exposure.

The Newsletter of the Tobacco Free Task Force in Washington County

Volume: 2006-07 | Issue: KnowledgeinAction

Grassroots Efforts Making Impact on Clean Indoor Air Legislation

Knowledge in Action *facilitates the exchange of information between experts, advocates, and lawmakers.*

Clean Indoor Air legislation is an issue that is engaging experts, advocates, and lawmakers. **Clean Indoor Air legislation protects people from the dangers of secondhand smoke**.

"The June 2006 Surgeon General's Report on Secondhand Smoke confirmed the link between secondhand smoke and an increased risk for heart disease and lung cancer among adult nonsmokers," said Deb Brown, Vice-President for Community Outreach and Advocacy, American Lung Association of the Mid-Atlantic. "Pennsylvanians deserve the right to clean indoor air."

Ms. Brown was the sole guest speaker at the December 15, 2006 Tobacco Free Task Force meeting.

Ms. Brown has been a long-time advocate for Clean Indoor Air, working with the American Lung Association in Delaware, the second state in the country to enact healthy Clean Indoor Air legislation.

A major component of the effort in Delaware was a Blue Card Campaign, where lawmakers got blue postcards from constituents, urging them to develop Clean Indoor Air legislation.

The success of the Blue Card Campaign in Delaware led smoke-free advocates in Pennsylvania to adopt them as well, with Blue Cards being distributed since June 2006.

Currently, Washington County residents have completed nearly 900 Blue Cards, which have been sent back to the Pennsylvania Alliance to Control Tobacco (PACT).

Ms. Brown acknowledged that momentum toward Clean Indoor Air was gained with Pennsylvania legislators throughout 2006. "That is why the Blue Card Campaign is important—so that we can show legislators there is grassroots support for this cause."

In addition to the grassroots support on the state level, county and local support increased as well during 2006:

- Philadelphia City Council passed a Clean Indoor Air bill, protecting workplaces, restaurants, and bars.
- Allegheny County Council approved a Clean Indoor Air bill that has been partially implemented. The measure was challenged in court by two city restaurant owners who claimed the law would negatively affect business. The businesses had their legal fees covered by R.J. Reynolds, Inc., a tobacco company.
- Erie County Council passed an exemption-free Clean Indoor Air bill in their last meeting of 2006. County officials who supported the bill say they fully expect a legal challenge, much like the one Allegheny County has faced.
- Scranton's Clean Indoor Air legislation became law on January 7, 2007. They, like Erie, are anticipating a lawsuit.
- Harrisburg City Council overrode a mayoral veto to get a Clean Indoor ordinance, but a legal challenge by the Fraternal Order of Police (FOP) delayed the law's implementation indefinitely.

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Next Tobacco Free Task Force Meeting
Friday, January 26, 2007
9-11 a.m.

Hillsview Chapel Meditation Area, Presbyterian SeniorCare, Washington, PA

Next Issue:
Mid-year Review

tobacco free.
A Program of Washington County Health Partners

Fast Facts

Allegheny County Begins A Partial Public Smoking Ban Despite "Legal Quagmire"

Effective January 2, 2007, smoking in workplaces in Allegheny County was prohibited.

First-time offenders face a warning from the Health Department. In June, the department can levy a $250 fine for a first offense.

Plans for a wider ban have been stifled, at least temporarily, by a December 2006 lawsuit filed by two Pittsburgh restaurant owners (and funded by R.J. Reynolds, a tobacco company).

The restaurant owners claimed the public health initiative would severely damage their businesses.

Because of "preemption," which Common Pleas Judge Michael A. Della Vecchia called a "legal quagmire" over whether the county had the authority to enact such a ban (See *Exposure*, page two), the judge delayed the ban's effective date for bars and restaurants until May 1 and urged the legislature to clarify the issue before then.

Judge Della Vecchia claimed it unfair to Pennsylvanians to place such an important issue in the realm of legal nitpicking. "Implementation of the ordinance places in confrontation public health issues versus individual rights. The debate on said issues belongs on the floor of the legislature, not a courtroom."

