

## RWJF Retrospective Series

## Clearing the Air

**An Overview of Smoke-Free Air Laws** 

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A companion report to
The Tobacco Campaigns of the
Robert Wood Johnson Foundation
and Collaborators, 1991–2010

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# Companion Reports in this RWJF Tobacco Retrospective Series

The Tobacco Campaigns of the Robert Wood Johnson Foundation and Collaborators, 1991–2010

- Smoking in Movies and Television: Research Highlights
- Social Norms and Attitudes About Smoking, 1991–2010
- More Than a Decade of Helping Smokers Quit: RWJF's Investment in Tobacco Cessation
- The Impact of Tax and Smoke-Free Air Policy Changes
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#### Preface

Twenty years ago the Robert Wood Johnson Foundation decided to put our name and substantial financial and human resources behind a bold initiative to reduce tobacco use in this country. For two decades, RWJF has been working with partners in government, education, philanthropy and the private sector to make literally the air that we breathe safe to inhale and to free many Americans from a gripping, destructive addiction to which they were seduced in their youth. As this retrospective indicates, our tobacco-control campaigns often have seemed an uphill battle, but they have made significant inroads against the harmful effects of tobacco.

Because of that significant progress, we have scaled back our investments in tobacco control to allow us to focus on new public health challenges. Yet the moral injunction of medicine is "First, do no harm." As we wound down these investments (though ongoing, we are still providing \$3,589,258 to reduce tobacco use), I was adamant that we needed to monitor the state of tobacco control going forward and to assess the legacy and impact of our body of tobacco-control work.

As we address other critical public health challenges, like the need to roll back the epidemic of childhood obesity, it is important to harvest lessons that can be learned from our tobacco-control work, which has been unique in terms of magnitude, duration, scope and methods. We therefore asked the Center for Public Program Evaluation to conduct an independent assessment to help us and the field understand the results of our efforts, what worked, what didn't, and what could be adopted or adapted to fulfill our mission to improve and make a demonstrable difference in health and health care for all Americans.

I wish to emphasize our insistence that the center's work be truly independent. The center's president, George Grob, is a former Deputy Inspector General of the U.S. Department of Health and Human Services, who personally took charge of this assessment. Grob asked Henry Aaron, Bruce and Virginia MacLaury, senior fellow and former director of economic studies at the Brookings Institution, and Michael O'Grady, senior fellow at the National Opinion Research Center and principal, O'Grady Health Policy, to provide an additional layer of independent review. Aaron and O'Grady advised on study methods and findings, and reviewed draft reports. The resulting assessment report describes both the significance and limits of RWJF's contributions and achievements.

I want to thank the many individuals and organizations—often working in collaboration— who conducted the tobacco-control campaigns, and I especially want to thank the many RWJF staff members (and former staff) who have worked with such competence and endurance on reducing Americans' addiction to tobacco. Among them were: Diane Barker, Michael Beachler, Sallie Petrucci George, Karen Gerlach, Marjorie Gutman, Robert Hughes, Nancy Kaufman, Jim Knickman, Michelle Larkin, Joe Marx, Tracy Orleans, Marjorie Paloma and Steven Schroeder, and many others behind the scenes and too numerous to name.

Risa Lavizzo-Mourey, M.D., M.B.A.

President and Chief Executive Officer Robert Wood Johnson Foundation



## Clearing the Air

An Overview of Smoke-Free Air Laws

his paper reviews the history, scope and impact of smoke-free air laws across the country, their growing popularity and the contributions made by Americans for Nonsmokers' Rights, the Robert Wood Johnson Foundation (RWJF), the American Cancer Society, the American Heart Association, the American Lung Association and grassroots groups, including the Group Against Smoking Pollution.

#### **HEALTH CONSEQUENCES OF SECONDHAND SMOKE**

Scientific evidence overwhelmingly shows that secondhand smoke (also known as environmental tobacco smoke) is harmful:

- Secondhand smoke causes lung cancer, heart disease, lung disease (such as bronchitis and asthma) and low birthweight.<sup>1</sup>
- At least 38,000 people in the United States die and more than one million children become
  ill each year due to secondhand smoke exposure, according to the National Cancer Institute.<sup>2</sup>
- Secondhand smoke is classified by the Environmental Protection Agency as a known cause of cancer in humans.<sup>3</sup>
- No level of exposure to secondhand smoke is without risk, reports the U.S. Surgeon General in The Health Consequences of Involuntary Exposure to Tobacco Smoke.<sup>4</sup>

According to the Surgeon General's report, restaurant employees are particularly vulnerable to the dangers of secondhand smoke. They are less likely to be protected by smoke-free workplace policies and more likely to be exposed to high levels of secondhand smoke. Although many restaurants prohibit or restrict smoking, these policies are more likely to be violated than similar policies in other settings.

