

The Last of the Public Ashtrays

Michigan is one of only 19 states without a smoking ban that includes bars and restaurants, while many states and places abroad have already removed the public health burden

The debate over public smoking has been going on for years. In one corner sit cigarette smokers, who are either addicted to nicotine or smoke socially. Smokers may feel a sense of camaraderie as they ask their friend, or a nearby stranger at the bar, for a lighter. Or perhaps it's a Freudian oral fixation that reveals itself when the smoker drinks alcohol, returning to an earlier psychological state when he or she depended on that sucking action to survive. In the other corner sit the non-smokers, who are faced with the decision to either attend bars, restaurants, concert venues and other public establishments that allow smoking, or surrender their out-of-home social life. Going out to those places implies cough-filled conversation, and leaving with a stench and burning eyes. Overseeing it all is the tobacco industry, who will take any measure possible to ensure that their profits remain stable. For quite some time, non-smokers in Michigan felt like there was no way to change the situation – a natural response to an stinky phenomenon that seems so *huge*. But now that time might be over.

On January 30, 2007, Michigan representatives introduced House Bill 4163, which would amend Michigan's Public Health Code to include bars and restaurants in the extensive list of workplaces where smoking is not allowed. Under the bill, certain specified businesses would still be able to allow smoking, like casinos and hookah bars. Similar Senate Bills 109 and 110 were introduced on the same day, but have failed to progress to the same extent. However, House Bill 4163 was passed on December 5, and will now continue on to the Senate for review. The bill has proceeded further than any similar legislation in Michigan, but it still must surpass many obstacles before it would become a law.

Bill 4163, like other laws around the U.S. and world, is forcing people to abandon the old idea of smoker versus non-smoker, and evaluate the situation based on more elaborate criteria. Instead of focusing on the common irritations of cigarette smoke, people are examining overall public health, small business economics, and morality.

The current state of smoking

According to the Centers for Disease Control and Prevention (CDC), second-hand smoke contains at least 250 toxic chemicals, 50 of which are cancer-causing agents.¹ A non-smoker

¹ Centers for Disease Control and Prevention, "Secondhand Smoke," http://www.cdc.gov/tobacco/data_statistics/Factsheets/SecondhandSmoke.htm



exposed to second-hand smoke has a 25–30 percent greater chance of developing heart disease and a 20–30 percent greater chance of developing lung cancer. The danger is made more extreme by the fact that upwards of 126 million Americans are exposed to second-hand smoke, and most exposure happens either at home or at work.

There seems to be a common misconception that air filters or ventilators can alleviate the problems associated with second-hand smoke. However, according to the CDC, it is not possible to protect non-smokers by separating them from smokers at restaurants, or by installing a ventilator or filter in a building.² Though large suspended particles might be removed from the air by cleaning systems, the gases and smaller particles are still present.

The American Lung Association (ALA) is dedicated to disseminating smoking information at the national and state levels.³ In Michigan, it is estimated that there were about 296 smoking-related deaths for every 100,000 adults from 1997–2001. Twenty-two percent of Michigan adults over age 18 were smokers in 2006, a number that has decreased only slightly from 26.2 percent in 1986. Seventeen percent of Michigan high-school students smoked cigarettes in 2005, below the national average of 23 percent. As of 2003, 7.2 percent of middle school students in Michigan were smokers. A 2003 survey of students aged 13–15 years found that 60.7 percent of homes in Michigan are smoke-free, compared to the U.S. average of 72.2 percent. A count of Michigan mothers that continue smoking through pregnancy came to 14.6 percent in 2003, representing a significant drop from 22.6 percent in 1990. Surprisingly, just over 50 percent of Michigan smokers report attempting to quit each year from 2002–2004, suggesting that many desire to quit even if they aren't successful.

