

The State of a Smoke-Free New York City A Ten-Year Review

New York City Department of Health and Mental Hygiene

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Executive Summary

Shortly after taking office in 2002, Mayor Michael R. Bloomberg made combatting tobacco use and reducing exposure to secondhand smoke a priority in New York City. At that time, the smoking rate had been stalled at 21% of all adults, with no improvement for a decade. Equally disturbing were the data concerning secondhand smoke: more than 400,000 people who worked in the city, including bartenders, servers, musicians, and other hospitality and entertainment venues, faced this occupational hazard when they reported to work. Similarly, hundreds of thousands of patrons, the majority of whom did not smoke, were exposed to toxic smoke every time they went into a bar or restaurant.

On March 30, 2003, after an introduction and passage marked with intense public debate, New York City's Smoke-Free Air Act went into effect, eliminating indoor secondhand smoke in virtually all workplaces, including offices, factories, warehouses, restaurants, bars, theaters, stores and sports arenas. Since then, the law has been a model for many cities, states and countries.

When proposing the law, Mayor Bloomberg and then Health Commissioner Thomas Frieden emphasized three key points:

1. Secondhand smoke is dangerous and deadly.
2. All workers, including bar and restaurant employees, deserve equal protection.
3. Smoke-free workplace laws will not hurt businesses.

When the bill was introduced, opponents questioned the health benefits and warned about the toll on businesses. Public support grew steadily after the law was passed and implemented and it continues to enjoy overwhelming popularity among New York City residents and visitors.

None of the negative predictions – patrons would abandon the city's bars and restaurants; the bar and restaurant industry would suffer and jobs would disappear; tourism and associated revenue would decrease; and the city would not be able to enforce the law – came true. To the contrary, restaurant and bar employment has increased, as well as restaurant and bar tax revenue. Tourism and related revenues have increased. Compliance rates among affected businesses are almost 100%. And nearly all workers and patrons of the city's bars and restaurants are breathing cleaner, safer air.

This report details the impact of the Smoke-Free Air Act 10 years after implementation.

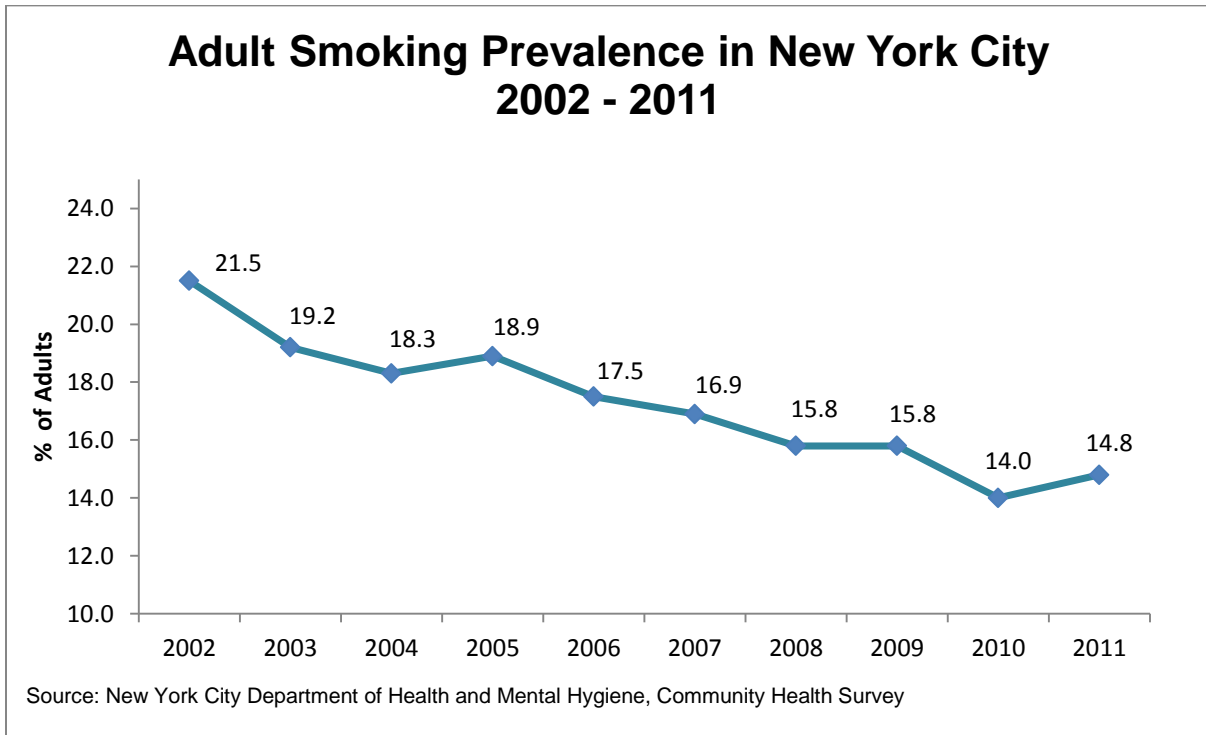
After New York City's Smoke-Free Air Act and comprehensive tobacco control efforts:

