays Vote

Yeas 5 Nays 4 Absent 10

CITY CLERK *City Clerk*



City of Cambridge

IN CITY COUNCIL

September 29, 1975

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in City Council, Sept. 29, 1975
Adopted by yeas and nays Vote

Yeas 5 Nays 4 Absent 0

Paul E. Leahy
CITY CLERK

City Clerk



City of Cambridge

IN CITY COUNCIL

September 29, 1975

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City Council Sept. 29, 1975

Adopted by yea and nay Vote

Yeas 5 Nays 4 Absent 0

Paul E. Kennedy
CITY CLERK

City Clerk



City of Cambridge

IN CITY COUNCIL

September 29, 1975

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In City Council Sept 29, 1975

Adopted by yea and nay Vote

Yeas 5 Nays 49 Absent 10

Paul E. Leahy
CITY CLERK

City Clerk



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-Five

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as the "Code of City of Cambridge".

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 13 entitled: "Offenses," Article 11 entitled: "Offenses Against Public Health" is hereby amended by striking out the present Article 11 and inserting in place thereof a new Article 11 entitled: "Offenses Against Public Health", Section 13-4 entitled: "Smoking Prohibited" which reads as follows:-

(a) It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violative of the right of non-smokers to breathe air which is free of smoke contamination.

(b) As used herein, "Smoking" shall include carrying a lighted cigarette, cigar, pipe or other tobacco product.

(c) No person, whether an owner, proprietor, manager, employee, patron, visitor, or customer, shall be permitted to smoke in any supermarket, grocery store, or other retail food store which is designed and arranged to display and sell food products for consumption off the premises by the general public; provided, however that nothing herein shall prevent smoking in specially designated and properly ventilated areas within aforementioned premises segregated from both the areas in which food is handled and the areas necessarily used by general shoppers.

(d) No person shall smoke in any elevator accessible to the public.

(e) No person shall smoke in any classroom, lecture hall, theater, motion picture theater, opera house, concert hall, or library, except in properly ventilated areas which may be designated by the management or other person in charge, which areas shall be specially labelled and shall not consist of more than 20 percent of the total seats in the place in question.

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City of Cambridge

(g) No person shall smoke in any waiting room used by patients in the office of any physician, dentist, psychologist, physiotherapist, podiatrist, chiropractor, optometrist, or optician, unless a separate waiting room is provided for patients who wish to avoid smoke and unless conspicuous notice of this fact is provided to all patients.

(h) Every person having control of premises upon which smoking is prohibited by this ordinance, or his or her agent or designee, shall conspicuously display upon the premises a sign reading "Smoking Prohibited by Law."

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(j) Any person who knowingly violates any provision of the ordinance, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (i) of this ordinance, shall be fined in an amount of not less than twenty-five (\$25.00) more more than one hundred (\$100.00) dollars.

(k) If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinctly and independent provision and such holding shall not affect the validity of the remaining portions thereof.

In City Council September 15, 1975.

Passed to be ordained by a yea and nay vote: Yeas 9; Nays 0; Absent 0.

James L. Sullivan, City Manager.

ATTEST:- Paul E. Healy, City Clerk.

Ordinance # 849-

City of Cambridge

MASSACHUSETTS

In City Council Sept. 29 1975

VOTE OF CITY COUNCIL ON Amendment to Ordinance.

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann		✓		
Mr. Clinton	✓			
Mr. Danehy	✓			
Mr. Duehay		✓		
Mrs. Graham		✓		
Mr. Russell	✓			
Mr. Vellucci	✓			
Mr. Wylie		✓		
Mayor Sullivan	✓			
	5	4	0	

Amendment to strike out clauses
regarding RESTAURANTS



CITY OF CAMBRIDGE

CITY HALL, CAMBRIDGE, MASSACHUSETTS 02139 • (617) 876-6800

OFFICE OF
THE CITY CLERK

December 5, 1975

The Honorable Members of the City Council
City Hall
Cambridge, Massachusetts

Dear Councillor:-

This office has been in receipt of many requests for copies of Ordinance Number 849 which prohibits smoking in certain designated public places. As you will recall on September 22, 1975 the City Council adopted an order rescinding Ordinance Number 849 and indicated by this vote that the provisions relative to restaurants be eliminated from Ordinance Number 849.