Early results indicate very few calls of anyone reporting violators of the partial ban. Anyone who witnesses a violation of the ordinance is urged to call the Allegheny County Health Department (not police) at 412-687-ACHD (2243) or report the violation on their website, www.achd.net.

Sources: www.post-gazette.com; www.nepanews.com; www.timesonline.com

Grassroots Efforts... (continued from page one)

With the exception of Harrisburg, (where the FOP claimed a contract violation with the city), the legal challenges have centered on a legal issue known as preemption.

According to Ms. Brown, **preemption is a component of the 1988 Pennsylvania Clean Indoor Air Act** (also part of the Fire and Panic Act of 1927), **and takes away the right of local government to make their own Clean Indoor Air laws, forcing them to follow state law**.

In January 2005, the Pennsylvania Legislative Reference Bureau determined that the provision of state law (above) was repealed in 1999. In July 2005, the Legislative Reference Bureau reversed its opinion, stating that the repeal of preemption was itself repealed in 2000, and thus preemption continues to exist in Pennsylvania.

The debate over preemption is at the center of legal challenges. According to Ms. Brown, the American Lung Association is among the organizations that believe preemption exists. "When a court rules that it doesn't exist, we will change our position."

According to Ms. Brown, having the General Assembly approve statewide Clean Indoor Air legislation would end the preemption issue.

There are two bills currently in the General Assembly, one in the House, and one in the Senate.

House Bill 1489 (H.B.1489) was the subject of numerous public hearings by the House Health and Human Services Committee during 2006. Several amendments were made to the proposal to make the language of the bill healthier, and the Committee voted 14-14 on H.B. 1489 in mid-June.

Senator Stewart Greenleaf is the sponsor of Senate Bill 602 (S.B. 602). Ms. Brown says it is the stronger of the two bills, calling for the repeal of preemption. It was not heard in the Senate Health and Welfare Committee.

Both bills are expected to be reintroduced when the House and Senate reconvene for 2007. According to Ms. Brown, Governor Rendell has said he would sign a Clean Indoor Air bill into law, should one come to him from either the House or Senate.

Ms. Brown added that Governor Rendell also sent letters to members of the House and Senate, as well as appropriate committee members, urging them to develop the most comprehensive Clean Indoor Air legislation possible.

Ms. Brown also reiterated the importance of grassroots support for Clean Indoor Air via the Blue Card Campaign, now in full swing in Pennsylvania, which will continue until statewide Clean Indoor Air legislation becomes law.

Washington County residents interested in Clean Indoor Air are strongly encouraged to participate in the Blue Card Campaign. The process involves completing two cards; one for your state representative, and one for your state senator. For more information, call the Tobacco Free Program of Washington County Health Partners at 1-866-904-FREE (3733), ext. 12, or by e-mail, crw@wchpinc.org.

Free Resources Available

Attention Health Professionals: Available FREE are our 2007 Tobacco Cessation Resources brochures and Smoke-free Dining guides (pictured below). They are valuable sources of information for your patients. To place them in your office, call the Tobacco Free Program of Washington County Health Partners at 1-866-904-FREE (3733), ext. 12, or e-mail crw@wchpinc.org, and we will deliver them to your office along with a free lucite brochure holder.

Tracking Tobacco Free Program Success

In each issue, *Exposure* will include progress reports on some of the goals established in our 2006-07 strategic plan. Following is an update on how we are doing at reducing adult and youth tobacco use, and eliminating it as a norm.