In ALA's State of Tobacco Control 2006 report, Michigan received the grade of "F" in three out of four categories. The first "F," in the Smokefree Air Law group, was simply because Michigan has no smoke-free provision for private workplaces or bars. The second, under Youth Access, was given for the continued presence of cigarette vending machines, and lax requirements for ID age verification when purchasing tobacco products at a store. Tobacco Control and Prevention Spending brought the third "F," because Michigan spent about \$5.5 million in fiscal year 2007, whereas the CDC Best Practices Range for prevention spending is between \$54.8 and \$154.6 million per year. However, in the fourth category – Cigarette Tax –

² CDC, "Ventilation Does Not Effectively Protect Nonsmokers from Secondhand Smoke," http://www.cdc.gov/tobacco/data_statistics/Factsheets/Ventilation.htm

³ American Lung Association, Trends in Tobacco Use, June 2007, <http://www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=33347>



Michigan was given an “A,” because the state’s \$2.00 tax per pack of 20 cigarettes is more than double the national average of \$0.80, according to CDC.⁴

According to Campaign for Tobacco-Free Kids, the tobacco industry spent about \$415.9 million on marketing in the state of Michigan in 2005, compared to \$13.4 billion spent nationwide.⁵ That means that yearly tobacco prevention spending in Michigan only amounts to about 1.32 percent of what the tobacco industry spends on marketing. In other words, the ratio of tobacco industry marketing to Michigan prevention spending was about 75.6 to one. The same report claims that tobacco leads to about \$3.4 billion in Michigan health care costs per year.

Olin Health Center released a National College Health Assessment in 2006 that outlines current drug and alcohol use by Michigan State University (MSU) students.⁶ Three percent of respondents reported daily cigarette use, but 59.5 percent claim to have not smoked in the past 30 days. Conversely, surveyed students believed that 32.9 percent of typical students were daily cigarette smokers. Therefore, 73.5 percent of MSU students thought that their cigarette use was less frequent than the typical amount. Cigar smoking was more sporadic, with 0.7 percent reporting use on six or more days, and 66.8 percent not using at all. In a comparison of cigarette use with student background, the majority of subjects were male (24 percent), white (22.4 percent), undergraduate (22.2 percent), living off campus (22.2 percent), and had a C, D, or F cumulative GPA (26.4 percent).

Contrasting the data from 2006 with previous years shows interesting trends. The number of students claiming to use cigarettes on six or more days out of the past 30 was 18.6 percent in 2000, 13 percent in 2002, 13.2 percent in 2004, and 9.2 percent in 2006. That means the number of consistent smokers among MSU students has been cut in half over the past six years. Even more striking is the year-to-year data on perceived cigarette use by typical students. Respondents thought that 37.7 percent of typical students were daily smokers in 2000, with 36.9 percent in 2002, 35.4 percent in 2004, and 32.9 percent in 2006. There is hardly any change in these numbers, suggesting that, while the actual number of smokers at MSU has dropped, students either haven’t noticed or else it’s been very ingrained into their minds that smoking is common.

⁴ CDC, “Smoke-Free Policies Do Not Hurt the Hospitality Industry,”
http://www.cdc.gov/tobacco/data_statistics/Factsheets/economic_facts.htm

⁵ Campaign for Tobacco-Free Kids, “State-by-State Analysis: Tobacco Industry Spends \$13.4 Billion on Marketing & Still Targets Kids,”
<http://www.tobaccofreekids.org/research/factsheets/index.php?CategoryID=23>

⁶ Olin Health Center, National College Health Assessment 2006,
<http://www.ippsr.msu.edu/NCHA/Results.htm>



Who's pushing for a Michigan smoking ban?

The Campaign for Smokefree Air (CSA) in Michigan was formed in 2004 by the Michigan chapters of American Cancer Society, American Lung Association and American Heart Association, according to Emily Palsrok, a spokesperson for the group. As of 2007, the coalition has grown from those three members to more than 350. "They're the driving force behind the initiative in Michigan to make all workplaces smoke-free," said Palsrok. "This is the first time in 10 years that [this type of legislation] was reported outside of a committee."

According to the CSA web site, 18 counties and three cities in Michigan have passed smoke-free ordinances that leave out restaurants and bars.⁷ Palsrok explained that local movements aren't enough to alleviate the burdens of smoky workplaces. "The local communities can't pass stricter legislation than what the state has," said Palsrok. "We need a statewide initiative."

The CSA web site displays a map depicting the 31 states that have already instituted smoke-free laws, and the 19 states that either have no law or are currently considering legislation. "California was the first state to go smoke-free in the '90s," said Palsrok. "When that happened, the rest of country didn't react right away. In the past three or four years it's been state after state after state. Now you can see the progress that's been made across the country." States in the Midwest are only recently starting to turn, with Minnesota and Ohio going completely smoke-free within the past year, and Illinois completing the same task by January 2008.