In order to comply with the expressed wishes of the City Council it is essential that the amended Ordinance enclosed with this letter be passed to a second reading and published in due course prior to ordination on December 22, 1975.

Final action will ensure that the major provisions of Ordinance Number 849 will be in full force and effect.

Your kind attention in this matter will be greatly appreciated.

Very truly yours,

Paul E. Healy, City Clerk.

PEH/dl

Enclosure: Ordinance Number 849;

City of Cambridge

In City Council.....September 8, 1975.....

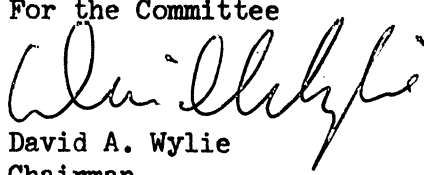
The Ordinance

Committee

to which was referred a proposed amendment to the General Ordinances relative to banning smoking in certain public places.

Reports, That a hearing before said committee was held on Thursday, June 26, 1975 at 8 P.M., in the City Council Chambers and it was recommended by those members present that said ordinance be reported out of committee favorably to the full City Council for action.

For the Committee


David A. Wylie
Chairman

City of Cambridge

CITY COUNCIL HEARING SCHEDULE FOR MONDAY, JUNE 9th, 1975.

7:00 P. M. Regular City Council Meeting.

7:30 P. M. Hearing at the request of the Bicentennial Commission to discuss plans for the July 4th Parade and the proposed relocation of the Harvard Square information booth.

8:00 P. M. Hearing relative to the increase in rates at Parking Meters in the City of Cambridge.

8:30 P. M. Hearing at the request of David Gordon Wilson, Secretary of Massachusetts Action on Smoking and Health, relative to the proposed ordinance amendment to protect the rights of non-smokers in public places.

M A S S A C H U S E T T S
ACTION ON SMOKING AND HEALTH

~~XXXXXXXXXXXX REGION~~

15 Kennedy Road
Cambridge, Massachusetts 02138
(617) 876-6326

May 21, 1975

NEW ENGLAND COMMITTEE:

DR. DWIGHT EMARY HARKEN
Harvard Medical School
DR. JOSEPH H. KEENAN
Mass. Inst. Tech.
DR. FRANCIS C. LOWELL
Mass. Genl. Hospital
DR. RICHARD H. OVERHOLT
Overholt Thoracic Clinic
DR. WALTER WARREN POINT
Mass. Inst. Tech.
DR. ARNOLD A. REIF
Vol. for Health Awareness
DAVID GORDON WILSON, *Chairman*
General Secretary Mass. Inst. Tech.

City Clerk
City of Cambridge
City Hall
Cambridge MA 02139

Please receive the attached proposed ordinance to protect the rights of non-smokers in public places, and, if it is appropriate, please start the process which will bring it before the city council.

Rep. Lois Pines

NEW ENGLAND SPONSORS:

THEODORE L. BADGER, M.D.
Harvard Medical School
EDWARD BERNAYS
Public Relations, Cambridge
LOUIS F. FIESER, Ph.D.
Harvard University
DWIGHT EMARY HARKEN, M.D.
Harvard Medical School
FRANZ J. INGELFINGER, M.D.
N.E. J. of Medicine
LOUIS L. JAFFE, ESQ.
Harvard Law School
FRANCIS D. MOORE, M.D.
Harvard Medical School
RICHARD H. OVERHOLT, M.D.
Overholt Thoracic Clinic
DAVID RUTSTEIN, M.D.
Harvard Medical School
(PAUL DUDLEY WHITE, M.D.)
Harvard Medical School

If possible and convenient, we should like to testify on the proposed ordinance at the council meeting of Monday June 2.

The ordinance has been drawn up by our legislative secretary, Professor Richard Daynard, as a combination of the best of the many ordinances and laws which have recently been made law around the country. I am enclosing four copies because you said that you thought that the school and public-health committees would want to consider it.

The aim of our group (A.S.H.) and of the many health groups with which we work is not to ban smoking entirely, but to protect medically sensitive individuals, and young people, from the often-severe effects of the levels of smoke concentration which at present cannot be avoided.