Scientific evidence overwhelmingly shows that secondhand smoke (also known as environmental tobacco smoke) is harmful. In addition to protecting people from secondhand smoke, smoke-free air laws encourage more people to quit smoking. They also help to change social norms.

#### **BENEFITS OF SMOKE-FREE AIR LAWS**

After studying various ventilation options, the American Society of Heating, Refrigerating & Air-Conditioning Engineers concluded that prohibiting smoking is the only effective way to protect people from the risks of indoor exposure to tobacco smoke.<sup>5</sup> Even state-of-the-art ventilation technologies used under ideal conditions cannot adequately remove secondhand smoke from the air.

To protect workers, customers and the public from secondhand smoke, growing numbers of cities, counties and states have adopted laws prohibiting smoking in designated areas. These laws vary by the types of establishments they cover and whether they ban smoking altogether or require establishments to set up designated nonsmoking areas.

In addition to protecting people from secondhand smoke, smoke-free air laws encourage more people to quit smoking. They also help to change social norms. One study found that adults in Massachusetts towns with strong anti-smoking laws were more likely to regard smoking in restaurants and bars as unacceptable (this result was not seen among youth). The study also found that adults and youth in towns with strong regulations were more likely to think that most adults in the town considered smoking in restaurants unacceptable than those in towns with less stringent restrictions or no restrictions at all.

In general, the stricter the policy, the greater the impact. Smoke-free policies in schools, workplaces, restaurants and bars are all associated with lower rates of smoking among youth.<sup>7</sup>

Research highlighting the benefits of smoke-free air laws has shown that:

- Restaurants and bars in smoke-free cities have, on average, 84 percent less indoor air pollution than those in cities without such laws.<sup>8</sup>
- Smoke-free indoor air laws sharply reduce the levels of particulate matter and other pollutants, and decrease levels of environmental tobacco smoke by more than 70 percent.<sup>4</sup>
- California's statewide tobacco-control program, which began in 1989, decreased the number
  of deaths from heart disease by 58,900 between 1989 and 1997, presumably due to decreases
  in both active and passive smoking.<sup>4</sup>
- Until California prohibited smoking in bars in 1998, 74 percent of San Francisco bartenders reported respiratory symptoms. Within two months of the law's passage, the number of respiratory problems reported by bartenders dropped by almost 60 percent.<sup>9</sup>
- Soon after New York State's smoke-free workplace law went into effect in 2003, bar and
  restaurant workers reported fewer sore throats, runny noses and irritated eyes. Levels of
  cotinine, which is used as a measure of exposure to tobacco smoke, fell by 78 percent
  within the first year.<sup>10</sup>
- A smoke-free indoor air law in Helena, Mont., was associated with a significant reduction in the number of monthly hospital admissions for heart attacks.<sup>4</sup>

#### **ROLE OF ADVOCACY**

Americans for Nonsmokers' Rights (ANR), RWJF, the American Cancer Society, the American Heart Association, the American Lung Association and grassroots groups (such as the Group Against Smoking Pollution) have spearheaded advocacy efforts that have played a key role in the widespread adoption of clean indoor air ordinances in U.S. communities.<sup>4</sup>

#### For example:

- ANR was the first national organization to call for smoke-free indoor air policies. The
  group has helped local advocacy groups by providing technical assistance, training, strategic
  guidance, information on policy trends and opposition tactics, coordination with local
  coalitions in other parts of the country, best practice guidelines, and model ordinances.<sup>4</sup>
- The American Stop Smoking Intervention Study (ASSIST), sponsored by the National Cancer Institute and the American Cancer Society, funded 17 states in the 1990s to develop population-based policy interventions in four areas, including promoting smoke-free air.<sup>11</sup> ASSIST encouraged state tobacco-control programs to support local and regional smoke-free policy efforts, including developing and maintaining community coalitions and providing technical assistance and dedicated staff.
- RWJF, through its SmokeLess States<sup>®</sup>: National Tobacco Policy Initiative, made grants to state-based grassroots advocacy groups that promoted widespread adoption of state and local smoking bans through the late 1990s and early to mid-2000s. Many of RWJF's grantees helped to have smoking bans enacted into law.