The CSA doesn't seem to have any concern about the possibility of economic setbacks following a smoking ban. Palsrok said, "I think people were worried about [economic loss] at first, but now we know that it's not true." Additionally, Palsrok thinks that public health trumps any claims that businesses should be able to decide on the issue by themselves. "Restaurants are already controlled by the government in a number of ways," said Palsrok. "All of those are done in the name of public health. Second-hand smoke should be no different."

What has been the response in other places?

Perhaps Michigan can learn from the actions already taken by other places. Kiran Rouzie – an Ann Arbor native who currently lives in the Los Angeles, California, area – has witnessed many different views of the public smoking debate. She went to college in North Carolina, an area with a deeply rooted tobacco culture. "After living in the south for six years – when part of the

⁷ Campaign for Smokefree Air, "Across the U.S.," <http://www.makemiairsmokefree.org/smokefree-progress.php>



reason why my education costs were so low was because of tobacco money – I don't know if I'd have such a huge issue if it wasn't affecting the health of other people," said Rouzie. "It's different than if you go to a bar and have a bunch of beer. It's not necessarily going to have an affect on other people, unless you drive home drunk or get in a fight or something."

Now that Rouzie is on the smoke-free west coast, she realizes how foggy North Carolina actually is. "In terms of smoking, that's the most disgusting place. It was tough going back there after being in the smoke-free Cali environment." However, not everyone in California is fond of the comprehensive smoking ban. "My friends who smoke [complained] about it at first, but it wasn't enough to make them not go to the places they wanted to go," said Rouzie. About why people don't mind going outside to smoke, Rouzie said, "It might be because of the weather. People can go outside to smoke more easily here than in negative-three-degree weather in Michigan."

On whether or not bar owners think the ban has cost them money, Rouzie said, "I think that's the general perception. One [friend of mine] owns a bar on the east side of LA. He was very adamantly against the smoking ban and he feels that he has lost money because of it. But the general crowd there is in their thirties, up to 45 – like biker types. Most of the trendier nightlife places to go to in Santa Monica and the Sunset Strip (are smoke-free). For the people who own or work there, it's sort of an accepted fact now."

Rouzie emphasizes that, despite the statewide ban, not all cities take the same approach to the smoke-free movement. "It's sort of different in various cities or counties. Calabasas is one place where the whole town is non-smoking," said Rouzie. "Anywhere on city property you can't smoke. The only place you can smoke is in your car with the windows shut or in your house. So that's the most extreme."

In 2002, 51 percent of stand-alone bar owners and staff in California preferred the smoke-free working environment – a huge jump from the 17 percent that approved the change in 1998, according to the CDC.⁸

Mel McCoy, a New York City resident originally from Rhode Island, has been smoking in phases for the past seven years, since she was 18 years old. She didn't start smoking until she arrived at Northwestern University in Evanston, Illinois, to begin her undergraduate studies. "We could smoke in our dorm rooms and I was friends with a lot of smokers," said McCoy. "Our floor was kind of the smoking floor. I only smoked occasionally, however, when drinking – usually only

⁸ CDC, "Smoke-Free Policies Receive High Levels of Public Support and Compliance," http://www.cdc.gov/tobacco/data_statistics/Factsheets/PoliciesReceive.htm



on the weekends. It wasn't until my junior year that I smoked daily." By the time McCoy graduated and moved to New York City, the smoking ban had already been established.

McCoy noted that New York City bar and restaurant patrons are allowed to go outside to smoke, and then return to the indoor environment to resume their activities. "Some popular, swanky bars, like the one on the roof of the Hotel Gansevoort, (and the one at) the Maritime Hotel, have outdoor sections where people can smoke. And you can tell that it draws the smokers, because there's always a ton of people smoking outside. I also think you can smoke in hookah bars."

McCoy's smoking tendencies aren't uniform for every situation. "Though I enjoy a cigarette before/after a meal, I hate it when people are smoking around me while I'm eating," said McCoy. "Also, I hate coming home and smelling like an ashtray because we were in a poorly ventilated bar that reeks of smoke, even if I was smoking at that bar. That smell sticks in your hair, and if you go to bed without showering before, then your pillow smells. It's disgusting. I don't smell like that when I have to go outside and smoke."