Tobacco Free Program Areas	FY06-07 Goal	FY06-07 Progress
Ask and Advise: *Number of physicians, dentists, and pharmacists visited and given materials to support 2As and R*	60 health care professionals	11
Clear the Air: *Number of Smoke-free Home & Vehicle, and New Baby Smoke-free Home & Vehicle pledges*	1,000 pledges	78
Do Your Part: *Average % of compliant retailers*	90% or more	Due January 2007
Help to Quit: *Number of people in tobacco cessation programs*	300 people	38
Help to Quit: *Tobacco cessation quit rate*	14.1% or higher	-
Help to Quit: *Number of tobacco users in Get Free Program*	50 people	9
Help to Quit: *Number of Tobacco Quit Kits distributed*	250 kits	97
Knowledge in Action: *Number of Blue Cards filled out*	1,700 cards	872
Knowledge in Action: *Number of program participant endorsements*	499 endorsements	165
Knowledge in Action: *Number of legislative visits/contacts*	9 visits/contacts	3
Set Them Free: *Number of children reached with prevention (community and school)*	7,883 children	2,166
Peer Factor: *Number of events*	4 events	3
Peer Factor: *Number of teens who quit using tobacco*	4 teens	-

Fast Facts (*continued*)

Senator Kennedy Wants Tighter Control on Tobacco

In the weeks ahead, Senator Edward Kennedy is expected to revive a measure in the United States Senate that would call for tighter controls by the Food and Drug Administration (FDA) over tobacco products.

The legislation calls for the FDA to police false or misleading tobacco advertising, as well as advertising tobacco products to children.

In addition, tobacco manufacturers would be forced to disclose the ingredients and additives of their products to the FDA.

A recent study by the Massachusetts Department of Health shows that nicotine in cigarettes rose an average of 10 percent between 1998 and 2004.

"The tobacco industry has a long, dishonorable history of providing misleading information about the health consequences of smoking," Kennedy said. "The largest disinformation campaign in the history of the corporate world must end."

In a strange twist, it is possible that the federal government could draw support for the measure from some factions of the tobacco industry.

According to a Philip Morris/Altria Group spokesman, FDA regulation could bring about "uniformity that could potentially reduce the harm caused by smoking." The conglamorate has even said they would cover the fees to insure the regulation.

Philip Morris/Altria, who enjoys a 50.4% market share in the United States, recorded $1.3 billion in income during the third quarter.

Sources: www.bostonglobe.com; www.iht.com

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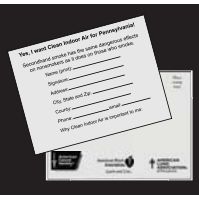
December 15 Meeting Notes Inside...

Note: You are invited to the next Tobacco Free Task Force meeting. Details are on the front page of this issue of Exposure.

Tobacco Free Task Force Meeting Calendar

Date	Time	Topic
Fri., Jan. 26, 2007	9-11 a.m.	Mid-year Review
Fri., Feb. 23, 2007	9-11 a.m.	Clear the Air
Fri., Mar. 23, 2007	9-11 a.m.	*Peer Factor*
Fri., Apr. 27, 2007	9-11 a.m.	Review Assessment Data/Strategic Planning Part I
Fri., May 18, 2007	9-11 a.m.	Review Assessment Data/Strategic Planning Part II
Fri., June 22, 2007	9-11 a.m.	Review Assessment Data/Strategic Planning Part III

All meetings are held at the Hillsview Chapel Meditation Area, Presbyterian SeniorCare, Washington, PA, unless otherwise noted.



Don't Forget to Complete Your Blue Cards to Support Clean Indoor Air Legislation!

For comments/questions or to subscribe to *Exposure*, contact:
Craig Whyel, Tobacco Free Outreach Specialist
Phone: 724-222-6511, ext.12, or 1-866-904-3733 (FREE)
E-mail: crw@wchpinc.org

Funding is provided by the PA Department of Health.

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(800) QUIT NOW
(800) 784-8669

Referral line to free tobacco cessation services

Make a Pledge to Keep Your Home and Vehicles Smoke Free

Smoke-free Home and Vehicle Pledge Kit
...Breathing tobacco smoke pollution is harmful to people (especially children). We can help you make your home and vehicles smoke free.

New Baby Smoke-free Home and Vehicle Pledge Kit
...Infants under 18 months of age who live in a smoking household are twice as likely to die from sudden infant death syndrome. We can help you protect the newest member of your family.

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