

## East Greenwich

### Chapter 203 **SMOKING**

[HISTORY: Adopted by the Town Council of the Town of East Greenwich 4-25-2000 by Ord. No. 686 (Secs. 10-300 to 10-305 of the 1993 Code). Amendments noted where applicable.]

#### STATE LAW REFERENCES

Smoking restrictions in schools — See RIGL § 23-20.9-1 et seq.

Smoking prohibited in East Greenwich municipal buildings — See RIGL § 45-2-42.

#### [Smoking in Eating Establishments \(§ 203-1 — § 203-6\)](#)

##### Findings.

A. This is a chapter intended to reduce exposure to tobacco smoke and create clean indoor air which will ultimately protect the health and welfare of the people at licensed eating establishments in East Greenwich. The East Greenwich Town Council makes the following findings.

B. Tobacco smoke is hazardous to the health of children. The Rhode Island Department of Health has issued a health alert strongly recommending that parents do not take children to restaurants that allow smoking.

C. Secondhand smoke is a mixture of the smoke given off by the burning end of a cigarette, pipe, or cigar, and the smoke exhaled from the lungs of smokers. This mixture contains more than 4,000 substances, more than 40 of which are known to cause cancer in humans.

D. Secondhand smoke has been classified by the U.S. Environmental Protection Agency (EPA) as a known cause of lung cancer in humans (Group A carcinogen). Secondhand smoke is estimated by EPA to cause approximately 3,000 lung cancer deaths in nonsmokers each year. It is widely known that secondhand smoke causes respiratory effects in children. Even the tobacco industry does not contest these effects in its media and public relations campaign.

E. Tragically, according to the Journal of the American Medical Association (1/98), an estimated 53,000 deaths occur nationally each year as a result of inhaling secondhand smoke.

(1) Secondhand smoke exposure increases the risk of lower respiratory tract infections such as bronchitis and pneumonia. EPA estimates that between 150,000 and 300,000 of these cases annually in infants and young children up to 18 months of age are attributable to exposure to secondhand smoke. Of these, between 7,500 and 15,000 will result in hospitalization.

(2) Exposure to secondhand smoke increases the prevalence of fluid in the middle ear, a sign of chronic middle ear disease.

(3) Exposure to secondhand smoke has been linked to an increased risk of heart disease and cancer in adults.

(4) The states have been awarded in excess of \$206 billion to be paid by the tobacco

industry because of injury caused by tobacco smoke within the United States.

(5) Secondhand smoke exposure in children irritates the upper respiratory tract and is associated with a small but significant reduction in lung function.

(6) Exposure to secondhand smoke increases the frequency of episodes and severity of symptoms in asthmatic children. The report estimates that 200,000 to 1,000,000 asthmatic children have their condition worsened by exposure to environmental tobacco smoke.

(7) Secondhand smoke exposure is a risk factor for new cases of asthma in children who have not previously displayed symptoms.

(8) Rhode Island law declares that smoking tobacco in any form is a public nuisance and dangerous to public health.

F. The East Greenwich Town Council recognizes the enormous health threat resulting from inhaling secondhand smoke. It is therefore the intent of the Council to impose conditions on its licenses that help to ameliorate the dining experience for nonsmokers in those licensed premises where smoking is allowed. The Council is especially cognizant of the potential risk secondhand smoke has for children.

#### 203-2 Definitions.

The following words, terms and phrases, when used in this chapter, will have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

##### BAR (INCLUDING NIGHT CLUB, LOUNGE, AND DANCE CLUB)

An establishment whose primary business is the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food occurs in conjunction with the consumption of such beverages.

##### LICENSED ESTABLISHMENT

Any license holder with a liquor and/or victualing license issued by the Town of East Greenwich.

##### RESTAURANT

Any eating establishment, including coffee shops, cafeterias, luncheonettes, sandwich stands, diners, short-order cafes, fast-food establishments, soda fountains, and any other commercial eating or beverage establishment (other than a bar) including restaurants located in a hotel or motel, or part of any organization or club where facilities are rented out to the public, boardinghouse or guesthouse, which is licensed by the Town of East Greenwich to sell food or beverage to the public, guests or patrons, where the food is or beverages are customarily consumed on the premises, but not an establishment whose primary and sole purpose is to serve food or beverages to employees of a common employer or to students of a common educational institution.

##### SMOKING

The lighting of any cigar, cigarette, pipe or other tobacco product or having possession of any lighted cigar, cigarette, pipe or other tobacco product.

##### SMOKING AREA

A separate enclosed area for eating where smoking is permitted. The smoke-free area and smoking areas shall be separated by solid walls, floors, ceilings, and doors equipped with automatic closing mechanisms. The smoking area shall be at negative pressure with respect to adjacent or connected smoke-free areas to prohibit the flow of air from areas where smoking is allowed into smoke-free areas. The smoking area shall have air immediately exhausted to the outside of the building by an exhaust fan rather than recirculated. All area spaces must be identified as either smoke-free or smoking-permitted areas. Smoke-free areas and smoking-permitted areas shall comply with all applicable Electrical, Building, Mechanical and Fire Code requirements.

#### **203-4 Smoking in restaurants.**

A. The Town of East Greenwich enacts the following measures to insure that all residents and patrons dining at East Greenwich restaurants be given the opportunity to choose to eat in an area free of secondhand smoke. These measures have been established to ensure health and safety for all, as well as respecting choices made by those 18 and over. East Greenwich licensed restaurants must operate in one of the following two options:

(1) The entire restaurant completely smoke-free; or

(2) Provide a separate, enclosed smoking area. No one under 18 years of age may be served in a smoking area of the restaurant.

B. Bars shall be exempt providing no customer under the age of 21 years is permitted on the premises.

#### **203.5 Enforcement.**

[Amended 9-26-2000 by Ord. No. 699]

In the event of a violation of any provision of this chapter, any license holder and/or individual in charge of the licensed establishment at the time of the violation will be subject to the below-mentioned sanctions which are to be imposed by the Town Council after hearing thereon:

A. First offense: mandatory attendance at a tobacco education session conducted by the Town's drug program coordinator and a written reprimand.

B. Second offense: mandatory attendance at a tobacco education session conducted by the Town's drug program coordinator and a license suspension.

C. Third and subsequent offenses: license suspension or revocation.

#### **203.6 Severability.**

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not effect the validity of the remaining portions thereof.

**Effective date.**

[Amended 11-28-2000 by Ord. No. E-38]

This chapter shall become effective upon passage. However, license holders may have until March 1, 2001, to comply with smoke-free area enclosure requirements.

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**Permanent Police Department – See Charter 105 et seq.**

Article II Rules and Regulations (179-10 – 179-24)

179-19 Prohibited conduct.

Smoking. Conspicuous smoking while on duty. A member of the force or a uniformed civilian employee shall not smoke in uniform while in view of the public, marching in uniform, standing in ranks, or under any condition which might bring discredit upon the Department.