However, there are some events at which McCoy wishes she could still light up. "I will say that I do miss being able to smoke at concerts, in which case I don't mind coming home and smelling like an ashtray," said McCoy. "I would want to shower before bed anyway, [because] I'd probably be kind of sweaty."

McCoy said that she doesn't smoke in her home, and that New York City's law decreases the amount of cigarettes that she smokes overall. "Let's be honest – the winters are brutal, and for me it's not worth it to stand outside in the freezing cold just to have a cigarette," said McCoy. "Though, I have seen people do that and I actually feel bad for them, not because they have to smoke outside but because they are clearly severely addicted. Living in [New York City], as soon as it gets really cold [and when it's sweltering outside], I lose the cigs. So, I guess I've become more of a fall/spring smoker. Though, this fall I've decided to quit, and I've been going strong for a few months now. But before my girls and I all quit, we hated the ban in winter and when it was raining."

Accordingly, if there is no smoking ban where McCoy is living, the frequency of her smoking goes up. "When I moved to [Washington D.C.] in the fall of 2006, I had quit smoking for about a year," said McCoy. "At that time, there was no smoking ban in D.C. bars and I started smoking again almost immediately. Also, some of my friends who were really not smokers would ask for cigarettes when they were really drunk – I think because they were so available."



According to the CDC, New York City adults who supported the smoking ban rose from 64 percent in 2003 to 79 percent in 2005.⁹ Perhaps surprisingly, the number of smokers who supported the smoke-free law doubled in the same time period, going from 25 percent up to 46 percent.

Aidan Buckley is a citizen of Dublin, Ireland, who saw first-hand the effects of the national smoking ban that began in March 2004. According to CSA, the ban was the first of its kind in Europe, but was soon followed by many other nations, including Norway, Italy, Spain, and England.¹⁰ Buckley said that the ban created a fuss only among certain public groups. “Public reaction at the time was positive,” said Buckley. “Of course, all the non-smokers were happy and some smokers not so happy! The smoking ban came at a time when alcohol was beginning to get quite expensive, so that combined with the smoking ban didn't go down too well with pub owners.”

But according to Buckley, the past three years have seen some changes in public sentiment. “People are really positive about it now,” said Buckley. “Most pubs will have smoking areas, which are heated so that smokers can go outside and still be relatively comfortable. And it's great not coming home stinking of smoke!”

According to Buckley, the public recognizes the dangers of second-hand smoke, and the benefit of limiting one's exposure to it. “I think it's the fact that you are still breathing in tobacco fumes that makes it so harmful,” said Buckley. “You may as well be lighting up yourself.” Buckley said that he's never heard anyone argue that second-hand smoke is not a significant health hazard.

Buckley claimed that pub owners have adjusted to the legislation by building smoking areas at their establishment. “Some went above and beyond to try and beat [the law],” said Buckley. “One [pub owner] even had a hatch installed in the wall of his pub so that smokers could just lean out and still be warm inside! Ireland's pub culture isn't as strong as it used to be due to the prices of alcohol, so I don't think anyone could blame the smoking ban for pubs closing down.”

Despite the troubles the pub industry has seen lately, there has been no revolt against the smoke-free law. Instead, people realized that pubs and restaurants shouldn't be exempted from the public health standards. “It was seen that every business had to abide by the same

⁹ CDC, “Smoke-Free Policies Receive High Levels of Public Support and Compliance,” http://www.cdc.gov/tobacco/data_statistics/Factsheets/PoliciesReceive.htm

¹⁰ CSA, “Around the World,” <http://www.makemiairsmokefree.org/smokefree-progress.php>



rules, which is the way it should be, in my opinion,” said Buckley. “The government did everything so well with this ban, as they had zero tolerance as soon as it was implemented.”

Buckley said that smokers don’t go out any less often – they simply go outside to smoke now. “I don’t think it has really affected bars or restaurants too much at all,” said Buckley. “We’re just used to it now. I think that the fact that you can’t just sit and have a smoke is a positive thing, as it has meant that quite a few people have given up smoking. You know how cold it can get outside!”