#### **AMERICANS FOR NONSMOKERS' RIGHTS**

In the 1970s people throughout the United States began forming local organizations, known under the umbrella name as Group Against Smoking Pollution (GASP), to educate the public about the dangers of secondhand smoke. GASP organizations soon began working on legislation to ban smoking in public places.<sup>12</sup>

In 1976 several GASP groups came together to form the California Group Against Smoking Pollution. The group initially worked to pass local smoke-free air ordinances but soon turned its attention to passing a statewide law. California Group Against Smoking Pollution changed its name to Californians for Nonsmokers' Rights in 1981 and to Americans for Nonsmokers' Rights (ANR) in 1988. The current name reflects its expanded focus on local and statewide legislation throughout the country.

Throughout its history, ANR has supported the adoption of voluntary, legislative and regulatory policies to eliminate secondhand smoke exposure. Toward this goal, ANR has promoted smoke-free indoor air as a cultural norm; monitored, publicized and fought tobacco industry efforts to prevent communities from establishing smoke-free policies; supported efforts to reduce the tobacco industry's influence on public health policy; and supported litigation when necessary.

The many accomplishments of ANR and its sister organization, the Americans for Nonsmokers' Rights Foundation, which focuses on education, include<sup>13</sup>:

- After a 1988 ANR campaign, Congress passed a smoking ban on all domestic airline flights in 1989.
- By the end of 1993, more than 100 communities had adopted ANR's model 100 percent Smoke-Free Ordinance.
- ANR launched its Back to Basics program in 1994 to train advocates in passing local smokefree ordinances. By 2002 ANR had offered Back to Basics training programs in 26 states.
- In 1997 ANR created the Tobacco Industry Tracking Database to help coalitions, elected officials and the media make the connection between local opposition tactics and tobacco industry activities.
- The ANR Foundation released *Hollywood on Tobacco* in 2000, a documentary on smoking in movies.
- The ANR Foundation launched the www.protectlocalcontrol.org website in 2003 to support the efforts of advocates who were fighting pre-emption laws.
- The 2006 Surgeon General's report on the health consequences of secondhand smoke mentioned ANR several times.

#### RWJF'S SMOKELESS STATES® NATIONAL TOBACCO POLICY INITIATIVE

The Robert Wood Johnson Foundation's *SmokeLess States* program supported statewide efforts to reduce tobacco use, especially among children and youth.<sup>14, 15</sup> Between 1993 and 2004 the program gave grants to 48 statewide coalitions, as well as groups in the District of Columbia and Tucson, Ariz. These grants supported partnerships with community groups to develop and implement comprehensive tobacco-control programs.

The program's initial goals were to reduce the number of children and youth who start smoking, reduce the number of people who continue to smoke, and increase the public's awareness that reducing tobacco use must be part of any health reform effort. The grantee coalitions implemented public education programs about the hazards of smoking, strengthened prevention and treatment capacity in their states and advocated for tobacco-control policies.

After 2000 the program's focus shifted to advocating for policy change, especially tobacco tax increases, comprehensive clean indoor air laws, and expanded public and private coverage of tobacco-cessation treatment.

According to the 2006 Surgeon General's report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, the *SmokeLess States* program made a "significant contribution to local progress in this area" by encouraging state coalitions to collaborate with state organizations in support of local smoke-free air policies. The report also indicated that the "sophisticated guidance" provided by *SmokeLess States* was important.<sup>4</sup>

During the program and shortly after it ended, a number of states, municipalities and counties enacted strong clean indoor air laws and the proportion of U.S. workers covered by such laws increased substantially. <sup>15</sup> RWJF's *SmokeLess States* initiative was undoubtedly an important influence on many of these activities, although its direct impact is difficult to measure. Specifically:

- Between 1991 and 2008, 16 states with SmokeLess States grants (Arizona, Colorado, Delaware, Hawaii, Illinois, Iowa, Louisiana, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, New York, Ohio, Rhode Island and Washington) and Washington, D.C., enacted comprehensive clean indoor air laws that cover all workers, including workers in restaurants and bars.<sup>16</sup>
- 1,500 counties, municipalities and towns across the country passed strong clean indoor air ordinances.<sup>15</sup>