It is particularly appropriate that we should propose this ordinance in the City of Cambridge, because Action on Smoking and Health, which has been acknowledged as the leader in this field, was founded by an M.I.T. graduate, John H. Banzhaf III, with the help of several Harvard Medical School physicians, many of them Cambridge residents. We hope and trust that the ordinance will be received as favorably here as it has in many nearby communities and states.

Yours very sincerely

David Gordon Wilson

David Gordon Wilson, general secretary
Massachusetts A.S.H.

EXECUTIVE DIRECTOR:

JOHN F. BANZHAF III, ESQ.
Headquarters
2000 H Street N.W.
Washington D.C. 20006
(202) 659-4310

THE LEGAL-ACTION ARM OF THE ANTI-SMOKING COMMUNITY
A National Non-Profit Charitable Organization • Contributions are Tax Deductible

8.

Relative to Ordinance protecting the
rights of non-smokers in public places.

253

5121

In City Council,

June 2, 1975

Approved 6/2/75 at 8:30 pm

*Approved
by 130
Passed
to
End
Meeting*

PROPOSED ORDINANCE TO BE ADOPTED BY THE
CAMBRIDGE CITY COUNCIL

AN ORDINANCE TO PROTECT THE RIGHTS OF NON-SMOKERS
IN PUBLIC PLACES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF CAMBRIDGE,
MASSACHUSETTS, AS FOLLOWS:

That Chapter _____ of the Ordinances of Cambridge,
Massachusetts, be and hereby is amended as follows:

By adding a new Section _____ to read:

SECTION _____ SMOKING PROHIBITED

(A) It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violative of the right of non-smokers to breathe air which is free of smoke contamination.

(B) As used herein, "smoking" shall include carrying a lighted cigarette, cigar, pipe, or other tobacco product.

(C) No person, whether an owner, proprietor, manager, employee, patron, visitor, or customer, shall be permitted to smoke in any supermarket, grocery store, or other retail food store which is designed and arranged to display and sell food products for consumption off the premises by the general public; provided, however, that nothing herein shall prevent smoking in specially designated and properly ventilated areas within the aforementioned premises segregated

from both the areas in which food is handled and the areas necessarily used by general shoppers.

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who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (I) of this ordinance, shall be fined in an amount of not less than twenty-five (\$25.00) nor more than one hundred (\$100.00) dollars.

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City of Cambridge

LIST OF ALL LETTERS RECEIVED BY CITY COUNCIL ON "NO SMOKING" ORDINANCE

1. Communication received from David Nicoli, 12 Holly Avenue, Cambridge. (In Favor)
2. Communication received from Miriam Nicoli, 12 Holly Avenue, Cambridge. (In Favor)
3. Communication received from Juliann C. Beckendog, 24 Camp St., Cambridge. (In Favor)
4. Communication received from Susan Flint, 40 Grozier Road, Cambridge. (In Favor)
5. Communication received from James D. Weinrich, Harvard University. (In Favor)
6. Communication received from Velia Fowler, 20 Ware Street, Cambridge. (In Favor)
7. Communication received from Fred Lanni, Harvard University. (In Favor)
8. Communication received from Steven K. Beckendorf. (In Favor)
9. Communication received from D. M. Shotton. (In Favor)
10. Communication received from the Middlesex Cambridge Lung Association. (In Favor)
11. Communication received from Carol Reed (In Favor)
12. Communication received from Harriet Griesinger. (In Favor)
13. Communication received from Mrs. Joseph S. Barr, Jr. (In Favor)
14. Communication received from Gregory Silvio, 1705 Mass. Avenue. (In Favor)

15.



City of Cambridge

6.

IN CITY COUNCIL

September 22, 1975

Mayor Sullivan

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MASSACHUSETTS
ACTION ON SMOKING AND HEALTH

~~NEW ENGLAND REGION~~

15 Kennedy Road
Cambridge, Massachusetts 02138
(617) 876-6326

ARE YOU BEING SMOKED AT MORE AND ENJOYING IT LESS?

MASSACHUSETTS

~~NEW ENGLAND~~ COMMITTEE:

DR. DWIGHT EMARY HARKEN
Harvard Medical School

DR. JOSEPH H. KEENAN
Mass. Inst. Tech.