According to Ireland’s Department of Health & Children, 7,000 Irish people die each year from tobacco-related issues and 40 percent of smokers support the comprehensive ban.¹¹

Illinois is about to face a comprehensive smoking ban in January 2008. Chris Schuba is co-owner of Schubas Tavern and Harmony Grill, a bar, restaurant and music venue in Chicago’s Southport Corridor neighborhood. The music room, situated at the back of the building, is one of the most popular venues in a city with an extremely healthy music scene. They host bands of various genres every single night, sometimes with two shows per night. Schuba explained that the building has been partially smoke free for some time now. “They affected the Chicago ban in two parts,” said Schuba. “Over a year ago, all smoking was banned except for in bar areas of public places. At that time we banned smoking in our restaurant and in the music hall.”

As a result, Schubas music room has provided a more refreshing way to experience live music than other Chicago venues, like the equally popular Empty Bottle in the Ukrainian Village neighborhood. While the Empty Bottle is just as busy as Schubas, it’s also one of the smokiest spots in the Windy City. Musicians and customers alike have enjoyed the clean air at Schubas. “For years, certain artists would request their shows be smoke-free,” said Schuba. “Since the ban in the music hall, the atmosphere in the performance space is much improved, and many of our patrons have gone out of their way to thank us.”

Schuba thinks the ban will appease another important sector of his business: the staff. “We have had employees quit for health reasons,” said Schuba. However, Schuba won’t forget about visitors who still prefer to smoke. “It is certain we will have to ready a designated space with outdoor ashtrays to accommodate [smokers],” said Schuba.

With the Illinois smoking ban set to begin in about a month, Schuba isn’t concerned over the potential for profit loss. “Because it is universal and statewide, and based on what has happened in other markets, this should not effect our business in any measurable manner,” said

¹¹ Ireland Department of Health & Children, “Smoking – Key statistics and points,” http://www.dohc.ie/issues/smoking_ban/smokekey.html



Schuba. In addition, Schuba doesn't feel like his rights as a small business owner are being violated. He's comfortable with the fact that "it is a health issue that is being addressed."

According to an independent study done for the ALA of Illinois in 2005, approximately 66 percent of adults in the state supported the comprehensive legislation banning smoking in public places, including bars, restaurants, and clubs.¹² Seventy-two percent of regular smokers and 91 percent of casual smokers recognized that second-hand smoke is a serious health threat to bystanders.

Who wants to stop the ban from happening in Michigan?

The Michigan Licensed Beverage Association (MLBA) – a non-profit group formed in 1939 to protect liquor licensees – isn't coy about its stance on proposed Michigan House Bill 4163. Their web site flaunts a bright image that reads, "STOP the Smoking Ban."¹³ Peter Broderick, director of communications for the MLBA, is firmly situated against any legislation like 4163. "We have been at the forefront of the fight against a sweeping, complete smoking ban since the idea first reared its head in Michigan," said Broderick.

Broderick claims that concerns over second-hand smoke are over-inflated in discussions of a smoking ban. "The main issue addressed by a smoking ban is not smoking itself, but the effects of environmental tobacco smoke (ETS) or 'second-hand' smoke," said Broderick. "Assumptions about ETS's detrimental effects to both the general public and employees in businesses where smoking is permitted is simply not backed-up by factual information."

"Environmental tobacco smoke" is a misleading term, almost implying that the smoke exists naturally in the air – like oxygen or nitrogen – instead of being puffed out by cigarette smokers. But Broderick's argument is flimsy for more than one reason. He was referring to studies by Peter Jenkins for the Oak Ridge National Laboratory, which have concluded that second-hand smoke causes less damage to bystanders than previously believed.¹⁴ But according to Tobacco Scam, a web site hosted by University of California professor of medicine Stanford A. Glantz, Jenkins has been on Big Tobacco's bankroll for decades.¹⁵ This information was culled from internal documents provided by the tobacco industry under legal mandate, thus destroying the credibility of Jenkins' research.

