Opposition Alert: Pro-Tobacco Resolution Preempts Local Smoke-Free Ordinances

Several Minnesota city councils have adopted resolutions which present a serious threat to the passage of effective smoke-free laws that protect public health. As of June 5, 2002, Austin, Cambridge, Carlton, Eagan, Farmington, Hastings, Hermantown, Hibbing, Keewatin, Park Rapids, Proctor, Scanlon and West St. Paul City Councils, and Dakota County adopted resolutions that call for statewide laws to address the issue of smoking in restaurants and bars. The problem? The resolutions defer any action on the issue of smoking in restaurants and bars until statewide regulations are adopted.

The resolutions are being presented by hospitality owners and Chambers of Commerce in opposition to potential smoke-free ordinances. Further, these resolutions are based on false and misleading information.

WHAT YOU CAN DO:

- **Contact your city council or city administrator and request to be made aware of any proposed action or resolution relating to smoking.** Unlike ordinances, resolutions do not require public hearings or input and could be adopted without public notice. Be prepared.

- **If you hear of a preemption resolution coming to your town, contact the Minnesota Smoke-Free Coalition immediately.** You must be ready to oppose this resolution and present an alternative resolution asking for state AND local action on secondhand smoke. Citizens in Virginia, MN recently heard of a bad resolution coming before their city council and they were able to stop it from being passed. You can too, if you plan ahead. You can contact Kim Milbrath, Secondhand Smoke Advocacy Coordinator, at (651) 999-5283 or via e-mail: kmilbrath@smokefreecoalition.org.

- **Take preventive action and get to know your city council before any resolution appears.** Whether or not your community is ready for a smoke-free ordinance, you can begin building a relationship with your city council today. This will help prevent any bad policy actions.

- **Use the sample smoke-free resolution as a tool to educate your council.** We have created a positive and educational resolution you can use at your city council regardless of any discussion about smoke-free ordinances. It does not recommend a specific public policy, but simply states factual information about the danger of secondhand smoke.

The resolution offered by these hospitality groups makes several bloated claims:

**CLAIM:** Cities that have considered a smoking ban ordinance have spent considerable time and effort at great expense, to study the issue and draft ordinances dealing with smoking in restaurants and bars.

**FACT:** The research is clear, secondhand smoke is the third leading cause of death that kills as many as 65,000 Americans every year. Numerous authorities have concluded that secondhand smoke is harmful to human health, including the U.S. Environmental Protection Agency, World Health Organization, National Cancer Institute, American Medical Association, American Lung Association, National Institute of Occupational Safety and Health, National Academy of Sciences, Occupational Safety and Health Administration, and the Office of the U.S. Surgeon General. There are few actions city councils can take that would improve people's health more than eliminating smoking in worksites and other public spaces. This issue deserves the time, energy and attention of public officials - including city councils - everywhere.

**CLAIM:** The debate regarding a local smoking ban ordinance has been very divisive in some cities that have considered adopting such an ordinance.

**FACT:** The controversy over smoke-free ordinances is created and fueled by pro-tobacco forces and fearful hospitality groups often connected to tobacco industry lobbyists. The vast majority of Minnesotans are nonsmokers who want to be free of smoke-filled toxic air. Most smokers (many who wish they could quit) are used to having their smoking restricted.

**CLAIM:** The city does not have the financial or administrative resources to conduct the investigation and research necessary to develop a fair and reasonable smoking ordinance.

**FACT:** More than 1,000 cities and counties around the nation have acted to protect people from the hazards of secondhand smoke by prohibiting smoking in restaurants and other public spaces. Cities do this because it is good for public health and good for business. City officials are responsible for protecting the health and safety of their citizens and should be urged to take action on secondhand smoke in the workplace. It is unfair and unreasonable to deny nonsmokers the freedom to work and eat where they want without being exposed to toxic air.

**CLAIM:** The issue of smoking in restaurants and bars would be best handled by a state statute that would have uniform statewide application.

http://www.smokefreecoalition.org/utils/printArticle.asp?id=300

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FACT: Local laws restricting smoking are more effective than a state law because they are better enforced and have more direct community involvement. Local agencies offer more accessible enforcement, particularly when compared to distant state agencies and laws. Because residents are more aware of local ordinances than of state statutes, compliance tends to be higher for local ordinances. Minnesota has a long-standing tradition of allowing local control especially when it is something as important as protecting public health.

FACT: Only the tobacco industry benefits from stopping local smoke-free ordinances. The tobacco industry and its allies want to deny local governments the authority to enact smoking ordinances that those communities believe best fit the needs of their citizens. Every time smoking is eliminated from a public place it encourages smokers to quit and tobacco industry profits will go down.