DR. FRANCIS C. LOWELL
Mass. Genl. Hospital

DR. RICHARD H. OVERHOLT
(chairman) *Overholt Thoracic Clinic*

DR. WALTER WARREN POINT
Mass. Inst. Tech.

DR. ARNOLD A. REIF
(research) *Vol. for Health Awareness*

DAVID GORDON WILSON, Chairman
(genl. secretary) *Mass. Inst. Tech.*

Rep. Lois Pines

NEW ENGLAND SPONSORS:

THEODORE L. BADGER, M.D.
Harvard Medical School

EDWARD BERNAYS
Public Relations, Cambridge

LOUIS F. FIESER, Ph.D.
Harvard University

DWIGHT EMARY HARKEN, M.D.
Harvard Medical School

FRANZ J. INGELFINGER, M.D.
N.E. J. of Medicine

LOUIS L. JAFFE, ESQ.
Harvard Law School

FRANCIS D. MOORE, M.D.
Harvard Medical School

RICHARD H. OVERHOLT, M.D.
Overholt Thoracic Clinic

DAVID RUTSTEIN, M.D.
Harvard Medical School

(deceased) PAUL DUDLEY WHITE, M.D.
Harvard Medical School

DeLane E. Anderson, Jr. Esq.
legal secretary

Helen F. Bell
membership secretary

Prof. Richard Daynard
legislation secretary

Leslie Mandl
development secretary

Mrs. Josephine Mutti
activities secretary

STAND UP FOR YOUR RIGHTS: You have a right to breathe air free of second-hand smoke.

YOU ARE IN THE MAJORITY if you are a nonsmoker. At least 65 percent of the adult U.S. population does not smoke.

SMOKE IRRITATES. Medical tests have shown that, after exposure to tobacco smoke:

- 70 percent of nonsmokers suffer eye irritation;
 - 35 percent of nonsmokers suffer headaches;
 - 10 percent of nonsmokers suffer sore throats and hoarseness;
 - 6 percent of nonsmokers suffer dizziness.
- Asthma and emphysema victims are severely affected.

WRITE TO YOUR CAMBRIDGE CITY COUNCILLORS

to urge support of the A.S.H.-proposed city ordinance which would:

1. ban smoking in all Cambridge supermarkets and food stores;
2. ban smoking in any elevator accessible to the public;
3. ban smoking in any classroom, lecture hall, theater, motion-picture theater, concert hall or library, except in properly ventilated areas labelled for smokers, not to exceed 20 percent of the total seating area;
4. require proprietors of restaurants having more than 50 seats to ban smoking except for an area not to exceed 50 percent of the total seating area, which must be specially ventilated and marked for smoking;
5. ban smoking in medical waiting rooms; and
6. ban smoking in hospitals, except for specially ventilated areas in which smoking may be permitted.

Write to any or all of your city councillors at City Hall:

Barbara Ackermann
Daniel J. Clinton
Thomas W. Danehy
Francis H. Duehay
Saundra Graham
Leonard Russell
Walter J. Sullivan (Mayor)
Alfred E. Vellucci
David A. Wylie

Massachusetts and Cambridge A.S.H.
15 Kennedy Road, Cambridge MA 02138

EXECUTIVE DIRECTOR:

JOHN F. BANZHAF III, ESQ.
Headquarters
2000 H Street N.W.
Washington D.C. 20006
(202) 659-4310

THE LEGAL-ACTION ARM OF THE ANTI-SMOKING COMMUNITY
A National Non-Profit Charitable Organization • Contributions are Tax Deductible

M A S S A C H U S E T T S
ACTION ON SMOKING AND HEALTH

~~NEW ENGLAND REGION~~

15 Kennedy Road
Cambridge, Massachusetts 02138
(617) 876-6326

ARE YOU BEING SMOKED AT MORE AND ENJOYING IT LESS?

MASSACHUSETTS

~~NEW ENGLAND~~ COMMITTEE:

DR. DWIGHT EMARY HARKEN
Harvard Medical School

DR. JOSEPH H. KEENAN
Mass. Inst. Tech.

DR. FRANCIS C. LOWELL
Mass. Genl. Hospital

DR. RICHARD H. OVERHOLT
(chairman) *Overholt Thoracic Clinic*

DR. WALTER WARREN POINT
Mass. Inst. Tech.