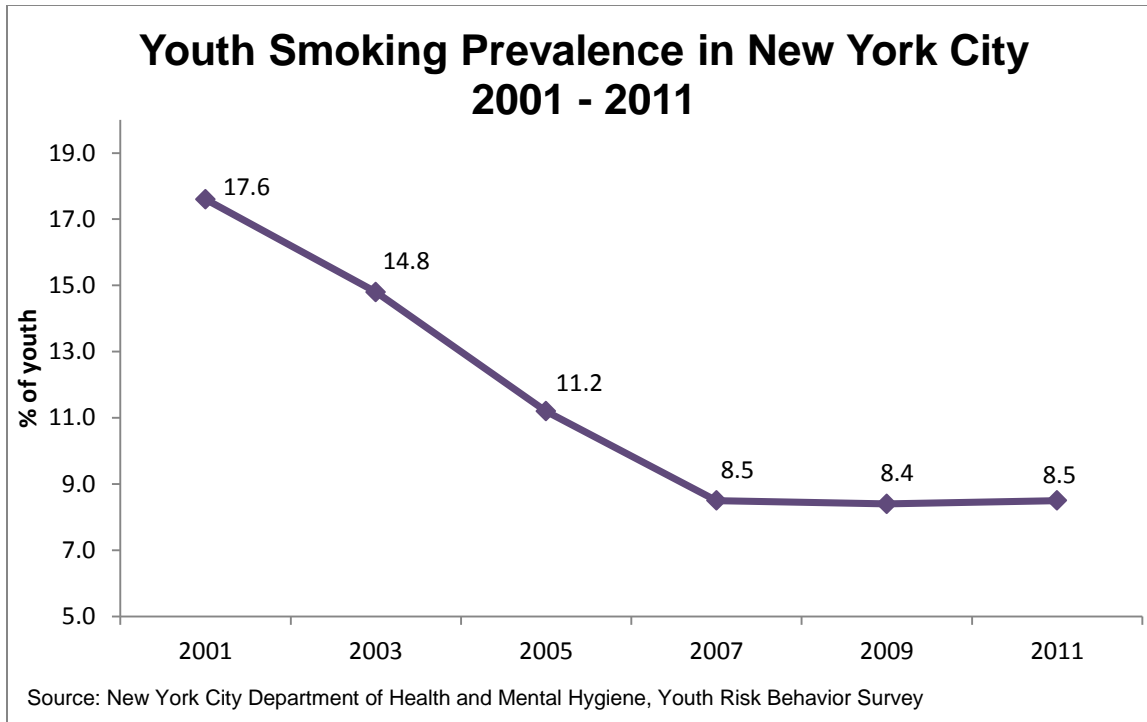
- *About 10,000 premature smoking-related deaths among New Yorkers were prevented;*
- *Smoking rates for adults and youth have declined sharply;*
- *More than 500 U.S. municipalities and 35 U.S. states have adopted smoke-free air laws, protecting more than 250 million Americans;*
- *Forty-eight countries passed smoke-free air legislation, affecting the lives of more than 1.2 billion people.*

Impact on Health of New Yorkers

The Smoke-Free Air Act was proposed to protect the health of workers but benefits the health of all New Yorkers. It was a crucial part of New York City's comprehensive approach to tobacco control, which included, in addition to legislation, high taxes on cigarettes, easy access to cessation services, hard-hitting public education campaigns and rigorous evaluation of these efforts.

Since 2002, both adult and youth rates of smoking have declined, and an estimated 10,000 premature smoking-related deaths were prevented from 2002 to 2010. The adult smoking rate has dropped by nearly one-third, from 21.5% in 2002 to 14.8% in 2011.



