



# **New York State Department of Health**

## **Center for Environmental Health**

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**Brian M. Miner**

**Chief Sanitarian**

**Bureau of Community Environmental  
Health and Food Protection**

**Tobacco Enforcement Program**

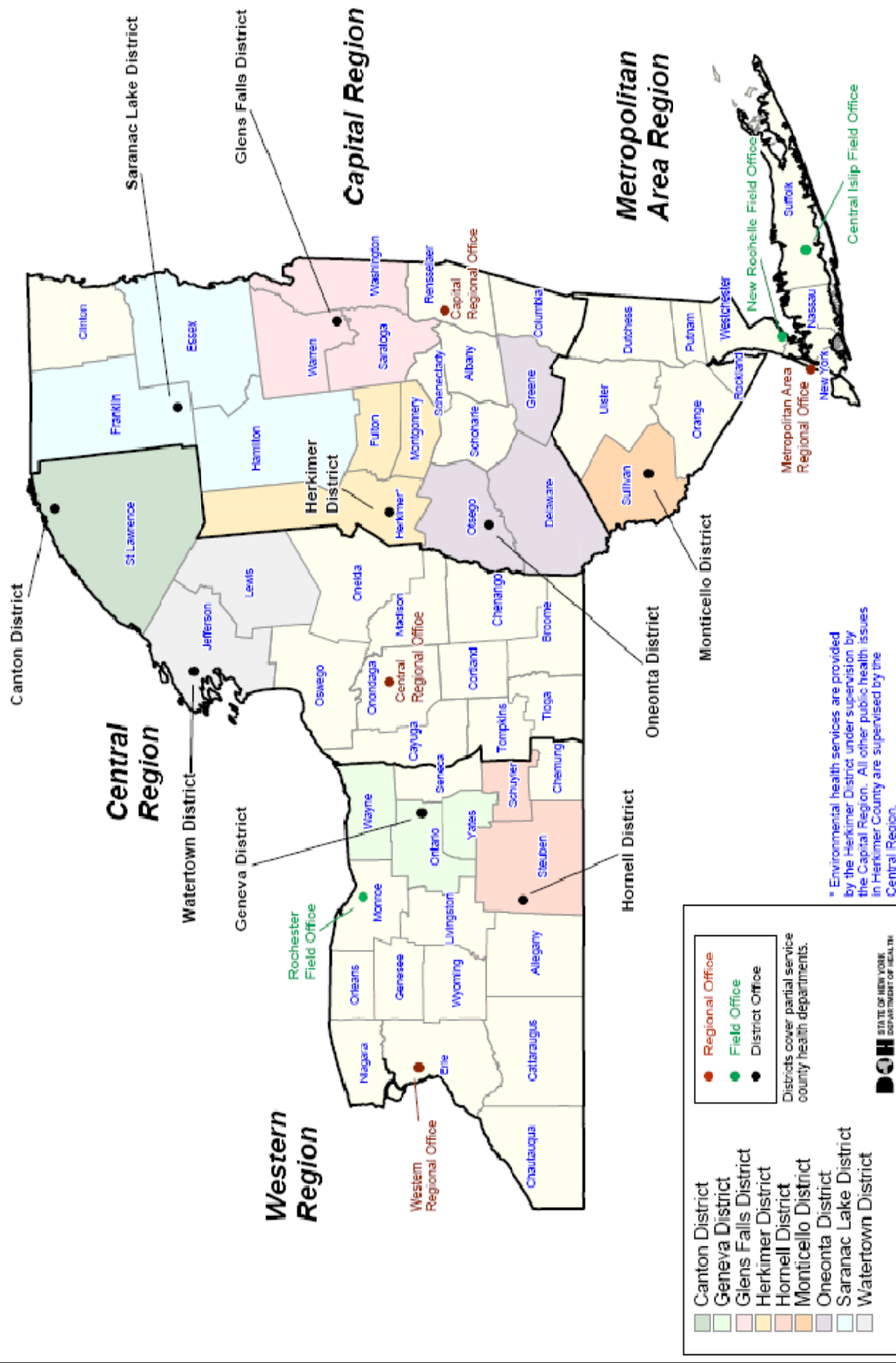
**547 River Street, Room 515**

**Troy, New York 12180**

**(518) 402-7600**

**[bmm03@health.state.ny.us](mailto:bmm03@health.state.ny.us)**

# NYSDOH Regional and Field Structure





# NYC's Smoke Free Air Act of 2002

- Implemented comprehensive indoor air laws, prohibiting smoking in almost all workplaces, including over 20,000 restaurant and bars
- Law protects workers and non-smokers from exposure to SHS
- Law encourages smokers to cut down or stop smoking. Smoke-free workplace legislation in NYC was estimated to:
  - Prevent at least 4,000 early deaths among non-smokers by protecting them from exposure
  - Prevent at least 7,000 more early deaths among smokers by encouraging them to quit

# Educational Campaign

DOHMH & others educated:

- Legislators: provided data from California's experience, polling results on public support, air monitoring comparisons to smoky bars
- Business Owners: sent materials on how to comply with the law, signs to post, sample policies
- Public: launched media campaign on the coming of the law and the dangers of second-hand smoke (example at left)



## THERE'S NO SUCH THING AS A NON-SMOKING SECTION

Just 30 minutes of exposure to second-hand smoke increases the risk of heart disease in non-smokers. Bartenders who work an 8-hour shift in a smoky bar inhale the same amount of cancer-causing chemicals as if they'd smoked more than half a pack of cigarettes.

**Second-hand smoke kills.**

For more information, call the New York Smokers' Quitline at 1-888-609-6292.



## NYS Clean Indoor Air Act (CIAA)

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Public Health Law Article 13-E

Regulation of Smoking in  
Public and Work Places



