



CITY OF PHILADELPHIA

OFFICE OF HEALTH AND OPPORTUNITY
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DONALD F. SCHWARZ, MD, MPH
Deputy Mayor, Health & Opportunity
Health Commissioner

VIA CERTIFIED MAIL

January 13, 2011

The Secretary of Health
Pennsylvania Department of Health
Health and Welfare Building
8th Floor West
625 Forster Street
Harrisburg, PA 17120

Re: Notice of Intent To Enforce the Clean Indoor Air Act

To the Honorable Secretary:

As President of the City of Philadelphia Board of Health (the "Board"), I hereby provide this notice, on behalf of the Board, to the Pennsylvania Department of Health.

Pursuant to 35 P.S. § 637.5(c), a provision of the law commonly referred to as the "Clean Indoor Air Act", a "county may elect to have its board of health enforce [the] act by providing written notification to the [Pennsylvania Department of Health]." The Board, having voted by a majority in favor of electing enforcement authority pursuant to 35 P.S. § 637.5(c), hereby provides written notification of its election to enforce the Pennsylvania Clean Indoor Air Act. The Board shall, by November 1 of each year, submit sufficient information regarding its enforcement actions for the Pennsylvania Department of Health's annual report required under 35 P.S. § 637.8.

Sincerely,



Donald F. Schwarz

Enclosure (resolution approved by Board of Health on 01/13/2011)

January 13, 2011

PHILADELPHIA DEPARTMENT OF PUBLIC HEALTH
BOARD OF HEALTH

RESOLUTION

WHEREAS, Philadelphia enacted Ordinance 050063-A in 2006, codified in Chapter 10-600 of The Philadelphia Code and commonly referred to as “The Clean Indoor Air Worker Protection Law”;

WHEREAS, The Clean Indoor Air Worker Protection Law prohibits smoking in enclosed public places and in the workplace, and provides for penalties, all under certain terms and conditions;

WHEREAS, Philadelphia enacted The Clean Indoor Air Worker Protection Law to protect the public’s health and welfare from the dangerous, unnecessary, and involuntary health risks associated with exposure to secondhand smoke;

WHEREAS, Pennsylvania similarly sought to protect the public’s health and welfare from the dangerous, unnecessary, and involuntary health risks associated with exposure to secondhand smoke by enacting Act 27 of 2008, codified in Title 35, Chapter 3H of Pennsylvania Statutes and commonly referred to as the “Clean Indoor Air Act”;

WHEREAS, The Pennsylvania Clean Indoor Air Act prohibits smoking in enclosed public places, and provides for penalties, all under certain terms and conditions.

WHEREAS, The Pennsylvania Clean Indoor Air Act specifies in section 5(c) that “[a] county may elect to have its board of health enforce [the] act by providing written notification to the [Pennsylvania Department of Health]. In such event, the county board of health shall provide the department with sufficient information regarding its enforcement actions for the department’s annual report required under section 8”; and

WHEREAS, the Board of Health finds that to fully protect the health, welfare, and safety of all Philadelphians, it is necessary for the Board of Health to obtain the authority for it, through the Philadelphia Department of Public Health, to enforce the Pennsylvania Clean Indoor Air Act.

RESOLVED, BY THE PHILADELPHIA BOARD OF HEALTH, That the Board of Health hereby elects to enforce, through the Philadelphia Department of Public Health, the Pennsylvania Clean Indoor Air Act pursuant to 35 P.S. § 637.5(c).

RESOLVED FURTHER, That the Board of Health shall, pursuant to 35 P.S. § 637.5(c), provide the Pennsylvania Department of Health with sufficient information regarding the Board of Health’s enforcement actions for the Pennsylvania Department of Health’s annual report required under 35 P.S. § 637.8; and that the Board of Health shall submit this information by November 1 of each year to afford the Pennsylvania Department of Health sufficient time to fulfill its responsibilities pursuant to 35 P.S. § 637.8.