#### **SMOKE-FREE AIR LAWS**

- In 2002–2003 alone, states enacted 60 laws related to clean indoor air. Most of these laws strengthened existing clean indoor air laws by expanding the venues covered (usually by including restaurants and workplaces) or broadening coverage (for example, by shifting from partial restrictions to complete bans).<sup>15</sup>
- By May 2004 almost 30 percent of the U.S. population was covered by strong workplace smoking restrictions, a 50 percent increase from 2002. These numbers continued to rise in subsequent years, and as of October 2009, 57 percent of the population was covered by 100 percent smoke-free workplace restrictions.<sup>17</sup>
- As of December 31, 2009, 35 states had defeated or blocked pre-emption bills that would
  have prevented municipalities from enacting clean air laws that were stronger than state laws
  restricting tobacco sales and distribution in government worksites, private worksites,
  restaurants or all three settings.<sup>18</sup>
- As of December 31, 2009, 21 states and the District of Columbia had eliminated smoking in bars, restaurants, government worksites and private worksites. Another 12 states had banned smoking in at least one of these sites. <sup>19</sup>
- As of December 31, 2009, full smoking bans were imposed in<sup>20</sup>:
  - Workplace settings (excluding restaurants and bars) in 33 states and Washington, D.C.
  - Restaurants in 27 states and Washington, D.C.
  - Bars in 21 states and Washington, D.C.
  - Government worksites in 33 states and Washington, D.C.
- As of September 30, 2008, full smoking bans were imposed in:
  - Non-hospital health care facilities (bans in hospitals were already in place)<sup>20</sup> in 31 states and Washington, D.C.<sup>16</sup>
  - Shopping malls in 31 states and Washington, D.C.<sup>16</sup>
  - Child-care centers in nine states and Washington, D.C.<sup>16</sup>
  - Schools in 13 states<sup>16</sup>

As of September 30, 2008, only Wyoming had no statewide smoking air restrictions in any
of these locations. Fourteen states (Alaska, Indiana, Kansas, Kentucky, Michigan, Mississippi,
Nebraska, North Carolina, South Carolina, Texas, Virginia, West Virginia, Wisconsin and
Wyoming) had restrictions but not complete bans in place at private worksites, restaurants or
bars. For example, they might have restricted smoking in restaurants to smoking sections.<sup>16</sup>

Additional details on state smoke-free air legislations are available in Figures 1, 2 and Table 3.

#### SMOKE-FREE POLICIES IN THE WORKPLACE

Workplace smoking policies reduce the number of cigarettes smoked and increase quit attempts and smoking cessation rates, especially where smoking is completely banned.<sup>4</sup> One study found that employees in workplaces that banned smoking were twice as likely to have quit, and this likelihood was highest among employees whose workplaces had banned smoking for at least eight years. In contrast, workplace policies that restricted smoking to designated areas had no significant effect on cessation.<sup>21</sup>

A smoke-free policy for an indoor workplace is defined here as one that prohibits smoking in all indoor areas of the worksite.<sup>4</sup> According to Americans for Nonsmokers' Rights, as of October 1, 2010<sup>22</sup>:

- Just under two-thirds (62.1%) of all workers nationwide have a smoke-free policy in their workplace.
- Twenty-eight states covered all workers with 100 percent smoke-free laws.
- In eight states, no workers were covered by 100 percent smoke-free workplace laws.

The proportion of workers covered by smoke-free laws has grown significantly over time. According to RWJF<sup>15</sup>:

- The percentage of indoor workers who worked in a smoke-free workplace was 63 percent higher in 2006–2007 (75.1%) than in 1992–1993 (46.1%).
- The percentage of indoor workers in smoke-free workplaces increased from 1992–1993 to 2006–2007 among nonsmokers in all 50 states and the District of Columbia and among smokers in 45 states and Washington, D.C:
  - Nationally, the percentage of smokers in smoke-free workplaces was 79 percent higher in 2006–2007 (65.4%) than in 1992–1993 (36.5%).
  - The percentage of nonsmokers working at a smoke-free workplace was 57 percent higher in 2006–2007 (77.2%) than in 1992–1993 (49.3%).

For additional information on smoke-free policies in workplaces, see Figures 3 and 4.

According to one study, if all U.S. workplaces banned smoking, 1.3 million more smokers would quit, 950 million fewer cigarette packs would be smoked, 1,540 myocardial infarctions and 360 strokes would be prevented, and \$49 million in direct medical costs would be saved within one year. The amount saved would

increase over time.