## Smoking in Public and Workplaces NYS Clean Indoor Air Act (CIAA)

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Effective July 24, 2003, the amended New York State Clean Indoor Air Act prohibits smoking in virtually all workplaces, including restaurants and bars. The changes in the Act reflect the state's commitment to ensuring that all workers are protected from secondhand smoke. Localities may continue to adopt and enforce local laws regulating smoking, however, these regulations must be at least as strict as the Clean Indoor Air Act.

<http://www.health.state.ny.us>

## **Clean Indoor Air Act**

### **[New York State Public Health Law Article 13-E - Regulation of Smoking in Public and Work Places](#)**

[Brochure - A Guide to the New York State Clean Indoor Air Act](#)

[Brochure - A Guide for Employers to New York State's Clean Indoor Air Act](#)

[Brochure - A Guide for Restaurants and Bars to New York State's Clean Indoor Air Act](#)

### **[Clean Indoor Air Act \(CIAA\) - Implementation Guidance](#)**

[New York State Tobacco Control Program Community Partnerships](#)

[New York State Smokers' Quitline](#)

### **[Active Clean Indoor Air Act Waivers in NYSDOH District Offices](#)**

### **[Notice of Clean Indoor Air Act Violations Issued by NYSDOH](#)**

## **More Information**

Toll Free Consumer Information Line:  
1-866 NYS CLEAN (1-866-697-2532)

Toll Free Technical Assistance for Restaurants, Bars, and Employers:  
1-800-458-1158 ext. 2-7600

## **Smoking Signs**

Click on the signs below for a printable [PDF](#) version.



[http://www.health.state.ny.us/prevention/tobacco\\_control/](http://www.health.state.ny.us/prevention/tobacco_control/)

## **Reports**

**[The Health and Economic Impact of New York's Clean Indoor Air Act](#)**

**[Addendum - Compliance with New York State's Clean Indoor Air Act: Three Year Follow-up Statewide Observational Study](#)**

[Smoking Cessation in New York State](#)

[Cigarette Purchasing Patterns Among New York Smokers: Implications for Health, Price, and Revenue](#)

[Health and Financial Impact of Not Paying Cigarette Taxes](#)

[Youth Access - Tobacco Enforcement Program Annual Report October 1, 2004 - September 30, 2005](#)

**[Third Annual Independent Evaluation of New York's Tobacco Control Program - September 2006](#)**

[Second Annual Independent Evaluation of New York's Tobacco Control Program](#)

