

BUTTS OUT



Many States Now Ban Smoking in Public Places

A 2006 Surgeon General's report has given new life to the adoption of smokefree laws across the country. Since California adopted its law in 1998, half the states have followed suit, with a variety of smoking prohibitions in public places.

By Mary Branham Dusenberry



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—Annie Tegan, senior program manager
Americans for Nonsmokers' Rights

Smokers who want to light up after a meal are finding it increasingly difficult to do so in a growing number of states.

Since California adopted a smokefree law in 1998, half the states have followed suit, with some states banning smoking completely in workplaces, restaurants and bars while others ban it in some, but not all, of those places. But the spike in the number of statewide smoking bans has only occurred in the last few years.

Pennsylvania Sen. Stewart Greenleaf first introduced legislation to ban smoking in any public building or workplace 10 years ago, and has proposed it almost every year since. The Senate considered it for the first time this year.

“What’s changed is the Surgeon General’s report,” said Greenleaf. “They came out with another report indicating how deadly secondhand smoke is. That’s helped change the public attitude, and legislative attitude, in Pennsylvania.”

The Keystone State isn’t alone in changing the culture of smoking.

“The social norms are changing,” said Annie Tegan, senior program manager for Americans for Nonsmokers’ Rights. “When people go to work they expect to breathe smokefree air. People are understanding the dangers of secondhand smoke.”

Thomas A. Carr, manager of national policy for the American Lung Association, said the June 2006 report from U.S. Surgeon General Richard H. Carmona was “a very big catalyst” for states adopting the new bans and strengthening older ones.

Another catalyst has been a growing number of local governments banning smoking in public places, according to Tegan.

“For about the last dozen years, there have been hundreds of local smokefree laws,” Tegan said. “Now we’re seeing an exciting development where local laws have set the tone and state governments are following suit. The public is demanding smokefree laws.”

Smoking Bans Vary

While half the states ban smoking, there are wide variations in the laws. Some strictly prohibit lighting up in any building where the public may gather, while others make exceptions for freestanding bars.

“It ranges from Wyoming, which has virtually no restrictions on smoking,” said Carr. “They do have a policy in state government buildings that restrict smoking to certain areas.”



There are strong smokefree laws that exempt stand-alone bars in places like Florida, Arkansas and Tennessee.”

Some states take the bans even further. Hawaii prohibits smoking on outdoor patios, according to Carr, while New York allows 25 percent of an outdoor area to be smoking as long as it is separated.

California legislators passed a strong smokefree restaurant law that took effect in 1998. It was the first state to ban smoking in public places.

“It was so successful and so popular with the public that it just began a smokefree trend across the country,” Tegan said. “We were seeing so many local laws passing. In the last few years, there’s been an explosion of smokefree policy at the state level.”

Delaware prompted a new interest in statewide smoking bans when its legislature approved a ban in 2002. Several New England states followed suit in the ensuing years.

Ohio voters’ approval of an initiated statute to create smokefree workplaces in 2006 was significant, Carr said, because it showed the effort was spreading across the country. Previous smokefree laws were passed in states along the East and West coasts.

Most smokefree laws deal with public buildings, but some states have extended the reach of their smoking bans. Arkansas and Louisiana, for instance, ban smoking in vehicles carrying young children.

When former Arkansas Rep. Bob Mathis proposed a vehicle smoking ban, many of his colleagues thought it was a joke. That’s probably because Mathis opposed portions of a bill that would ban smoking across the state. He eventually worked to change a provision in the bill backed by then-Gov. Mike Huckabee to increase from 10 percent to 30 percent the number of rooms hotels and motels could designate for smoking.

But he wasn’t joking about the vehicle smoking ban as a way to protect children’s health.

“I had noticed it before,” Mathis said. “Seeing children strapped in a car seat and their parents in the car smoking ... that child has no way of getting away from the smoke.”

As a former smoker, “I realize how offensive it is and how it stinks and is unhealthy,” Mathis said. “I equated it (smoking in vehicles with young children) to be a form of child abuse. We have laws on the books about child abuse.”

“We all know secondhand smoke is not good for you,” Mathis said. “The way I always looked at it is this: Adults can make their minds up and if they want to be unhealthy, they can decide that. Children can’t make that decision. Sometimes the government needs to help out with children. That’s why I think my bill passed.”

