

SMOKE-FREE LAWS: WHAT THE OPPOSITION SAYS*

What Does the Opposition Say about Smoke-free Laws?

The tobacco industry partners with their allies in the alcohol, hospitality, and gaming industries, smokers' rights and libertarian groups to work against smoke-free policy at every level by proposing weak and ineffective laws. Their hope is to convince the public that "something is being done" about the harm of secondhand smoke, while "accommodating" smokers. The opposition typically appears shortly after the smoke-free movement goes public or after the law or regulation is passed, and often involves subtle or more blatant intimidation.

PROPERTY RIGHTS MYTH	<u>PROPERTY RIGHTS REALITY</u> The Right to Breathe Clean Air Trumps Property Rights!
<p>It is the business owner's right to decide whether or not to allow smoking. Smoke-free laws intrude into "private property rights." Smokers will act responsibly without government interference.</p> 	<ul style="list-style-type: none">• Smoke-free ordinances do not restrict smokers from smoking. They simply restrict smoking in places where others breathe the air.• If personal responsibility were taken seriously, no one would smoke where others breathe the air.• Smoke-free laws respect everyone's basic right to breathe smoke-free air, smokers and non-smokers alike. 

DID YOU KNOW?

The April 2004 Kentucky Supreme Court ruling on Lexington's smoke-free ordinance states

- "Where public interest is involved it is to be preferred over property interests."
- "...the protection of public health ... is not only a right but a *manifest duty*...."

ECONOMIC MYTH	<u>ECONOMIC REALITY</u> Businesses thrive with smoke-free laws!
<p>Businesses will suffer with a smoke-free ordinance or regulation.</p> 	<ul style="list-style-type: none">• Numerous studies across the U.S. show no negative economic impact of smoke-free laws.• Studies show that smoke-free laws have no significant effect on gaming revenues.• 71.8% of Kentuckians <i>don't</i> smoke and may avoid businesses where smoking is allowed. 

VENTILATION MYTH	<u>VENTILATION REALITY</u> Ventilation Doesn't Work!
<p><i>"Business owners should have some flexibility in deciding how best to address the preferences of nonsmokers and smokers through separation, separate rooms, and/or high quality ventilation."</i> ~ Philip Morris [34]</p> 	<ul style="list-style-type: none"> • Ventilation only eliminates smoke and odor; the fine particles from secondhand smoke remain to cause disease and premature death. • Only tornado-force winds would reduce the deadly particles from secondhand smoke. • There is no safe level of exposure to secondhand smoke. 

ACCOMMODATION MYTH	<u>ACCOMMODATION REALITY</u> Accommodations lead to enforcement nightmares and discriminate against workers! ALL workers deserve to breathe clean air!
<p>Two common strategies the tobacco industry uses to "accommodate" smokers: 1) Post signs or use a rating system to give patrons the choice of whether to enter a business that allows smoking ('red light-green light' approach); 2) Limit smoking to certain hours of operation or to establishments where children are not allowed (age and hour provisions).</p> 	<ul style="list-style-type: none"> • Under the guise of accommodating smokers, such "alternatives" put workers at risk. • Workers should not have to breathe the equivalent of 16 cigarettes per 8-hour shift to hold a job. • Age and hour provisions create loopholes, making enforcement difficult. • Posting signs is no different from the status quo and limits places the public can safely go. • These strategies lull officials into thinking they have addressed the problem, but succeed only in discriminating against workers. 

DID YOU KNOW?

- The Tobacco Industry and their allies conduct misinformation campaigns in an attempt to mislead the public about the dangers of secondhand smoke.
- The Opposition manipulates science by taking information out of context and using old studies, flawed science, anecdotal information, and opinions.

For more information, contact the Kentucky Center for Smoke-free Policy, University of Kentucky College of Nursing, 859-323-4587 or www.kcsp.uky.edu.