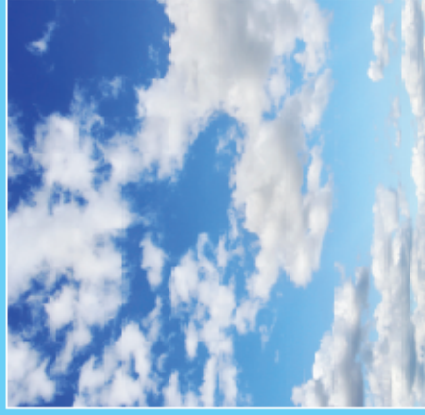
[First Annual Independent Evaluation of New York's Tobacco Control Program](#)

[Tobacco use Among Adults - New York State, 2002](#)

[Cigarette Smoking Among Adults - New York State, 2001](#)

[Trends in tobacco Use Among Middle School and High School students in New York State, Youth Tobacco Survey 2000-2004](#)

# THE HEALTH AND ECONOMIC IMPACT OF NEW YORK'S CLEAN INDOOR AIR ACT



NEW YORK STATE DEPARTMENT  
OF HEALTH  
JULY 2006

## The Health and Economic Impact of New York's Clean Indoor Air Act

July 2006

Prepared for  
**New York State Department of Health**  
Corning Tower, Room 710  
Albany, NY 12237-0676

Prepared by  
**Mark Engelen**  
**Matthew Farrelly**  
RTI International\*  
3040 Cornwallis Road  
Research Triangle Park, NC 27709

**Andrew Hyland**  
Roswell Park Cancer Institute  
Elm and Carlton Streets  
Buffalo, NY 14263

\*RTI International is a not-for-profit research organization.



# Smoking in Public and Workplaces

## NYS Clean Indoor Air Act (CIAA)

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### Constraints, Struggles and Lessons Learned

#### 1. Waivers Allowed - (Section 1399-u)....if

Compliance would cause undue financial hardship; or

Other factors exist which would render compliance unreasonable.





## Smoking in Public and Workplaces NYS Clean Indoor Air Act (CIAA)

### Specific Waiver Activity - July 2003 – June 2006

CIAA Waivers	Jul – Dec '03	Jan – Jun '04	Jul – Dec '04	Jan – Jun '05	Jul – Dec '05	Jan – Dec '06	Totals
# Completed Applications	140	336	46	33	9	19	583
# Waivers Granted	14	136	37	22	13	6	<b>228</b>
# Waivers Denied	70	158	21	8	3	2	262
# Waivers Rescinded or Not renewed	0	2	2	5	5	24	<b>38</b>
# Waivers Renewed	*	*	*	*	*	34	34