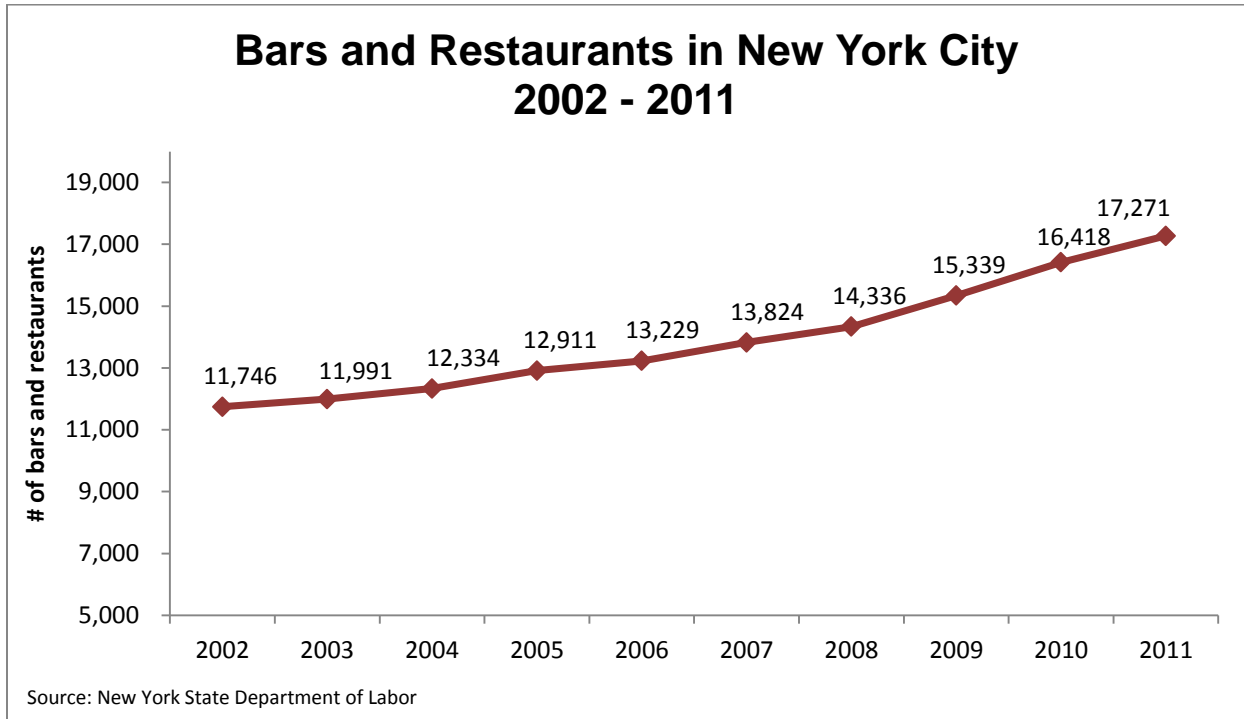


The youth smoking rate declined even more dramatically by 51%, from 17.6% in 2001 to 8.5% in 2011.