¹² Smoke Free Illinois, "ALA Statewide Analysis," <http://www.smokefreeillinois.org/poll.cfm>

¹³ Michigan Licensed Beverage Association, <http://www.mlba.org/>

¹⁴ Oak Ridge National Laboratory, http://www.ornl.gov/info/press_releases/get_press_release.cfm?ReleaseNumber=mr20000203-00

¹⁵ Tobacco Scam, http://www.tobaccoscam.ucsf.edu/vent/vent_hg_internal_4.cfm



Above all else, MLBA wants to protect the rights of bar and restaurant owners, which could be diminished by the proposed bill. “The main argument against the smoking ban is personal property rights,” said Broderick. “Business owners who pay taxes to the state, pay employee wages, and maintain a legitimate business in this state should have the decision whether or not to allow smoking in their privately owned businesses. Just as anyone who enters into an establishment that allows smoking has the right to choose not to patron that establishment. Business owners are experts at their business, and if their customers demand a smoke free environment they will provide that for them or go out of business.”

In fact, Broderick thinks a ban hasn’t yet happened in Michigan because of the state’s tradition of protecting small business owners. Fear of economic loss is based on the general assumption that a large-scale smoking ban will stop smokers from going out to bars and restaurants, and in turn reduce business profits. Broderick said that going smoke-free should be a “business-driven decision” for bars and restaurants, instead of being dictated by the government. According to Michigan Citizens for Smoke-Free Air (MCSFA), approximately 4,727 restaurants in Michigan have already gone completely smoke-free.¹⁶ What they don’t say is how many still allow smoking.

Certain state representatives are backing the stance to let each business decide. During the passing of 4163 on December 5, 2007, the House secretary recorded the following statement from Rep. Fulton Sheen (R-Allegan). “Mr. Speaker and members of the House: I am opposed to House Bill 4163. Smoking is clearly unhealthy and many times creates a variety of health problems for those who smoke. Secondhand smoke is also unhealthy and irritating to those who don't smoke. However, the fact remains that it is a legal substance [that] is bought and sold in every grocery store, gas station, and convenience store in America. Telling restaurant and business owners what they can and cannot do at their place of business is an infringement on their personal property rights. Smokers and non-smokers alike know which restaurants allow smoking and which don't, and they use this knowledge to determine which establishments to frequent. Government needs to stay out of the market place and people's lives, so they can make their own choices.”

Broderick asserts that even reports of positive economics effects can be untruthful. “Hospitality is a growth industry,” says Broderick. “We grow every year, and we’ve always grown every year – between eight and 12 percent growth every year. To say that there’s a five percent growth in industry and to count that as a positive – it’s not the rate of growth that would typically happen in any state from year to year.”

¹⁶ MCSFA, <http://www.smokefreemichigan.org/>



Economic studies remove concern

According to a 2003 review published by *Tobacco Control*, there may be some sense to the jumble of voices on both sides of the debate.¹⁷ The four authors examined 97 studies on the economic impact of smoke-free ordinances on hospitality businesses, to determine the quality of research, funding source and conclusions. They used Siegel's criteria – a standard evaluating tool – to label each study as primarily subjective (i.e. – based on opinion) or objective (i.e. – based on fact). The outcome depended on four factors, such as including all data points and using proper statistical methods.

What they found was rather remarkable. Sixty studies were funded by the government, health groups, or independent research firms, while 31 were definitely funded directly or indirectly by the tobacco industry. Eighty-four percent of studies funded by the tobacco industry (26/31) met none of Siegel's criteria for quality research, while almost all of them (94 percent, 29/31) either reported or forecasted a negative impact on hospitality businesses. That means that studies funded by the Big Tobacco were likely to be lower quality, be published with no peer review, and report negative economic impacts.

In general, the reverse is true for “good” studies. Of the 21 objective studies that met all of Siegel's quality requirements, none reported any negative economic impact on hospitality businesses. Furthermore, none of the 60 independent studies (i.e. – not funded by the tobacco industry) claimed a negative impact. On the other hand, ninety-eight percent (59/60) of the studies that presented subjective findings, whether funded by big tobacco or not, met none of Siegel's quality criteria. This shows that the review was not explicitly biased against studies done by the tobacco industry, and was actually measuring statistical validity.

The authors think that this review can be used as a yardstick for judging future studies. “With all 21 of the well designed studies finding that smoke-free restaurant and bar laws had no negative impact on revenue or jobs, policymakers can act to protect workers and patrons from the toxins in secondhand smoke confident in rejecting predictions that there will be an adverse economic impact.” The authors suggest quick and simple checkpoints for policymakers to assess new studies, so they can better make decisions over controversial issues like smoking bans. First, the funding source is not tied to the industry in question. Second, objective data are used instead of subjective assessments. Finally, the study appears in a peer-reviewed publication.

