

..Number

061339

..Version

PROPOSED SUBSTITUTE

..Reference

..Sponsor

ALD. BAUMAN

..Title

Substitute resolution supporting an anti-smoking initiative.

...Analysis

This resolution supports implementation of a statewide smoking ban conditioned upon exemptions for:

1. Retail stores that are used primarily for the sale of tobacco.
2. Tobacco bars – establishments holding Class “B” tavern licenses that generate 10% or more of total annual revenues from the on-site sale of tobacco products, excluding sales from vending machines.
3. Outdoor areas of establishments holding Class “B” tavern licenses.
4. Private clubs or lodges.
5. Hotel or motel rooms rented to one or more guests.
6. Medical treatment, research or non-profit institutions where the activity of smoking is conducted for the purpose of medical research or treatment, or is an integral part of a smoking cessation program.
7. The stage of any theater when used in connection with any theatrical performance and so noticed in the program.

The resolution directs the Intergovernmental Relations Division-Department of Administration to support passage of state legislation that implements a statewide ban of smoking with these exemptions. It also expresses the finding of the Common Council that a statewide smoking ban would be most appropriately enforced by the Health Department in the City of Milwaukee.

..Body

Whereas, According to the U.S. Surgeon General, American Cancer Society, the American Lung Association and the American Heart Association, exposure to secondhand smoke increases the risk of heart disease, lung cancer and respiratory disease in smokers and non-smokers; and

Whereas, A significant amount of secondhand smoke exposure occurs in the workplace, and employees who work in smoke-filled businesses suffer a 25-50% higher risk of heart attack and higher rates of death from cardiovascular disease and cancer, as well as increased acute respiratory disease and a measurable decrease in lung function; and

Whereas, The U.S. Surgeon General has determined that the separation of smokers and nonsmokers within the same air space does not eliminate exposure to secondhand smoke, and the federal Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by ventilation or air cleaners, which are only capable of filtering out the particulate matter and odors in smoke but do not eliminate the known toxins in secondhand smoke; and

Whereas, A statewide smoking ban is fair and equitable, and eliminates the potential for competition and economic disadvantage among businesses near municipal boundaries, and will be more effective than a patchwork of local bans which vary in degree of inclusiveness; and

Whereas, Smokers and nonsmokers will collectively benefit from a smoking ban, and the majority of residents in the City of Milwaukee are in support of a smoking ban; and

Whereas, However, a smoking ban should also be tailored to provide exemptions for certain types of businesses which would be negatively impacted because of the nature of the businesses; and

Whereas, Any state legislation that implements a statewide smoking ban should provide an exemption for retail stores that are used primarily for the sale of tobacco, provided they do not share space with any other establishment; tobacco bars; and outdoor areas of establishments holding Class "B" tavern licenses; and

Whereas, Furthermore, exemptions should be provided for hotel rooms or motel rooms rented to one or more guests; medical treatment, research or non-profit institutions where the activity of smoking is conducted for the purpose of medical research or is an integral part of a smoking cessation program; and the stage of any theater when used in connection with any theatrical performance and so noticed in the program; and

Whereas, In addition the Common Council finds that a statewide smoking ban would be most appropriately enforced by the Health Department in the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Common Council supports implementation of a statewide smoking ban conditioned upon exemptions for:

1. Retail stores that are used primarily for the sale of tobacco.
2. Tobacco bars – establishments holding Class "B" tavern licenses that generate 10% or more of total annual revenues from the on-site sale of tobacco products, excluding sales from vending machines.
3. Outdoor areas of establishments holding Class "B" tavern licenses.
4. Private clubs or lodges.
5. Hotel or motel rooms rented to one or more guests.
6. Medical treatment, research or non-profit institutions where the activity of smoking is conducted for the purpose of medical research or treatment, or is an integral part of a smoking cessation program.
7. The stage of any theater when used in connection with any theatrical performance and so noticed in the program.

; and, be it

Further Resolved, That the Intergovernmental Relations Division-Department of Administration is directed to support passage of state legislation that implements a statewide ban of smoking with these exemptions; and, be it

Further Resolved, That the City Clerk shall forward a copy of this resolution to all state legislators representing the City of Milwaukee.

..Requestor

..Drafter
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LCS
4/5/07