Several states—including Massachusetts, Connecticut, Rhode Island, Pennsylvania, Vermont, Kansas, California, Montana, Arizona, New Jersey and New York—this year considered similar bans, with some including prohibitions on smoking in vehicles with teenage passengers while others targeted toddlers.

Rockland County, N.Y., recently passed a ban on smoking in vehicles carrying young children, and that has prompted the state Assembly to consider similar legislation. Assemblywoman Sandy Galef is a co-sponsor on that legislation, and is lead sponsor on several other smokefree bills.

She wants to ban smoking in college dormitories and on children’s playgrounds. While she needs to fine-tune her bill a bit to define what a playground is, Galef is confident those bills are likely to pass this year. The vehicle smoking ban, on the other hand, may take more time.

The bans encompass the issues of individual rights, individual property and public health. “People are saying you’re going to enter my house next,” she said.

That attitude brings some hesitation with these laws.

“When the county executive signed the legislation in Rockland County,” Galef said, “he was upset because in a sense he’s intruding on an individual person’s property. But here’s a child in a car seat that is not able to make a decision on whether to stay.”

“The public is so much stronger on the public health aspect,” she said.

Surgeon General’s Report

The 2006 Surgeon General’s report, *The Health Consequences of Involuntary Exposure to Tobacco Smoke*, helped to solidify the public support.

“It’s an official government authority saying there’s no safe level to secondhand smoke,” said Carr. “The evidence has been there since the mid-1990s, at least, but having the Surgeon General come out and say there is no safe level of exposure to secondhand smoke, that the only way to protect nonsmokers is bans” helped the American Lung Association’s efforts to get states to pass smokefree laws.

Among the report’s findings:

- Nonsmokers exposed to secondhand smoke at home or work increase their risk of developing heart disease by 25 percent to 30 percent, and lung cancer by 20 percent to 30 percent.
- Secondhand smoke contains more than 50 cancer-causing chemicals, and is itself a carcinogen.
- About 30 percent of indoor workers in the United States were not covered by smokefree workplace policies in 2001–02, down from 54 percent in 1992–93.
- Restaurant employees are far less likely than other workers to be protected by smokefree workplace policies, more likely than other workers to have these policies violated where they do exist, and are more likely to be exposed to high levels of secondhand smoke on the job.
- Only 43 percent of restaurant employees work under 100 percent smokefree workplace policies. Only 28 percent of wait staff and 13 percent of bartenders work under such policies.

“The scientific evidence is now indisputable: Secondhand smoke is not a mere annoyance,” Carmona said in releasing the

report last year. "It is a serious health hazard that can lead to disease and premature death in children and nonsmoking adults."

The Surgeon General said smokefree workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace. The report concluded that separating smokers from nonsmokers—a trend in previous decades—cleaning the air and ventilating buildings cannot eliminate exposure.

"The good news is that, unlike some public health hazards, secondhand smoke exposure is easily prevented," Carmona said. "Smokefree indoor environments are proven, simple approaches that prevent exposure and harm."

Smokefree Air Becoming the Norm

Tegan thinks that report, and the changing public attitude, will eventually lead to a smokefree law in every state.

"Everyone deserves to breathe smokefree air," she said. "It's been such a shift in the social norms. It's no longer about the right to smoke. We're not restricting anyone from the right to smoke. People are still certainly allowed to smoke. We're just asking them to go outside to do it."

The argument has swayed even communities in tobacco country. North Carolina, Virginia and Kentucky cities and counties have adopted strong smoking bans, although state governments there have yet to consider the bans.

"We're definitely seeing a lot more local activity in tobacco country, which is amazing," Tegan said. "It really is demonstrating the fact that no one wants to be left behind."

A recent legislator policy brief published by the Healthy States Initiative, a partnership among The Council of State Governments, the National Black Caucus of State Legislators (NBCSL) and the National Hispanic Caucus of State Legislators (NHCSL), addressed comprehensive smoking prevention programs. Among the suggestions for legislators:

- Ban smoking in public places and workplaces.
- Protect restaurant and bar workers from secondhand smoke.
- Support legislation for evidence-based interventions, including smokefree indoor air policies.

According to the policy brief, smoking results in 428,000 deaths and \$92 billion in lost productivity each year. For every person who dies, 20 more people are living with a smoking-related disease. That adds up to an additional \$75 billion spent on health care, according to the brief.