#### **PUBLIC SUPPORT FOR SMOKE-FREE AIR LAWS**

A majority of the public supports smoke-free indoor air laws. In 2002 approximately 58 percent of adults supported complete smoking bans in restaurants and 34 percent supported such bans in bars. Women, white-collar workers and older people were more likely than others to support indoor smoking bans.

Research also shows that people who live in areas covered by smoke-free indoor air laws are more supportive of such laws than those who do not. One study, for example, showed that 76 percent of residents of California, which banned smoking in workplaces in 1995, supported smoking bans in at least three types of public areas, compared to 57 percent of U.S. respondents in other states.<sup>23</sup> Differences in support by demographic group, race and ethnicity were less pronounced in California in 1999 than in other states.

This study and others suggest that smoking restrictions themselves increase public support for such restrictions, perhaps by helping to change social norms. Once smoking bans are in place, support appears to grow over time, especially among smokers.<sup>4</sup>

#### **ECONOMIC IMPACT**

The tobacco industry has long argued that smoke-free air laws would have a negative financial impact on hospitality businesses. However, several studies have found no such effect.<sup>4</sup>

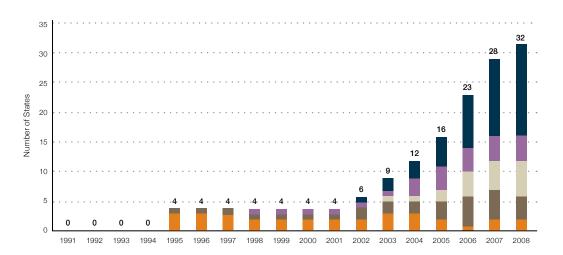
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Furthermore, smoke-free workplace policies are beneficial to businesses. Restaurants in cities with smoke-free indoor air laws have a higher market value at resale than comparable restaurants in cities without such laws. According to a U.S. Environmental Agency estimate, smoke-free restaurants save approximately \$190 per 1,000 square feet per year in lower cleaning and maintenance costs.<sup>25</sup>

FIGURE I

#### Major Smoke-Free Air Legislation in the 50 States and the District of Columbia, 1991-2008

- Smoke-free worksites, restaurants and bars
- Smoke-free restaurants and bars
- Smoke-free worksites and restaurants
- Smoke-free worksites
- Smoke-free restaurants

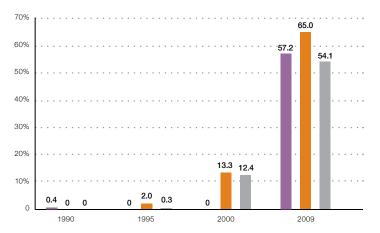


Sources: Giovino GA, Chaloupka FJ, Hartman AM, et al. Cigarette Smoking Prevalence and Policies in the 50 States: An Era of Change—The Robert Wood Johnson Foundation ImpacTeen Tobacco Chart Book. Buffalo, NY: University at Buffalo, State University of New York, 2009. Available online.

FIGURE 2

#### Percentage of the U.S. Population Covered by State Smoke-Free Laws, 1990-2009

- Workplaces
- Restaurants
- Bars



Note: The proportion of the population covered by smoke-free air laws has increased  $% \left( 1\right) =\left( 1\right) \left( 1$ dramatically in the last two decades, according to Americans for Nonsmokers' Rights.