Active Waivers in NYS = 190

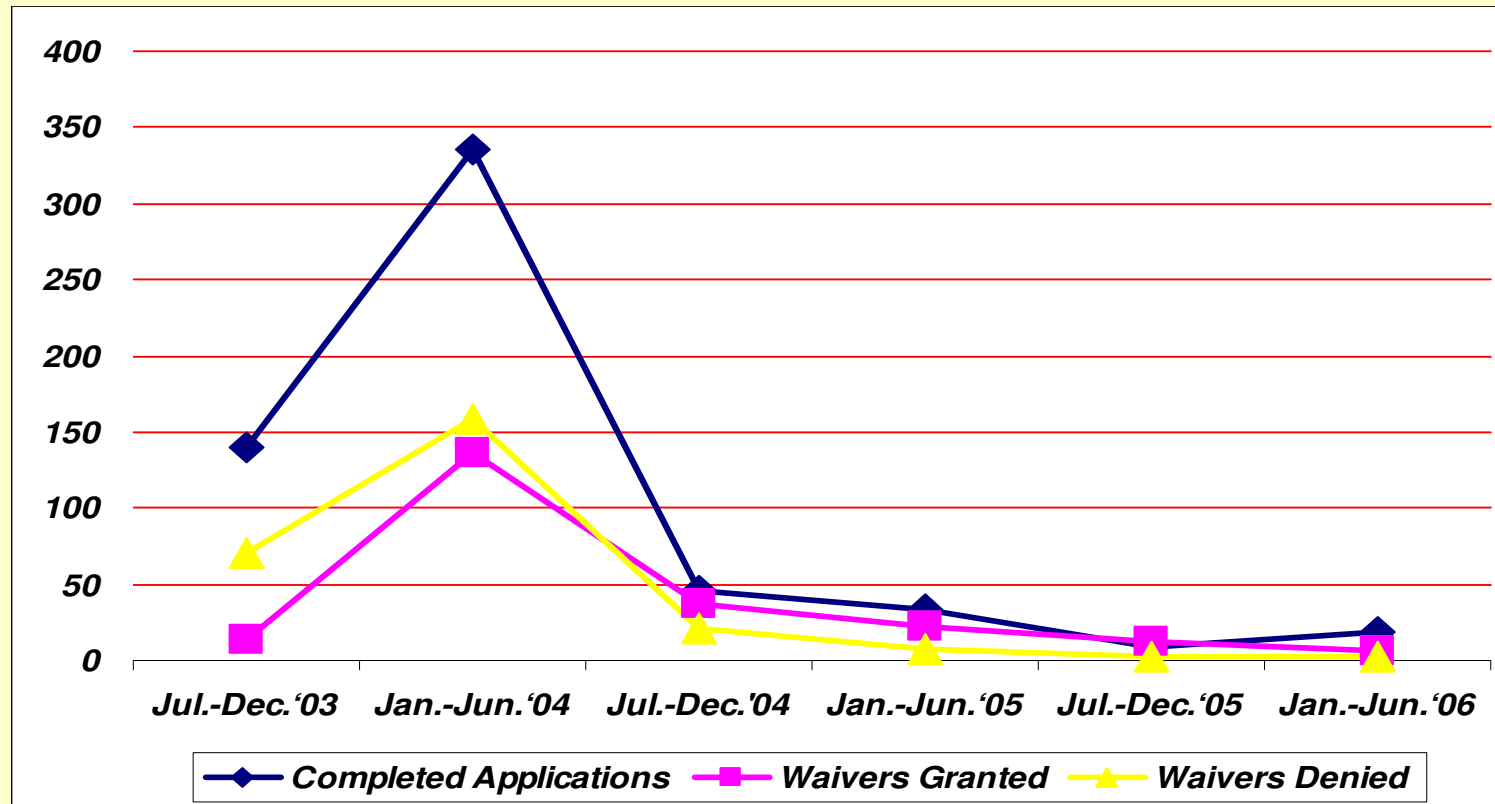
Active Foodservice Establishments in NYS = +100,000

(less than .2% with waivers)



# Smoking in Public and Workplaces NYS Clean Indoor Air Act (CIAA)

## CIAA Waiver Activity- 3 Years





# Smoking in Public and Workplaces NYS Clean Indoor Air Act (CIAA)

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## Constraints, Struggles and Lessons Learned

### 2. Membership Association Exemption

“Un-level playing field”

Workers must be all volunteers with no compensation

No application or approval process for the exemption

Access for inspection may be impeded



# Smoking in Public and Workplaces

## NYS Clean Indoor Air Act (CIAA)

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### Constraints, Struggles and Lessons Learned