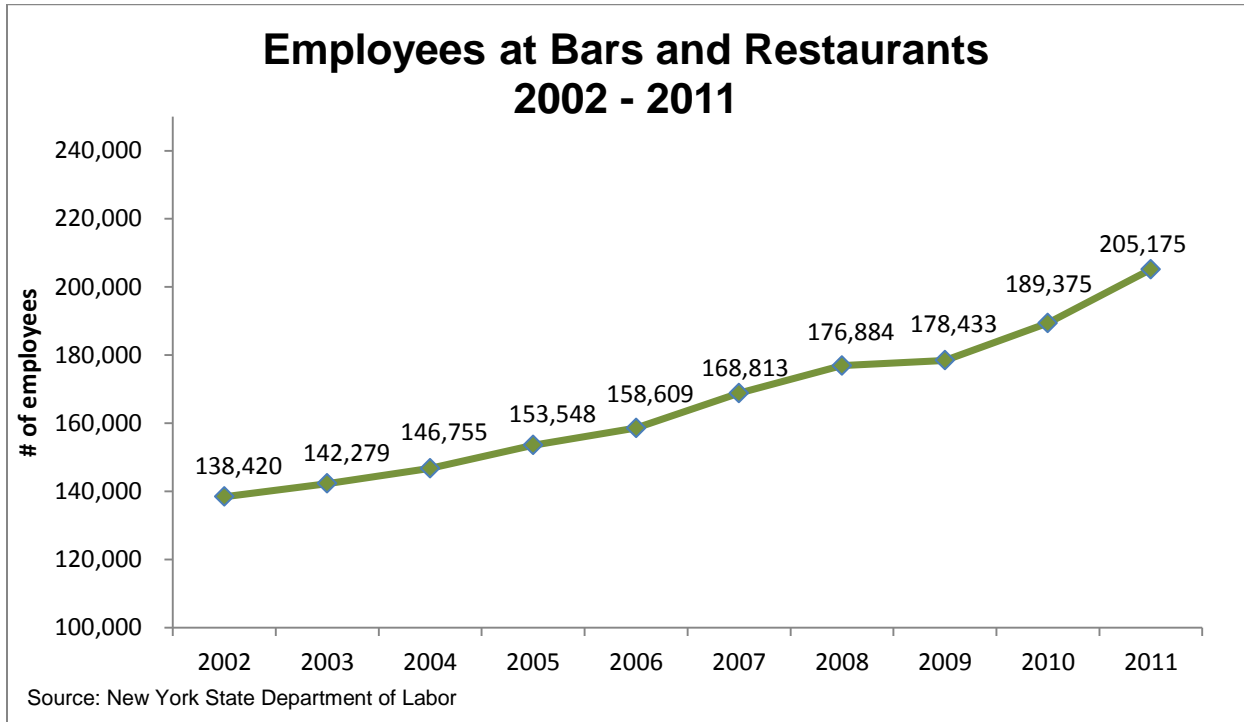
Measurable improvements in indoor air quality were found shortly after the Smoke-Free Air Act was implemented. Pre- and post-implementation air quality measurements showed a six-fold reduction in air pollution in establishments that previously allowed smoking. Just two months after New York State's Clean Indoor Air Act was implemented in July 2003, cotinine levels (a biomarker for exposure to tobacco smoke) in bar and restaurant employees had declined by 85%.

Impact on Business

Despite predictions that the Smoke-Free Air Act would harm business and employment, all indications point to improvements and gains since enactment. Since 2002, there has been a 47% increase in the number of bars and restaurants in New York City.



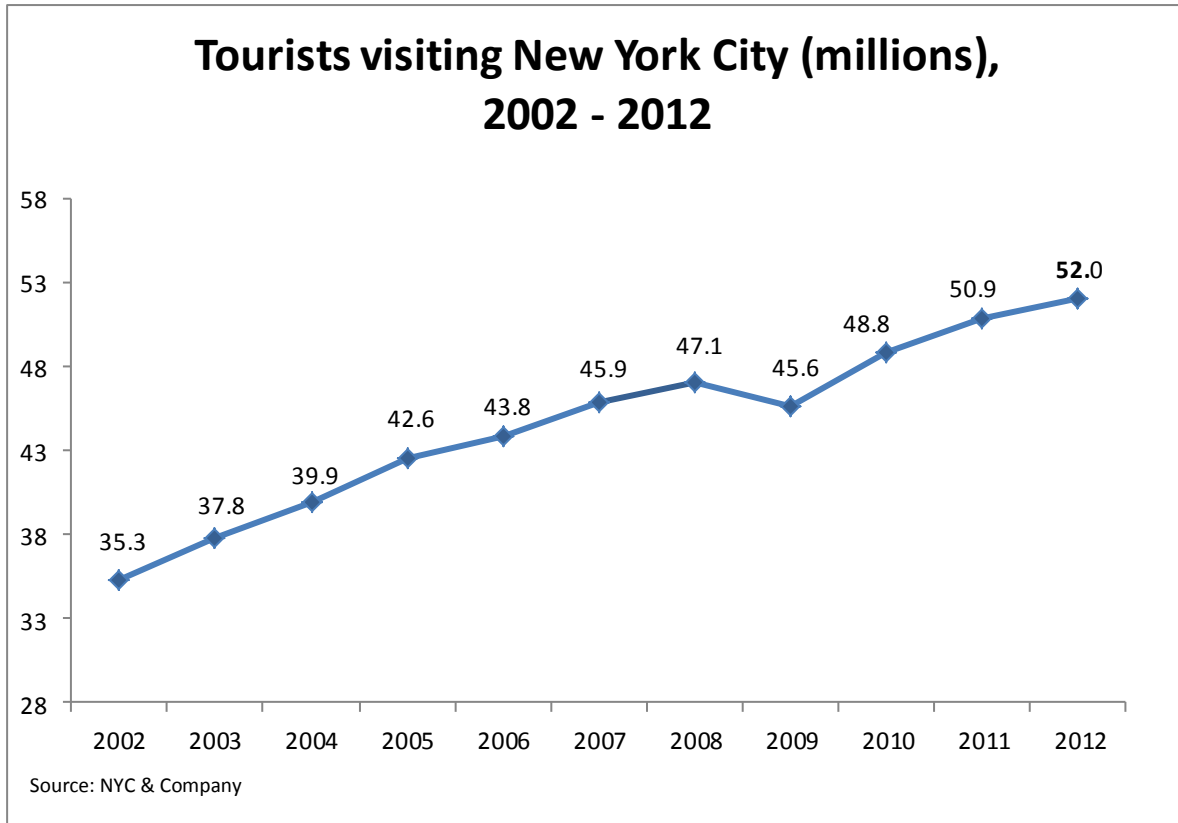
There has been a 48% increase in the number of people employed by the bar and restaurant industry since 2002.



