

Allegheny County Council

*County of Allegheny
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Committee Meeting Minutes

Tuesday, August 15, 2006

5:30 PM

Conference Room I

Committee on Health & Human Services

***Mike Finnerty, Chair; Joan Cleary, Susan Caldwell, Brenda Frazier, Bob Macey,
and William Robinson - Members***

I. Call to Order

Summary: *The meeting was called to order at 5:45 PM*

Invited Guests:

Jim Flynn, County Manager or Designee

Dr. Bruce Dixon, Director, Health Department or Designee

Mike Wojcik, County Solicitor or Designee

Jack Cambest, Council's Legal Advisor or Designee

Kevin Joyce, President of the Pennsylvania Restaurant Association

Cindy Thomas, Executive Director of Tobacco Free Allegheny

Summary: *Invited Guests Present: Mr. Wojcik (also representing Mr. Flynn), Dr. Dixon, Mr. Cambest, Mr. Joyce, and Ms. Thomas.*

Council Staff Present: John Mascio, Jared Barker, and Stephanie Buka

II. Roll Call

Summary: *Non Committee Council Members Present: Council Members DeFazio and Nerone.*

Ex Officio Member Present: President Fitzgerald

Roll Call: Present: Joan Cleary, Susan Caldwell, Brenda Frazier, William Robinson, and Michael Finnerty
Absent: Bob Macey

III. Approval of Minutes

2713-06 Motion to approve the minutes of the July 27, 2006 Health & Human Services Committee Meeting.

Action: **A motion was made that this matter be Passed. The motion carried by the following vote:**

Votes: Yes: 4 - Cleary, Frazier, Robinson and Finnerty
Abstain: 1 - Caldwell
Absent: 1 - Macey

IV. Agenda Items

Ordinance

2705-06 An Ordinance to prohibit smoking in certain public places and workplaces, and providing for penalties for violations.

Sponsors: Rich Fitzgerald, Michael Finnerty, William Russell Robinson, Susan Caldwell, Chuck Martoni, Bob Macey, Joan Cleary, Jim Burn and Brenda Frazier

Summary: *The Chair provided a summary of the last Health & Human Services Committee meeting relative to the Smoking Ban bill. He said that everyone agreed that they desire a statewide bill. He also stated a time line for final action of the bill. He said that at the*

August 22, 2006 Regular Meeting of Council he will introduce a Motion to providing for a Public Hearing on the bill. He said that he will schedule the hearing for September 7, 2006. He said that he anticipates that final action on the bill will take place at the September 26, 2006 Regular Meeting of Council.

Cindy Thomas addressed the committee. She said that they are a non-profit organization whose mission is to change the community norms surrounding tobacco to make it unusual to use, see or be negatively impacted by tobacco and tobacco smoke pollution. She said that there is evidence of health risks posed to non-smokers from involuntary exposure to secondhand smoke. Ms. Thomas explained in detail the dangers of second hand smoke. She said that in regard to the bill, her organization supports action to ban smoking in all public places in Allegheny County.

Ms. Frazier asked her if the studies include bans on smoking at outdoor cafes. Ms. Thomas said that there is are some bans on that but general outdoor spaces, but that it various from state to state.

Mr. Fitzgerald said that as the prime sponsor of the bill, he would like to see it pass but that there are a lot of people that need to agree with it. He asked Ms. Thomas if she had any suggestions for amending the bill that would help it to get passed quicker. Ms. Thomas said that she would like the bill assure that there were no exceptions because that would create a disadvantage to those that are covered under the bill. She also said that Council may want to think about how this will be rolled out and implemented.

Kevin Joyce addressed the committee. He said that the Restaurant Association supports a comprehensive state wide ban with absolutely no exceptions. He said that he thinks that this could be passed in Harrisburg. He said that the Clean Air Act prohibits County Council from passing legislation on this. He said that Council has not given the General Assembly a chance to even consider this. He cautioned against moving forward on this because he said that he believed council did not have the authority to do so. He said that he thinks that the state representatives and senators will pass such a bill. He said that they do not want different ordinances in different counties and municipalities. He asked them to hold off on passing this until they give the General Assembly a chance to consider it.

Dr. Dixon addressed the committee. He said that his views are basically the same as Ms. Thomas'. He said that smoking affects those around you and that it is an issue for patrons as well as employees. He said that he also agrees with Mr. Joyce that there needs to be a comprehensive state wide ban. He said that he does not think, however, that it is clear whether Council is legally prohibited from enacting a ban in Allegheny County.

The Chair asked Dr. Dixon if he thought that the penalty provisions are strong enough. Dr. Dixon said that he did not think they were.

Mr. Joyce expressed concern over how such a ban would be enforced. He said that the bill contains no process for enforcement. The Chair said that the Health Department could explore that.

General discussion took place relative to enforcement.

The Chair asked if there were any other questions or comments. Being none, the meeting was adjourned.

Action: **Held in Committee**

V. Adjournment

Summary: *The meeting adjourned at 6:40 PM*