#### 3. Enforcement

Initially an unfunded program

Primarily complaint based inspections

County by county disparities

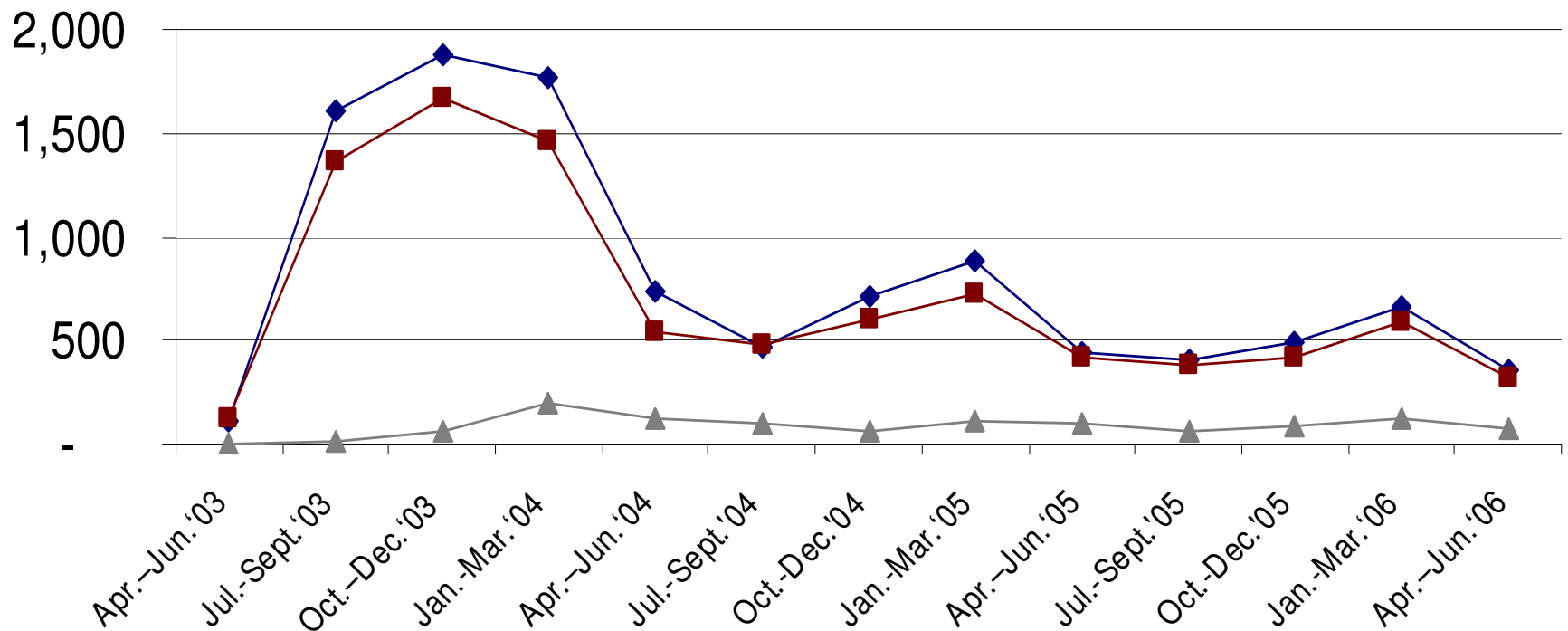
Bars lag behind in compliance

Late - night inspection issues



## Statewide CIAA Enforcement Summary

\*Excludes NYC



◆ # of Complaints

■ # of Investigations (related to a complaint)

▲ # of Enforcement Actions



# Smoking in Public and Workplaces NYS Clean Indoor Air Act (CIAA)

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## Constraints, Struggles and Lessons Learned

### 3. Enforcement (cont.)

No enforcement against individual violators

Proving a violation

Overcoming enforcement challenges

Legal Victories, Collaboration with

State Liquor Authority,

Program Funding and ties to Youth Access

Enforcement



## Smoking in Public and Workplaces NYS Clean Indoor Air Act (CIAA)

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### Constraints, Struggles and Lessons Learned

#### 4. Other issues:

Anonymous Complaints - Do you act on them?

Defining an “Indoor” workplace - How about that “butt hut”?

Retail tobacco business - Everybody wants to be one.

Misinformation in the Media - Public confusion.

The #1 Question - Smoking Distance from the  
doorway.



## Smoking in Public and Workplaces NYS Clean Indoor Air Act (CIAA)

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### Constraints, Struggles and Lessons Learned.

