



# THE CITY OF NEW YORK

## DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Michael R. Bloomberg  
Mayor

Thomas R. Frieden, M.D., M.P.H.  
Commissioner

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[nyc.gov/health](http://nyc.gov/health)

February 1, 2003

Dear Business Owner:

As Health Commissioner, I register the deaths of 25 New Yorkers who die each day from an illness caused by smoking. Smoking is the #1 preventable cause of death in our city.

Second-hand smoke – the smoke from other people’s cigarettes – kills approximately 1,000 New Yorkers each year. Restaurant and bar workers breathe in more second-hand smoke than any other occupational group and, as a result, are more likely to die from lung cancer. Even a little second-hand smoke is dangerous; 30 minutes of exposure to second-hand smoke can increase the risk of a heart attack.

This is why the Administration and the City Council enacted Local Law 47 of 2002, amending the Smoke-Free Air Act. The law will protect virtually all restaurant and bar workers from the dangers of second-hand smoke.

The new law, which goes into effect on March 30, 2003, is simple: virtually all bars, restaurants, and other indoor workplaces in New York City must be smoke-free. Exceptions will apply to a very small number of establishments that must apply to register with the New York City Department of Health and Mental Hygiene. These rare exceptions include:

- Tobacco bars that were in existence on December 31, 2001 and that derived 10% or more of their income from sales or rentals of tobacco and tobacco-related products and devices.
- Owner-operated bars where there are no employees and where there are 3 or fewer principal owners who each hold at least a 25% interest.
- Separate smoking rooms in bars (which will no longer be permitted after January 2, 2006) provided they meet the Law’s stringent requirements, including:
  - They must be completely enclosed.
  - They must have a separate ventilation system that exhausts the air to an outdoor area at least 25 feet away from working windows, doors, air conditioning or other heating or ventilation system, or any outdoor dining area.
  - They must maintain continuous negative air pressure that prevents the flow of smoke into other parts of the establishment.
  - Employees will not be permitted to enter the room while it is in use.
  - The service of food or beverage will be prohibited in the room at all times.
  - The owner or operator of any bar planning to have a separate smoking room must file a copy of the architectural or engineering plans for the room, and apply for an exemption with the Department of Health and Mental Hygiene.

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In addition, smoking is permitted in outdoor dining areas of restaurants with no roof or other ceiling enclosure, provided that the smoking area is limited to one section comprising no more than 25% of all outdoor seating.

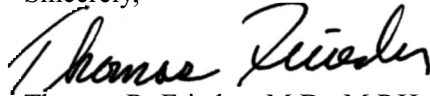
As specified in the statute, the Department will establish regulations to implement the Smoke-Free Air Act. Proposed regulations will soon be published in the City Record and posted on the Department's website.

The law becomes effective on March 30, 2003. Violation will be subject to fines ranging from \$200-\$400 for a first violation; \$500-\$1,000 for a second violation; and \$1,000-\$2,000 for a third violation within a 12-month period. Department staff will make inspections to explain and enforce the new Law, and we look forward to your cooperation with our staff. Interference with inspectors, including verbal abuse by permittees, employees or patrons, as well as repeat violations of the Smoke-Free Air Act can have serious consequences, including possible suspension or revocation of your permit to operate a food service establishment.

Going smoke-free helps reduce serious health risks to you, your staff, and your patrons. Before the law goes into effect, the Department will provide additional information and signs to let your patrons know that this is the law in New York City.

We look forward to working with you to create a smoke-free environment for your guests and your workers. Enclosed is a brochure for reference. We will send you additional materials in the coming weeks.

Sincerely,

A handwritten signature in black ink that reads "Thomas R. Frieden". The signature is written in a cursive, flowing style.

Thomas R. Frieden, M.D., M.P.H.  
Commissioner