Bar and restaurant tax data also show that the city's hospitality industry continues to thrive under the Smoke-Free Air Act with taxable sales increasing by 28% from fiscal years 2008 to 2012.

Impact on Tourism

Since the enactment of the Smoke-Free Air Act, New York City's tourism industry is thriving. The number of tourists visiting New York City each year has increased by more than 47% since 2002.



Tourism revenue has increased over 100% since 2002.



Compliance with Smoke-Free Air Act

In every year since implementation, compliance with the Smoke-Free Air Act has been more than 98%. Since enforcement began in April 2003, New York City has conducted more than 450,000 inspections of food service establishments across the city and issued only 11,000 violations.

Expansion of Smoke-Free Air in New York City

Since the Smoke-Free Air Act was enacted, New York City has continued to expand smoke-free spaces through both legislation and voluntary initiatives.

In July 2009, the Smoke-Free Air Act was expanded to restrict smoking in all outdoor areas on hospital grounds, and within 15 feet of entrances and exits, protecting those with the most compromised health.

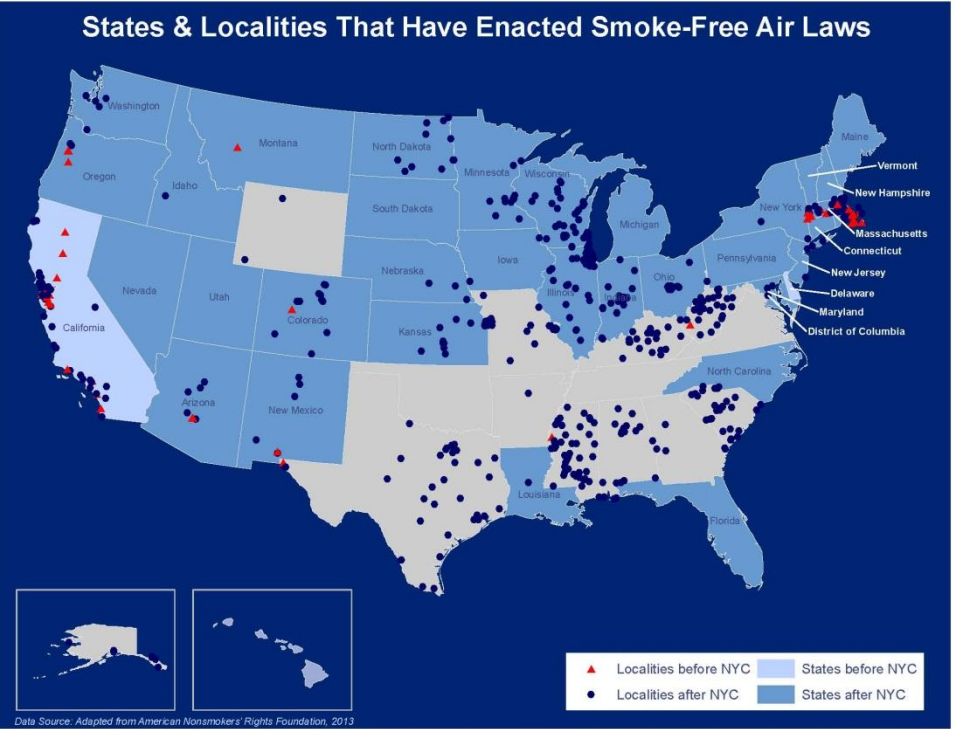
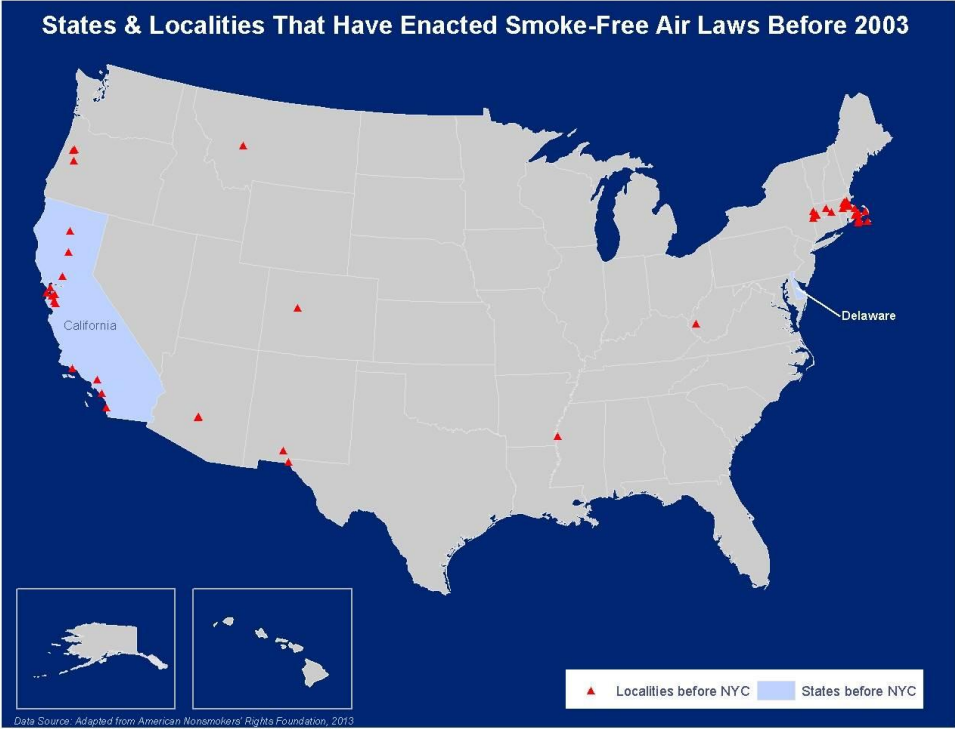
To further protect against secondhand exposure, the Smoke-Free Air Act was expanded in 2011 to include New York City's public parks, beaches, boardwalks, public golf courses, sports stadiums and pedestrian plazas. An evaluation of the law one year after implementation found that smoking litter on beaches had decreased 62% and smoking observed in flagship parks decreased 58%.

In September 2012, the City University of New York (CUNY), the largest public university system in the country, became 100% smoke-free. This rule, voluntarily adopted by CUNY, applies to all indoor and outdoor spaces on the university's 24 campuses, and affects more than 300,000 students and 40,000 faculty and staff.