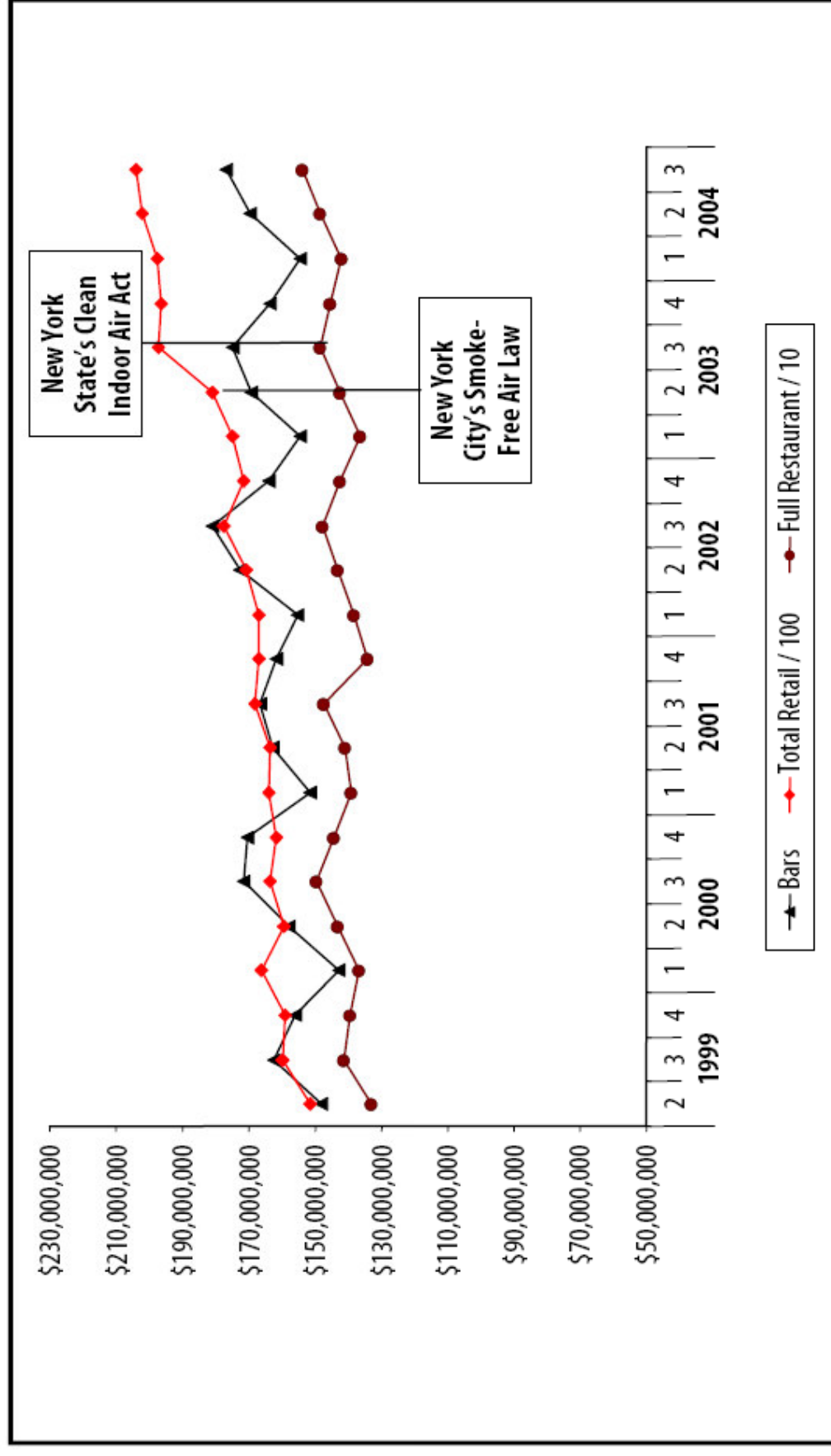
#### 4. Other issues (cont.)

Reality..... some businesses will be affected negatively while others thrive. See the big picture.