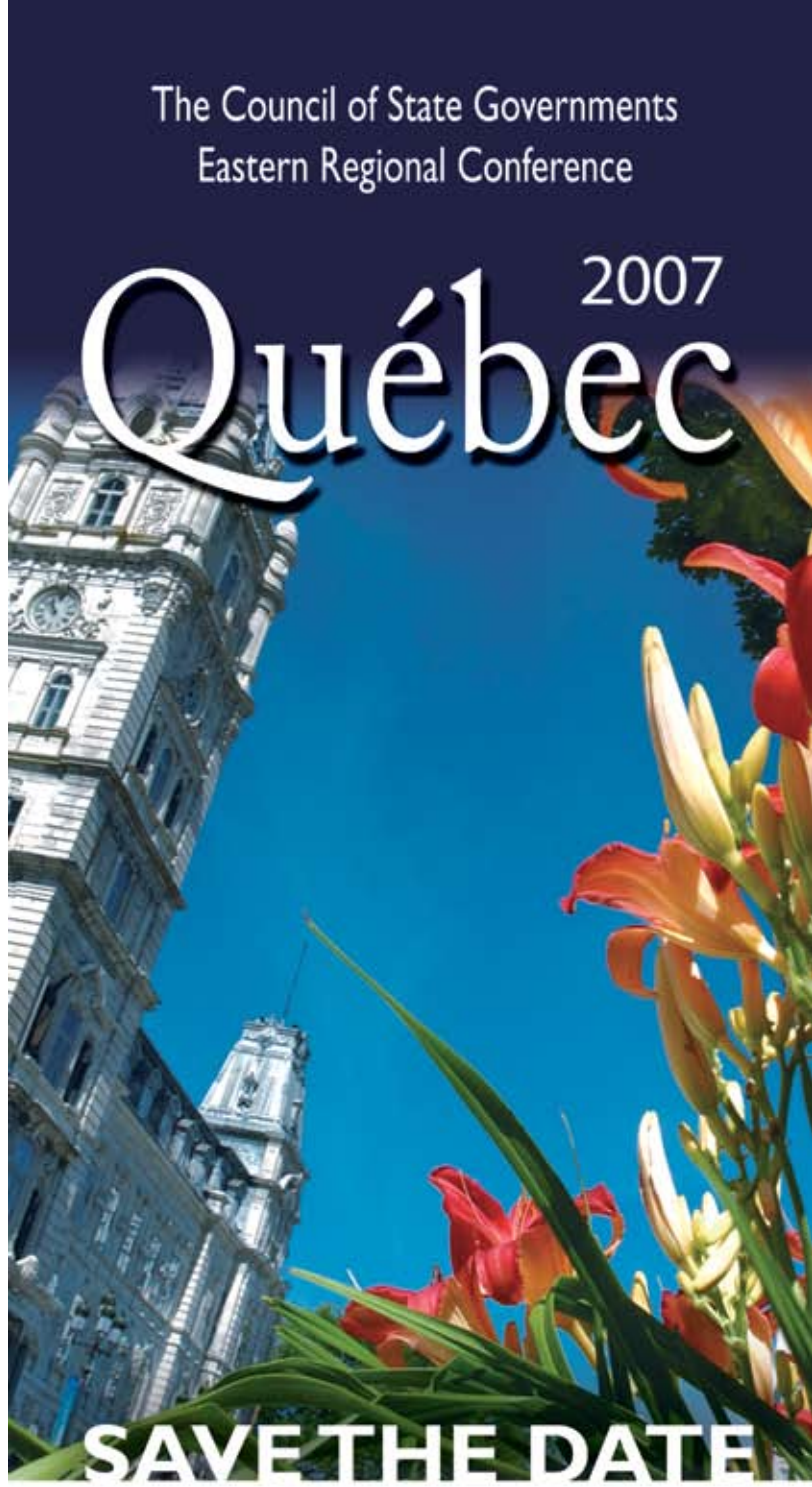
"If you look at it from a state perspective, we spend so much money on health care, which is attributed often in many situations to smoking and other bad habits," Galef said. "In New York state, a third of the budget is for health care. Anything we can do to lower the cost for taxpayers in the health care system, it's a win-win ... it's a win-win for the public and win-win for the individual.

"Anti-smoking regulations are good for everyone," said Galef.

—Mary Branham Dusenberry is managing editor for State News magazine.

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