

History of Pennsylvania's Clean Indoor Air Act, Act 27 of 2008

- On March 22, 1993, State Senator Stewart J. Greenleaf was joined at a press conference by Senators Albert V. Belan, Michael Dawida, Allyson Schwartz, and Edward Helfrick to announce legislation sponsored by Greenleaf to prohibit smoking in public places including enclosed workplaces and the seating areas of outdoor stadiums. Violation of this law would be a summary offense.
- The introduction of this legislation followed the January 1993 report of the United States Environmental Protection Agency (EPA), Respiratory Health Effects of Passive Smoking: Lung Cancer and other Disorders.
- The EPA report concluded that widespread exposure to environmental tobacco smoke (ETS) in the United States presents a serious and substantial health impact.
- The EPA also concluded that secondhand tobacco should be classified as a 'Group A' carcinogen, the EPA's category of greatest scientific certainty for known or suspected carcinogens.
- The major findings included:
 - ETS is a human lung carcinogen, responsible for approximately 3,000 lung cancer deaths annually in U.S. nonsmokers.
 - ETS exposure is causally associated with an increased risk of lower respiratory tract infections (LRIs) such as bronchitis and pneumonia. The report estimated that 150,000 to 300,000 cases annually in infants and young children up to 18 months of age are attributed to ETS.
 - ETS exposure is causally associated with increased prevalence of fluid in the middle ear, symptoms of upper respiratory tract irritation, and a small but significant reduction in lung fluid.
 - ETS exposure is causally associated with additional episodes of increased severity of symptoms in children with asthma. This report estimates that 200,000 to 1 million asthmatic children have their condition worsened by exposure to ETS.
 - ETS exposure is a risk factor for new cases of asthma in children who have not previously displayed symptoms.
- The EPA's 530 page report had been in development since 1988 and was fully endorsed by the EPA's Scientific Advisory Board in the summer of 1992.
- Greenleaf's 1993 legislation, Senate Bill 645 was referred to the State Government Committee on March 9, 1993
- According to the *Pittsburgh Post Gazette* on March 23, 1993, "The Senate is not likely to consider the bills very soon." Senate Majority Leader J. William

Lincoln, D-Dunbar, said, “I think we’ve got a lot of other things to consider—education issues and the budget—before we get to this one.” (Lee, Carman J., Bill Seeks to Bar Smoking in Public Places, *Pittsburgh Post Gazette* A-1, A-9 3/23/93)

- Senator Greenleaf re-introduced the clean indoor air legislation each legislative session since the 1993-1994 session.
- Greenleaf’s Clean Indoor Air Act did not receive any official action until September 27, 2005 when the Senate Public Health and Welfare Committee, chaired by Senator Jake Corman, conducted a public hearing.
- The following year, in 2006, the United State’s Department of Health and Human Services released the most recent and comprehensive report on the dangers of secondhand smoke, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*.
- The major findings included:
 - Many millions of Americans, both children and adults, are still exposed to secondhand smoke in their homes and workplaces despite substantial progress in tobacco control
 - Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.
 - Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma. Smoking by parents causes respiratory symptoms and slows lung growth in their children.
 - Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
 - The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.
 - Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.
- Beginning in 2000, public opinion polls were conducted both statewide and nationally to assess public support for the prohibition of indoor smoking. The following are the results of six polls taken between 2000 and 2007:
 - **2000—Centers for Disease Control national poll**
80% of adults want smoke free workplaces

- **2004—Bucks County Consumer Survey Submitted by the Philadelphia Health Management Corporation**
 Nearly two-thirds of those polled feel smoking should be banned in workplaces
 378 persons living in Bucks County completed the survey
 - **2004—Mansfield University Poll**
 Should PA ban smoking in bars and restaurants?
60% Yes
 516 respondents
 - **2005—Penn State Poll-Center for Survey Research Penn State Harrisburg**
 Should all employees have the right to a smokefree workplace?
83.7% Yes
 859 respondents
 - **2005—Pennsylvania Alliance to Control Tobacco Statewide Survey (Conducted by Susquehanna Polling and Research Inc.)**
80% support prohibiting smoking in workplaces
 650 people polled
 - **2007—Pennsylvania Alliance to Control Tobacco Poll**
84% of Pennsylvanians believe all workers should be protected from secondhand smoke.
86% agreed that restaurants and bars would be healthier for customers and employees if they are smoke free.
- On January 31, 2007, the Senate Public Health and Welfare Committee, chaired by Senator Edwin Erickson, voted 9 to 2 to report Senate Bill 246, the Clean Indoor Air Act, from committee to be considered before the full Senate.
 - In June, when the Senate voted on the legislation, the bill was amended to include exemptions for certain businesses including bars and taverns serving little or no food, and 25% of all casino floors.
 - SB 246 passed the Senate on June 26, 2007 by a vote of 33-17.
 - In July, the House of Representatives removed much of the Senate added exemptions to SB 246, finally passing a bill more similar to Senator Greenleaf's original proposal by a vote of 141-62.
 - In accordance to legislative procedure, the House-approved legislation was returned to the Senate for a concurrence vote.

- On July 16, 2007, the Senate failed by a vote of 13-36 to approve the House amendments, and SB 246 was once again returned to the House.
- On October 23, 2007, the House of Representatives voted to insist on its amendments.
- In such cases where neither chamber can agree on the other's amendments, a legislative conference committee must be appointed to reconcile the House and Senate versions of the legislation.
- Legislative conference committees are comprised of six members, two from the majority party and one from the minority party of each the House and Senate.
- The conference committee was appointed by Senate and House party leadership, and an organizational meeting was held on December 12, 2007.
- The members of the conference committee were Senator Greenleaf, the committee's chairman, Senate Minority Leader, Robert J. Mellow, Senator Chuck McIlhinney, Representative Michael Gerber, Representative Bob Belfanti, and Representative Ron Miller.

Meetings and hearings held by the legislative conference committee:

- Tuesday, February 12, 2008 @ 10:30am in Rm. 8E-A:
 - Discuss alternatives to various issues related to SB 246
- Monday, March 10, 2008 @ 9:30am in Hearing Rm. #1 of North Office Bldg.:
 - Public Hearing on SB 246
- Thursday, March 13, 2008 @ 10am in hearing Rm. #1 of North Office Bldg.:
 - Public Hearing on SB 246
- Tuesday, April 1, 2008 @ 9am in Rm. 8E-A:
 - To consider SB 246. The committee adopted a motion to adjourn until April 29th.
- Tuesday, April 29, 2008 @ 9am in Rm. 8E-B:
 - Meeting was postponed at the request of 5 conference committee members who requested additional time to continue consideration of this legislation.
- Wednesday, May 7, 2008 @ 9am in Hearing Rm. #1 of North Office Building:
 - Committee adopted a motion to recess to the call of the chair.
- Monday, May 12, 2008 @ 3pm in Hearing Rm. #1 of North Office Building:
 - A majority of the members were not present to hold a meeting. Meeting was recessed to the call of the chair.

- On June 3, 2008, a final conference committee report of SB 246 was approved by the committee by a 5 to 1 margin and presented to the House and the Senate.
- On June 4, 2008, the conference committee report was adopted by House (163-38), but failed in the Senate (19-31).
- Following the Senate vote, members voted to reconsider the legislation. The Senate adopted the conference committee report on June 10, 2008 (41-9).
- The conference committee report was presented to the Governor on June 11, 2008 and was finally signed into law on June 13, 2008.
- Pennsylvania's Clean Indoor Air Act took effect on September 11, 2008