# NYC's SFAA --- as of 2006

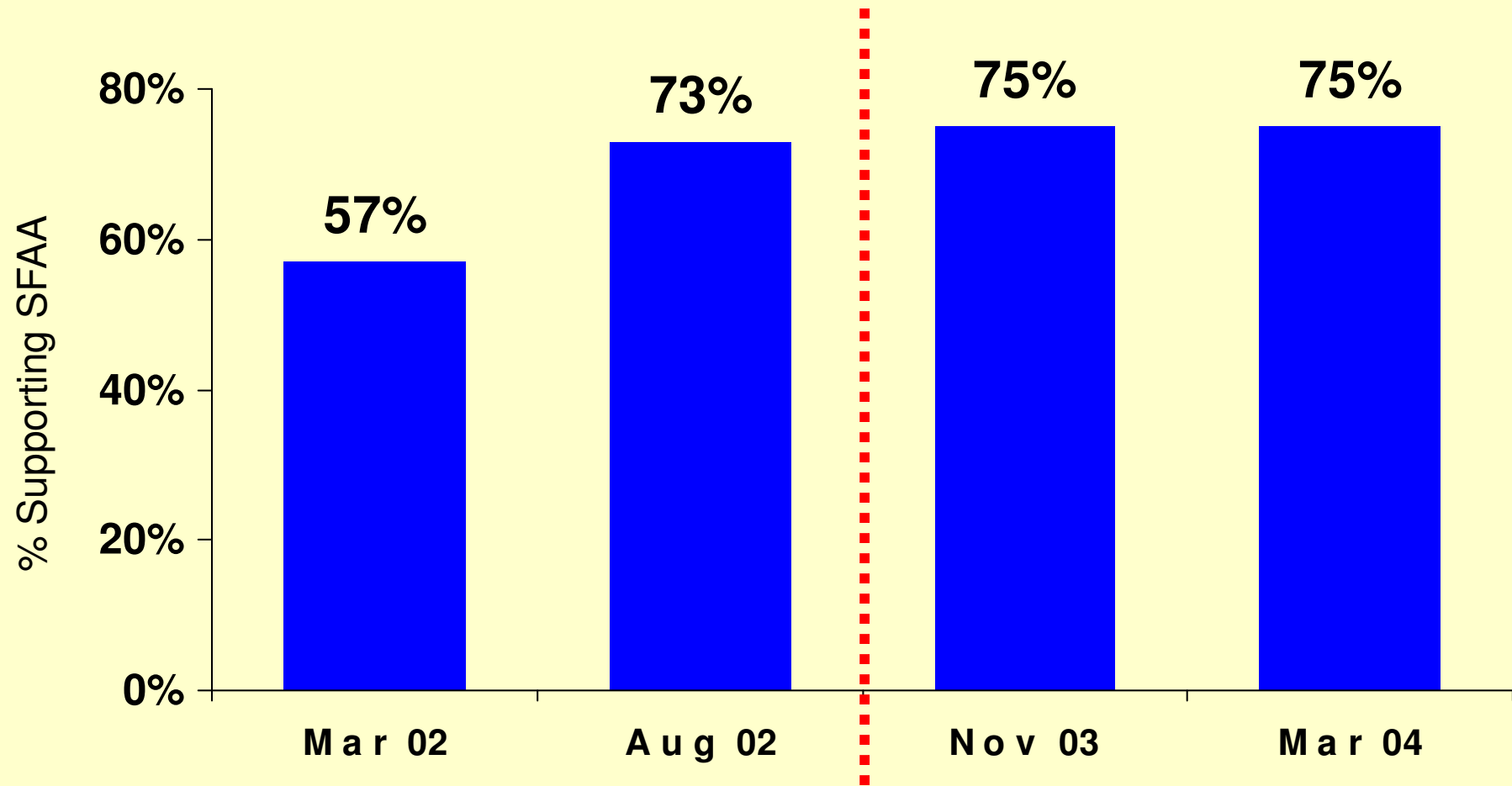
- Overwhelming compliance (>99%)
- Business in restaurants/bars increased 8.7%
  - Number of liquor licenses increased 5.1% (500 new licensees) – restaurant/bar employment increased 8.4% (13,600 new jobs)
- Air quality in bars improved average 6-fold
  - Levels of cotinine decreased 65% in non-smoking restaurant/bar workers (NYS data)
  - 150,000 fewer NYers exposed to SHS on the job
- 90% of NYers – including 70% of smokers – have made their homes smoke-free
  - 125,000 fewer NYers exposed to SHS at home

**Exhibit 3-19. Trends in New York Sales Tax Receipts for Bars, Full Service Restaurants, and Total Retail Establishments, NYDTF Q2 1999–Q3 2004**



Note: Tax totals for full service restaurants and all retailers were divided by 10 and 100, respectively, to facilitate comparison with bars.

