

History of Smoke-Free Ordinances in Madison
Prepared for the Joint Board of Health by Michael May and Tommye Schneider
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Madison has had some form of a smoking ordinance regulating smoking in public areas since 1975. This memo provides a brief history of changes since that time.

1975

The first ordinance regulating smoking in Madison was Ord. number 5140, which was adopted 8/5/75. MGO 23.05 (2) Intent and purpose states: "It is recognized that smoking of tobacco-related products may affect the health of non-smokers when in the presence of smokers in certain public places. This ordinance is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Madison, especially recognizing the rights of non-smokers who constitute a majority of the population."

Covered under this first ordinance were the following:

- Passenger elevators.
- All common carriers, including buses, except charter buses for private hire.
- Indoor theatres, libraries, museums, auditoriums or concert halls, except in certain designated non-seating areas.
- School buildings except in designated areas.
- All retail stores with several exceptions.
- Medical facilities, with exceptions
- Waiting rooms of health associated labs, physicians, dentists, psychologists, etc.
- Assembly halls, with some exceptions.
- All meeting rooms used for public meetings unless all people waive the restriction.

Note: Language was omitted that would have restricted smoking in some restaurants

1976

Ordinance number 5694 expanded existing no smoking rules to taxicabs, portions of bus depot waiting rooms, meeting, conference rooms and indoor waiting areas of banks, governmental and professional offices. The ordinance required proprietors to take reasonable efforts to prevent smoking.

1992

Eating and drinking establishments were covered by the ordinance in 1992.

The ordinance (#10,531) that was adopted on 12/15/92 was sweeping, long term and complex with phased-in implementation dates of July 1, 1993, 1994 and 1995 for the various provisions:

- Phase 1: Those establishments selling less than 33% alcohol; those with seating capacity of 30 persons or less if open for business after Jan 2, 1993; those with seating capacity >30 that do not serve alcohol or have a service bar only; and those with seating capacity >30 that do serve alcohol from a full service bar area except that the full service bar area is exempted had to provide 60% smoke-free seating by July 1, 1993;
- Phase 2: 90% smoke-free seating by July 1, 1994; and

- Phase 3: 100% smoke-free by July 1, 1995. The following were completely exempted: taverns, (defined as establishments selling 33% or more alcohol); full service bar areas of restaurants; and separately ventilated smoking rooms.

2001

The next major addition to the smoke-free ordinance was the Places of Employment section that was adopted 11/20/01 and became effective 90 days after the effective date on 3/1/2002. This ordinance affected most workplaces including office buildings, but did not change the existing rules for restaurants and taverns.

2002

The next major change to the ordinance, adopted on 11/19/02 was the change in the definition of “tavern” to match the State definition of an establishment that sells more than 50% alcohol. The result of this change was that many larger establishments were now considered to be restaurants instead of taverns and had to comply with 100% smoke-free in their dining areas. (Full-service bar areas were still temporarily exempt from the rules but were to be phased out as described below). Separately ventilated smoking rooms remained exempt but only until Jan 1, 2006. Additionally existing SVSR’s now required a formal Health Department approval to assure they met some basic HVAC code requirements. (There were only 7 establishments that met the requirements of a SVSR). Additionally, new restaurants (even those with full-service bars) were now required to be 100% smoke-free when opened. This ordinance change also had a two-step phase in:

- After Jan 2, 2005, smoking is prohibited in all restaurants selling less than 33% alcohol (even at full service bar areas).
- After Jan 2, 2006, smoking is prohibited in all restaurants selling 50% or less alcohol (even at full-service bar areas).

Taverns selling more than 50% alcohol were not affected by any of these ordinance changes.

2004

The current ordinance was passed April 20, 2004. This ordinance resulted in the following to become 100% smoke-free, effective July 1, 2005:

- All restaurants and taverns.
- Bowling alleys and sports arenas.
- Common areas of B&B’s, hotels and motels, including 75% of rented rooms.
- Privately owned meeting and conference rooms when used for private functions such as weddings, parties, etc.
- All police interview rooms.
- Parks shelters as designated by the Parks Commission.

Exceptions to the ordinance include not-for-profit private clubs, retail tobacco stores, theatrical performances, 25% of rented rooms as described above and separately ventilated smoking rooms (until Jan 2, 2006).