

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village

(Select one.)

of Tompkins

Local Law No. 6 of the year 20¹⁴

A local law Amending Local Law No. 3 of 2003 - A Local Law Amending Chapter 72 of the Tompkins

(Insert Title)

County code to Restrict Smoking in Places of Employment, Restaurants, and Taverns

(Article II)

Be it enacted by the Tompkins County Legislature of the
(Name of Legislative Body)

County City Town Village

(Select one.)

of Tompkins

as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 1. Sections 72-5 and 72-6 of Chapter 72 of Article II of the Tompkins County Code is, hereby, amended and shall read as follows:

§72-5. Legislative Intent

- A. The Tompkins County Legislature declares that the intent and purpose of this Article is to preserve and improve the public's health by improving indoor air quality in bars, restaurants, and places of employment.
- B. This Legislature hereby finds that the effects of secondary and tertiary smoke generated by the smoking of cigars, cigarettes, pipes, and similar articles poses a threat to the health, safety, and well-being of the citizens of the County who do not smoke.
- C. This Legislature further finds that the Surgeon General's 1984 report on smoking hazards for the first time linked high levels of involuntary smoke exposure to reduced breathing ability in passive smokers, buttressing the need to provide more protection to nonsmokers in public settings.
- D. This Legislature further finds and determines that human health is seriously threatened by exposure to environmental tobacco smoke (ETS) and that recent findings by the federal Environmental Protection Agency (EPA) make clear that ETS, or second-hand smoke, is a human carcinogen responsible for lung cancer deaths in non-smoking adults.
- E. This Legislature finds that the EPA has concluded that exposure to ETS increases the risks of respiratory and middle-ear diseases in children, contributing to cases of bronchitis and pneumonia in infants and young children. Further, exposure to ETS significantly worsens the condition of asthmatic children and contributes to new cases of asthma in once-healthy children.
- F. This Legislature finds that primary tobacco use is a major cause of mortality and morbidity, directly causing an estimated 434,000 deaths per year in the United States, more deaths than are caused by the use of any other legal or illegal substance or drug.
- G. The Legislature finds that new and as-yet-unregulated electronic nicotine delivery systems (ENDS) commonly referred to as "electronic cigarettes" or "e-cigarettes", "vapor cigarettes", and "vape pens" pose a potential public health risk. These devices closely resemble and purposefully mimic smoking using vaporized liquid nicotine. After inhaling, the user then blows out the heated vapors, producing a "cloud" of undetermined substances that contains known carcinogens and chemicals that can cause airway irritation. These irritants could cause potential harm to individuals at their places of employment.
- H. This Legislature further finds that individuals are subject to ETS and the exhaled vapors of ENDS at their places of employment and have no practical alternative but to suffer the exposure so as to keep their employment.
- I. Therefore, the purpose of this legislation is to place reasonable limitations on smoking within the County while striking a balance between the health needs of all nonsmoking individuals, the rights of smokers and the imposition of regulatory burdens on business.

§72-6. Definitions

"Bar" means any area, including outdoor seating areas, devoted to the sale and service of alcoholic beverages for on-premises consumption and where the service of food is only incidental to the consumption of such beverages.

"Food service establishment" means any area including outdoor seating areas or portion thereof, in which the business is the sale of food for on-premises consumption.

“Place of employment” means any indoor area or portion thereof under the control of an employer in which employees of the employer perform services, and shall include, but not be limited to, offices, school grounds, retail stores, banquet facilities, theaters, food stores, banks, financial institutions, factories, warehouses, employee cafeterias, lounges, auditoriums, gymnasiums, restrooms, elevators, hallways, museums, libraries, bowling establishments, employee medical facilities, rooms or areas containing photocopying equipment or other office equipment used in common, and company vehicles.

“Electronic Nicotine Delivery Systems (ENDS)” means a personal electronic device that aerosolizes liquid or gel containing nicotine, flavorings, or other substances and produces an emission that may be absorbed or exhaled by user.

“Smoking” means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance that contains tobacco or the use of ENDS.

Section 2. This local Law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 6 of 2014 of the (County)(City)(Town)(Village) of Tompkins was duly passed by the Tompkins County Legislature on September 2, 2014, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 2014, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Patricia Coret

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: September 3, 2014

(Seal)