DR. ARNOLD A. REIF
(research) *Vol. for Health Awareness*

DAVID GORDON WILSON, Chairman
(genl. secretary) *Mass. Inst. Tech.*

Rep. Lois Pines

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M A S S A C H U S E T T S
ACTION ON SMOKING AND HEALTH

~~NEW ENGLAND REGION~~

15 Kennedy Road
Cambridge, Massachusetts 02138
(617) 876-6326

June 13, 1975

Massachusetts

~~NEW ENGLAND~~ COMMITTEE:

DR. DWIGHT EMARY HARKEN
Harvard Medical School

DR. JOSEPH H. KEENAN
Mass. Inst. Tech.

DR. FRANCIS C. LOWELL
Mass. Genl. Hospital

DR. RICHARD H. OVERHOLT
Overholt Thoracic Clinic

DR. WALTER WARREN POINT
Mass. Inst. Tech.

DR. ARNOLD A. REIF
Vol. for Health Awareness

DAVID GORDON WILSON, Chairman
Mass. Inst. Tech.

The City Clerk
CITY OF CAMBRIDGE
Cambridge MA 02139

Dear Mr. Healey:

You asked for suggestions for a summary of the ordinance which A.S.H. proposed to limit smoking in certain public places.

The best we could do was incorporated into a flier which we handed out in Harvard Square recently to let residents know what was being proposed. A couple of copies is attached. Is this what is wanted, or is something shorter better? Let me know and I'll try to work out something suitable.

Thank you in any case for your help.

Yours very sincerely

David

David Gordon Wilson
general secretary
Massachusetts Action on Smoking and Health

EXECUTIVE DIRECTOR:

JOHN F. BANZHAF III, ESQ.
Headquarters
2000 H Street N.W.
Washington D.C. 20006
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THE LEGAL-ACTION ARM OF THE ANTI-SMOKING COMMUNITY
A National Non-Profit Charitable Organization • Contributions are Tax Deductible



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-five

AN ORDINANCE

In amendment to an ordinance formerly entitled: "The General Ordinances of the City of Cambridge" as revised in 1972 and now designated as "The Code of the City of Cambridge."

Be it ordained by the City Council of the City of Cambridge as follows:

Chapter 13 entitled: "Offenses," Article II entitled: "Offenses Against Public Health" is hereby amended by striking out the present Article II and inserting in place thereof a new Article II entitled: "Offenses Against Public Health," Section 13-4 entitled: "Smoking Prohibited" which reads as follows:-

(a) It is hereby declared that smoking in public places is a public nuisance, dangerous and hazardous to the public health, and violative of the right of non-smokers to breathe air which is free of smoke contamination.

(b) As used herein, "smoking" shall include carrying a lighted cigarette, cigar, pipe, or other tobacco product.

(c) No person, whether an owner, proprietor, manager, employee, patron, visitor, or customer, shall be permitted to smoke in any super-market, grocery store, or other retail food store which is designed and arranged to display and sell food products for consumption off the premises by the general public; provided, however, that nothing herein shall prevent smoking in specially designated and properly ventilated areas within the aforementioned premises segregated from both the areas in which food is handled and the areas necessarily used by general shoppers.

(d) No person shall smoke in any elevator accessible to the public.

(e) No person shall smoke in any classroom, lecture hall, theater, motion picture theater, opera house, concert hall, or library, except in properly ventilated areas which may be designated by the management or other person in charge, which areas shall be specially labelled and shall not consist of more than 20% of the total seats in the place in question.

(f) No person shall smoke in the areas of any restaurant used for food preparation, or in the areas open to the general public in any restaurant which has a seating capacity in excess of fifty (50) patrons, except that the management of any restaurant which has a seating capacity in excess

City of Cambridge

Page Two.

of fifty (50) patrons may designate properly ventilated waiting, lounge, and eating areas as smoking areas, provided that no more than 50% of area available for each such purpose, and no more than 50% of the total seating capacity, may be so designated, and further provided that any area so designated by conspicuously labelled as such.