Source: Americans for Nonsmokers' Rights Foundation, unpublished data

Table 1 States With 100 Percent Smoke-Free Laws, With Effective Dates

	Private Workplaces	Restaurants	Bars	Bans in all three locations (as of 4/30/09)	Bans in all three locations (any passed)
Arizona	5/1/07	5/1/07	5/1/07	Yes	Yes
Arkansas	7/21/06	<del>-</del>			
California	_	1/1/95*	1/1/98*		
Colorado	7/1/06	7/1/06	7/1/06	Yes	Yes
Connecticut	<u> </u>	10/1/03*	4/1/04*		
Delaware	11/27/02	11/27/02	11/27/02	Yes	Yes
Washington, D.C.	4/4/06	1/1/07	1/1/07	Yes	Yes
Florida	7/1/03	7/1/03			
Hawaii	11/16/06	11/16/06	11/16/06	Yes	Yes
Idaho	<u> </u>	7/1/04			
Illinois	1/1/08	1/1/08	1/1/08	Yes	Yes
lowa	7/1/08	7/1/08	7/1/08	Yes	Yes
Louisiana	1/1/07	1/1/07			
Maine		1/1/04	1/1/04		
Maryland	3/27/95 (1)	2/1/08	2/1/08	Yes	Yes
Massachusetts	7/5/04	7/5/04	7/5/04	Yes	Yes
Minnesota	10/1/07	10/1/07	10/1/07	Yes	Yes
Montana	10/1/05	10/1/05	(9/30/09)		Yes
Nebraska	(6/1/09)	(6/1/09)	(6/1/09)		Yes
Nevada	11/17/06	11/17/06			
New Hampshire	<u> </u>	9/17/07			
New Jersey	4/15/06	4/15/06	4/15/06	Yes	Yes
New Mexico	6/15/07	6/15/07	6/15/07	Yes	Yes
New York	7/24/03	7/24/03	7/24/03	Yes	Yes
North Dakota	8/1/05	_	<u> </u>		
Ohio	11/14/06	11/14/06	11/14/06	Yes	Yes
Oregon	1/1/09	1/1/09	1/1/09	Yes	Yes
Pennsylvania	9/11/08	_	- · · · · · · · · · · · · · · · · · · ·		
Rhode Island	3/1/05	3/1/05	5/4/05	Yes	Yes
South Dakota	7/1/02	3/13/08	(7/1/09)		Yes
Tennessee	10/1/07	_	- · · · · · · · · · · · · · · · · · · ·		
Utah	5/15/06	1/1/95	1/7/09	Yes	Yes
Vermont		7/1/95*	9/1/05*		
Washington	12/8/05	12/8/05	12/8/05	Yes	Yes

<sup>\*</sup>Indicates that a ban exists in areas accessible to the general public, but that smoking is allowed in separately ventilated areas where the public is not invited or generally allowed.

Source: Giovino GA, Chaloupka FJ, Hartman AM, et al. Cigarette Smoking Prevalence and Policies in the 50 States: An Era of Change—The Robert Wood Johnson Foundation ImpacTeen Tobacco Chart Book. Buffalo, NY: University at Buffalo, State University of New York, 2009. Available online.

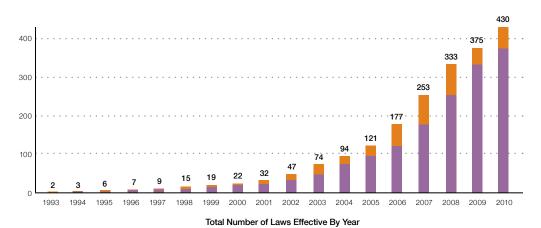
<sup>(1)</sup> based on a regulatory restriction

Note: Dates in parentheses indicate dates of regulatory restrictions.

FIGURE 3

#### Local 100 Percent Smoke-Free Laws in all Workplaces, Restaurants and Bars: Effective by Year, as of October 1, 2010

- New Ordinances Per Year
- Cumulative Total of Ordinances (all prior years)



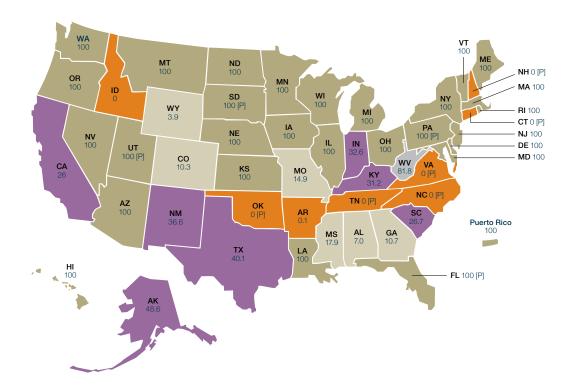
Source: American Nonsmokers' Rights Foundation. Local 100% Smoke-Free Laws in all Workplaces, Restaurants and Bars: Effective by Year. October 1, 2010. Available online.

Note: ANRF regularly updates its charts. The page for ANRF's charts of ordinances, maps and data is online.

FIGURE 4

## Percentage of Population Covered by 100 Percent Smoke-Free Workplace Laws, as of October 1, 2010





Note: This map does not include smoke-free restaurant or bar laws. American Indian and Alaska Native sovereign tribal laws are also not reflected.

Pre-emption of local workplace laws: [P] = states that have pre-emption and cannot pass local laws

Source: American Nonsmokers' Rights Foundation. Percentage of Population Covered by 100% Smoke-Free Workplace Laws in Effect as of October 1, 2010. Available online.



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- <sup>19</sup> Centers for Disease Control and Prevention. State Tobacco Activities Tracking & Evaluation System: State Smoke-Free Indoor Air Fact Sheet.
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