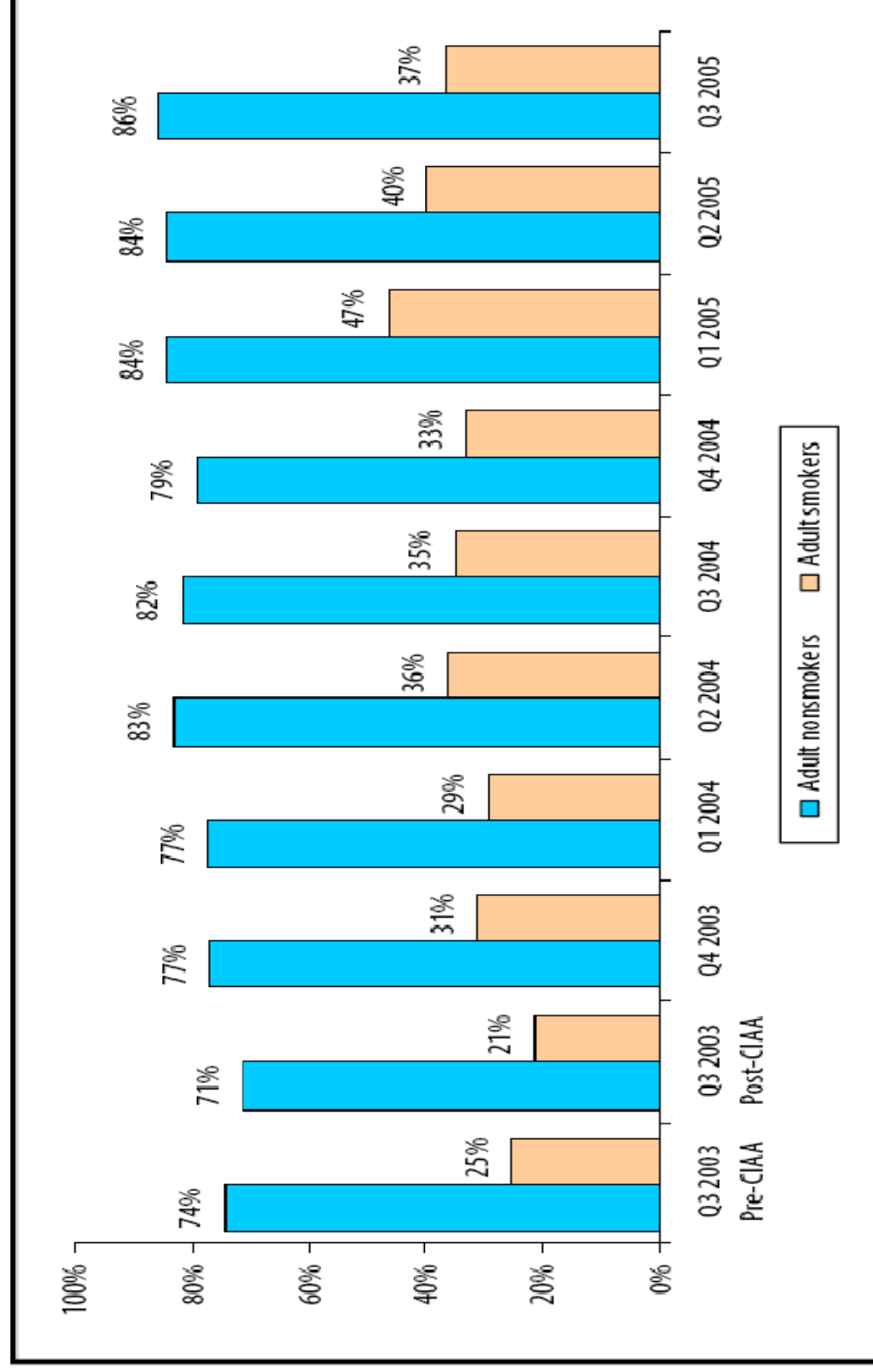
# Public Support for SFAA Increased as Educational Materials Were Disseminated



Global Strategy polls

**(SFAA effective 3/30/03)**

**Exhibit 3-14. Percentage of Adult Nonsmokers and Adult Smokers Who Favor the CIAA, ATS Q3 2003–Q3 2005**





Questions?

**Best wishes for a  
Smokefree NC!**