

Legislation

Cleveland Legislation Cleveland's 1987 Clean Indoor Air Act – An Introduction Clean Indoor Air is not new to Cleveland. On February 9, 1987, Cleveland City Council passed the 1987 Clean Indoor Air Act in response to citizen complaints that tobacco smoke rendered many public places inaccessible to those with health conditions, such as asthma. Cleveland residents testified before Council that they were unable to enter banks, stores, and even City Hall, because of pervasive tobacco smoke. Others stated that smoke in the workplace infringed on their ability to be productive, and that it represented an occupational hazard. The legislative process led to many compromises and exemptions. However, we should be proud that compared to legislation passed in other cities during that era, Cleveland's 1987 Act was on the cutting edge of this public health issue. Why the 1987 Clean Indoor Air Act falls short The 1987 Act completely exempts bars, certain eating establishments, bowling centers, hotel and motel rooms, and certain restrooms and public lobbies. According to the Northern Ohio Data and Information Service (NODIS) at Cleveland State University, this leaves more than 20,000 Cleveland employees and countless customers unprotected and exposed to secondhand smoke on a regular basis. In addition, the 1987 Act calls on employees in office workplaces to "request" a "smoke-free work area." This falls short of addressing worker health for two reasons: 1) By requiring that workers "request" a smoke-free work area, the 1987 Act treats secondhand smoke as an inconvenience or preference, not as a known health hazard. AND 2) Its definition of a "work area" is vague: "...any room, desk, station or other area normally occupied by an employee while carrying out his or her primary work functions." The only known way to protect workers from tobacco smoke toxins is to require separately enclosed, separately ventilated work areas for smokers and nonsmokers. The 1987 Act does not define or require this standard. Who is covered by the 1987 Clean Indoor Air Act? Section 235.02 cites the restrictions on smoking in public places. Therefore, anyone visiting or working in the following public places for which smoking is prohibited is covered. Section 235.02(a) Smoking Prohibited (except as provided by Section 234.04; excludes portions to which the public are not normally invited) 1. Retail stores and retail service establishments, includes grocery stores, specialty stores, department stores, pharmacies, automobile dealerships, showrooms, banks, professional offices, service stations, repair or maintenance stores, cleaners and laundromats 2. Public transportation and associated terminals 3. Enclosed theaters, auditoriums, concert halls, meetings rooms (except associated lobbies) 4. Health care facilities 5. Elevators, stairwells, escalators, hallways 6. Indoor service lines 7. Public restrooms 8. Courtrooms, jury waiting and deliberation rooms 9. Gyms, exercise rooms, health spas 10. Libraries and educational facilities 11. Exhibition places including galleries, museums, aquariums 12. Polling places Section 235.02(b) Smoking is prohibited except in designated sections in the following places: 1. Eating establishments 2. Hotels and motels including rooms rented to guests 3. Indoor places of entertainment and recreation including roller and ice skating rinks, dance halls, swimming pools and bingo halls 4. Enclosed shopping centers and malls except retail stores and service establishments listed in Section 235.02(a) 5. Waiting areas, lobbies 6. Building and enclosed structures owned, leased or operated by the City Any other enclosed indoor area used by the public 1 How is the 1987 Act enforced? 2 Cleveland's current 1987 Act is largely self-enforcing, meaning that resident complaints and regular health inspections are the primary way to ensure compliance. Enforcement of a 100% Clean Indoor Air Law will work much the same way. 3 According to Section 235.06, the Department of Public Health and Welfare (now known as the Department of Public Health), is responsible for enforcement. 4 The Department has established a phone line, 216-664-4310, for complaints and to report violations of the law. This telephone number connects directly to the Office of Health Promotion and the Department's Tobacco Control Program. 5 Health Inspectors handle a "self-certification" process, as the 1987 Act requires. The owner or manager of an establishment completes this process while undergoing mandated health code inspections. 6 If an establishment fails to comply with this chapter, or has repeated citizen complaints, the Department of Public Health shall: 1. Provide to proprietor or employer a copy of this chapter and advisory assistance, and 2. Follow up with written directive detailing required steps for future compliance. If violations do not stop, a request to commence civil or criminal prosecution can be referred to the City's Director of Law.