



A397-A/S7522 (Gunther/Hannon)

AN ACT to amend the public health law, in relation to smoking restrictions in child care facilities

The County Health Officials of New York (NYSACHO) supports the above referenced legislation, which aims to protect children from the harmful effects of second- and third-hand smoke in home-based day care. This bill would amend the state's Clean Indoor Air Act to prohibit smoking at all times in facilities that provide child care services in a private home.

Secondhand smoke is the combination of smoke from the burning end of a cigarette and the smoke breathed out by smokers. According to the Centers for Disease Control and Prevention (CDC), secondhand smoke contains more than 7,000 chemicals of which hundreds are toxic and approximately 70 can cause cancer. Secondhand smoke causes numerous health problems in infants and children, including:

- More frequent and severe asthma attacks
- Respiratory infections (coughing, sneezing and shortness of breath)
- More frequent ear infections, and
- Higher risk of sudden infant death syndrome (SIDS).

No state statute exists regarding smoking in home day care facilities. Current regulations for home-based day cares only prohibit smoking when a child is present inside or outside the home or in a vehicle. In practice this allows smoking right up to the point that the child enters the facility, which can expose the child to secondhand smoke. It also creates the risk of exposure to third-hand smoke.

Third-hand smoke exposure is a relatively new term used to describe the residual contamination from tobacco smoke that lingers in rooms several hours after smoking stops and remains on clothing, furnishings, carpeting and other surfaces. A 2010 study, by the Lawrence Berkeley National Laboratory found that third-hand smoke results in the formation of carcinogens. When nicotine in tobacco smoke reacts with nitrous acid – a common component of indoor air – they form hazardous carcinogens. Such carcinogens can survive on indoor surfaces for days and weeks before chemical decomposition. Researchers from Roswell Park have also found evidence indicating that nicotine related carcinogens can be left on surfaces by E-Cigarettes.

Currently, owners and other residents living in home-based care facilities are allowed to smoke outside of their hours of operation. Doing so exposes young children to significant health risks associated with third-hand smoke. Newborns and small children are particularly vulnerable to these hazardous exposures as they will often crawl and breathe near surfaces contaminated by third-hand smoke, inadvertently swallowing or inhaling harmful toxicants.

Home-based day cares, like all other businesses, should provide a safe, smoke-free environment for their clients – in this care, infants, young children and their families. For the above-stated reasons, NYSACHO supports this legislation and recommends that it be enacted into law.

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