(g) No person shall smoke in any area of any hospital, sanitorium, nursing home, convalescent home, or home for the aged for for chronically ill patients which is accessible either to patients or to visitors, provided that the management may provide for patients to elect in writing upon admission to the facility to be placed in a smoking room, in which case the room in which the patient so electing is placed shall be so labelled, and no patient not so electing shall be placed in that room, and further that the management may provide waiting areas for visitors separate from areas used by patients in which the visitors may smoke, but such areas shall be conspicuously labelled as such and shall not constitute more than 50% of the total visitor waiting area in each section of the facility.

(h) No person shall smoke in any waiting room used by patients in the office of any physician, dentist, psychologist, physiotherapist, podiatrist, chiropractor, optometrist, or optician, unless a separate waiting room is provided for patients who wish to avoid smoke and unless conspicuous notice of this fact is provided to all patients.

(i) Every person having control of premises upon which smoking is prohibited by this ordinance, or his or her agent or designee, shall conspicuously display upon the premises a sign reading "Smoking Prohibited by Law."

(j) It shall be unlawful for any person having control of any premises or place in which smoking is prohibited by this ordinance to knowingly permit a violation of this ordinance. A person shall be held to have knowingly permitted a violation of this ordinance if a visitor to his or her premises observes one or more people smoking (other than in properly designated smoking areas) on three successive visits. Any licenses issued by this City to such person shall be subject to suspension for up to fifteen (15) days for a single violation of this subsection, and shall be subject to suspension for up to one year, or to revocation, for any successive violation.

(k) Any person who knowingly violates any provision of this ordinance, or who smokes in an area in which a "Smoking Prohibited by Law" notice is conspicuously posted as required by subsection (i) of this ordinance, shall be fined in an amount of not less than twenty-five (\$25.00) nor more than one hundred (\$100.00) dollars.

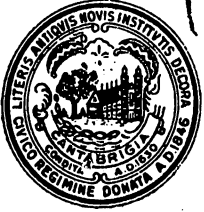
City of Cambridge

Page Three.

(1) If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Passed to a second reading at the City Council meeting held on June 16, 1975 and on or after June 30, 1975 the question may be on passing to be ordained.

ATTEST:- Paul E. Healy, City Clerk.



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-five

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City of Cambridge

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City of Cambridge

Page Three.

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In City Council September 15, 1975

Passed to be ordained by a yea and nay vote:

Yeas 9; Nays 0; Absent 0.

James L. Sullivan, City Manager.

Attest: Paul E. Healy, City Clerk.

Calendar #5 Passing to be Ordinance

City of Cambridge

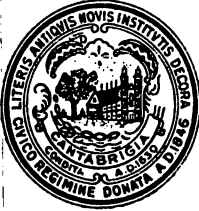
MASSACHUSETTS

In City Council September 15 1975

Ordinance re Smoking Ban in Certain Public Areas

	YEA	NAY	ABSENT	PRESENT
Mrs. Ackermann	✓			
Mr. Clinton	✓			
Mr. Danahy	✓			
Mr. Duehay	✓			
Mrs. Graham	✓			
Mr. Russell	✓			
Mr. Vellucci	✓			
Mr. Wylie	✓			
Mayor Sullivan	✓			
	9	0	0	

QADR
RF
A



City of Cambridge

In the Year One Thousand, Nine Hundred Seventy-five

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In City Council September 15, 1975

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Yeas 9; Nays 0; Absent 0.

James L. Sullivan, City Manager.

Attest: Paul E. Healy, City Clerk.

City of Cambridge

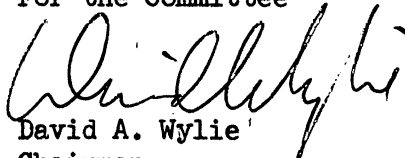
In City Council.....September 8, 1975.....

The Ordinance Committee

to which was referred a proposed amendment to the General Ordinances relative to banning smoking in certain public places.

Reports, That a hearing before said committee was held on Thursday, June 26, 1975 at 8 P.M., in the City Council Chambers and it was recommended by those members present that said ordinance be reported out of committee favorably to the full City Council for action.

For the Committee


David A. Wylie
Chairman

REPORT**Committee on Ordinances****RE: smoking ban in certain public
places.****In City Council,
Sept. 8, 1975**