National and International Smoke-Free Air Policies

To date, more than 500 U.S. municipalities and 35 U.S. states have adopted smoke-free air laws after New York City's law was enacted. More than 250 million Americans are now protected by smoke-free air laws.

New York City continues to be a model for smoke-free initiatives and has consulted with international delegations on implementing smoke-free air legislation. Forty-eight countries have passed smoke-free air legislation since New York City's Smoke-Free Air Act was enacted, impacting the lives of more than 1.2 billion people.



Smoke-Free Air Laws Enacted Before 2003

(Only one country - Turkmenistan - had enacted a law before NYC)



Data Source: Adapted from World Health Organization, Campaign for Tobacco Free Kids, and American Nonsmokers' Rights Foundation, 2013

Countries That Have Enacted Smoke-Free Air Laws



Data Source: Adapted from World Health Organization, Campaign for Tobacco Free Kids, and American Nonsmokers' Rights Foundation, 2013

Summary

The Smoke-Free Air Act of 2002 was landmark legislation that protected hundreds of thousands of New Yorkers from the harmful effects of secondhand smoke. It played an integral role in driving down adult and youth smoking rates and contributed to raising life expectancy among New Yorkers to an all-time high. Despite warnings that the measure would result in the economic collapse of the bar, restaurant and tourism industries, New York City's hospitality industry has become stronger. New York City's Smoke-Free Air Act helped fuel the momentum in the adoption of smoke-free air laws across the country and around the world. Globally, more than a billion people can now breathe easier with cleaner, safer air.