¹⁷ Scollo, M., Lal, A., Hyland, A., and Glantz, S. (2003). Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry. *Tobacco Control*. Vol. 12, pp. 13–20.



The *Tobacco Control* review is one of the primary examples that the CDC cites to demonstrate that smoke-free laws cause no significant harm to the hospitality industry.¹⁸ Another documented case occurred in New York City, where the comprehensive smoke-free law was enacted on June 23, 2003. Restaurants and bars experienced an 8.7 percent jump in revenue from April 2003 to January 2004 after the citywide smoking ban took place. Furthermore, there were about 2,800 new jobs at bars and restaurants (adjusted for seasonal shifts), and the actual number of those businesses was unchanged by the ban. Across the state of New York, the smoke-free law did not lower the resale price of bars and restaurants. More recent figures from Americans for Nonsmokers' Rights (ANS) show New York City bar and restaurant tax receipts up 12 percent between March 2003 and 2005.¹⁹

Florida also saw no damage to its hospitality industry following their 2003 smoke-free legislation that applied to restaurants.²⁰ In California, the longtime trendsetter for smoke-free legislation, an analysis of restaurant tax revenue data from 1990 to 2002 revealed an increase in restaurant revenues, despite the 1995 smoke-free restaurant law. Likewise, after the 1998 law that also banned smoking in bars, those businesses still experienced an increase in revenues. By 2002, there were 200,500 more bar and restaurant employees in the state of California than in 1995.²¹

Health benefits can be counted on

The primary reasoning behind comprehensive smoking bans is the inevitable gain in public health. According to the CDC, the number of smokers in New York City dropped by 11 percent, or about 140,000 people, after the 2003 law took effect.²² Furthermore, a study of multiple American and Canadian cities that enacted smoke-free laws between 1993 and 2001 found that the probability of employees quitting their tobacco habit almost doubled when compared to employees in workplaces that permitted smoking. Smoke-free laws also have definite benefits on youth populations. The CDC cites a national study reporting that adolescent employees in smoke-free workplaces are significantly less likely to take up cigarettes than those working where smoking is allowed.

¹⁸ CDC, "Smoke-Free Policies Do Not Hurt the Hospitality Industry," http://www.cdc.gov/tobacco/data_statistics/Factsheets/SmokefreePolicies.htm

¹⁹ Americans For Nonsmokers' Rights, "Economic Impact of Smokefree Laws: Case Studies," <http://no-smoke.org/document.php?id=210>

²⁰ CDC, "Smoke-Free Policies Do Not Hurt the Hospitality Industry"

²¹ ANS, "Economic Impact of Smokefree Laws: Case Studies"

²² CDC, "Smoke-Free Policies Reduce Smoking," http://www.cdc.gov/tobacco/data_statistics/Factsheets/reduce_smoking.htm



Non-smokers are cheering over their salvaged lung tissue, since smoke-free laws reduce exposure to second-hand smoke, according to the CDC.²³ The smoking ban in New York City led to an 84 percent drop in second-hand smoke particles at 20 bars and restaurants. Also, employees at NYC bars, restaurants, and bowling alleys reported being exposed to second-hand smoke for 0.2 hours in the past four days, down from the standard 12.1 hours – representing a 98 percent drop in exposure. Cotinine levels – which signify second-hand smoke exposure after the body converts nicotine – in those same employees decreased by 78 percent.

As the arguments pile up on both sides, it becomes less of a struggle between smokers and non-smokers, and more of a struggle between business and public health. It is still undecided if Michigan will follow suit with the growing list of places that have. After House Bill 4163 passed on December 5, 2007, CSA's Emily Palsrok called it a "big victory for us. The bill now goes to the Senate. We'll find out what committee next week, which will be an indication of whether or not the Senate will take it up. If they send it to Health Policy, it has a shot. If not, we're not sure."

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²³ CDC, "Smoke-Free Policies Improve Air Quality and Reduce Secondhand Smoke Exposure," http://www.cdc.gov/tobacco/data_statistics/Factsheets/PoliciesImprove.htm



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- ³ American Lung Association, Trends in Tobacco Use, June 2007, <http://www.lungusa.org/site/pp.asp?c=dvLUK9O0E&b=33347>
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