

CAMPAIGN For TOBACCO-FREE Kids®

FOR IMMEDIATE RELEASE
March 29, 2004

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**Statement of William V. Corr
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New York City Report Finds Restaurant and Bar Business Is Thriving
On First Anniversary of Smoke-Free Law**

WASHINGTON, DC (March 29, 2004) – One year after New York City’s comprehensive smoke-free workplace law took effect on March 30, 2003, business is thriving in the city’s restaurants and bars and workers are breathing cleaner, healthier air, according to city report released today. These findings are no surprise. New York City’s experience adds to the overwhelming evidence from scientific studies and other smoke-free communities that smoke-free laws do not hurt the restaurant and bar business and may even have a positive impact. Smoke-free laws protect everyone’s right to breathe clean air, free from the proven dangers of secondhand smoke, without harming business. There is simply no excuse for policymakers not to enact such laws in every state and every community.

Today’s report shows why the public, policy makers and the media should treat with skepticism the claims of economic doom and gloom made by opponents of smoke-free laws. As they have sought to do in New York City, opponents of such laws try to generate negative headlines based on anecdotal, unrepresentative evidence of economic harm. Their goal is to weaken or repeal smoke-free laws and head them off elsewhere. These claims of economic harm are discredited time and again by impartial economic data such as those released today in New York City.

The new report was released by the New York City Department of Finance, Department of Health and Mental Hygiene, Department of Small Business Services, and Economic Development Corporation. Highlights include:

- Business tax receipts for restaurants and bars increased 8.7 percent from April 1, 2003, to January 31, 2004 – the most recent data available – compared to the same period in 2002-2003.
- Employment in restaurants and bars increased by 10,600 jobs (about 2,800 seasonally adjusted jobs) from the implementation of the smoke-free law in March 2003 to December 2003. The average number of workers employed in the restaurant and bar industry in 2003 was 164,000, the highest number recorded in at least a decade.
- The New York State Liquor Authority issued 1,416 new liquor licenses to New York City bars and restaurants in 2003, compared with 1,361 in 2002. Citywide, at the end of 2003, there were 9,747 active liquor licenses, a net gain of 234 from 2002.
- 97 percent of restaurants and bars are smoke-free and in compliance with the law.
- Polls show New Yorkers overwhelmingly support the law.
- Air quality in bars and restaurants has improved dramatically.
- Levels of cotinine, a by-product of nicotine, decreased by 85 percent in nonsmoking workers in bars and restaurants since becoming smoke-free.
- 150,000 fewer New Yorkers are exposed to secondhand smoke on the job.

The evidence is also clear that the public strongly supports New York City's law (and a subsequent state law) and prefers smoke-free air. A poll conducted March 21-22, 2004, for the Campaign for Tobacco-Free Kids found that New York City voters supported the city law by a margin of 75 to 24 percent. Other polls have found similar support, and Zagat's annual survey of restaurant-goers found that 96 percent are eating out as much or more since the law was passed. Zagat's conclusion: "the city's recent smoking ban, far from curbing restaurant traffic, has given it a major lift."

New York City's experience adds to the growing evidence that smoke-free laws are good for health and do not harm business:

Smoke-free is good for health: Secondhand smoke contains more than 4,000 chemicals, including 69 known carcinogens such as formaldehyde, lead, arsenic, benzene, and radioactive polonium 210. It is a scientifically proven cause of serious health problems, including lung cancer, heart disease and chronic lung ailments such as bronchitis and asthma. A study issued in 2002 by the International Agency for Research on Cancer of the World Health Organization concluded, "Nonsmokers are exposed to the same carcinogens as active smokers. Even the typical levels of passive exposure have been shown to cause lung cancer" among people who have never smoked. Studies have shown that secondhand smoke is responsible nationally for thousands of deaths each year. Children exposed to secondhand smoke are especially vulnerable, suffering more asthma, bronchitis, ear infections and other ailments.

Smoke-free does not hurt business and may have a positive impact: Independent, objective and peer-reviewed studies of smoke-free restaurant laws around the country show there is no long-term negative impact on restaurant sales or employment from these laws. A series of studies published in the January 1999 issue of the *Journal of Public Health Management and Practice* found that sales tax data from 81 localities in six states consistently demonstrated that ordinances restricting smoking in restaurants had no effect on revenues. A 2003 study published in the journal *Tobacco Control* examined the credibility of the smoke-free economic analyses that have been done in recent years. Its authors found that every study that found a smoke-free policy had a negative economic impact either lacked independence from the tobacco industry and/or objective measures. Conversely, the studies that showed no adverse economic impact from smoke-free policies were funded independently, used objective measures and were peer-reviewed.

This evidence has spurred the growing, bipartisan momentum across the country to protect everyone's right to breathe clean, smoke-free air. Five states – California, Connecticut, Delaware, Maine and New York – have now enacted strong statewide smoke-free laws that include restaurants and bars, and Massachusetts is on the verge of doing so. Florida, Idaho and Utah have also enacted otherwise strong, statewide smoke-free laws that exempt stand-alone bars. A growing number of cities and counties across the country have also taken action. States and communities can rest assured that they can act to protect health without harming business.

(The report, [The State of Smoke-Free New York City: A One-Year Review](http://www.tobaccofreekids.org/pressoffice/NYCReport.pdf), can be viewed at www.tobaccofreekids.org/pressoffice/NYCReport.pdf.)