



Agenda Commentary

Item Title/ Subject: Local Rights and Control

Staff Source: Steve Hewitt, City Manager

History/Background Information:

Clint Miller

Coalition Coordinator for Western Oklahoma Tobacco Control Coalition approached staff regarding this subject. I thought it best to have him here to explain answer questions about the resolution and program.

RESOLUTION #809 FOR OKLAHOMA MUNICIPALITIES TO RESTORE LOCAL RIGHTS

Whereas local governments have the right and responsibility to adopt laws that protect the health and safety of their citizens; and
Whereas the people in local communities should have the right to protect themselves against the harmful effects of secondhand smoke; and

Whereas Oklahoma has had a preemptive state law since 1987, which prohibits local governments from enacting laws that restrict smoking in any public places; and

Whereas the vast majority of states do not preempt local smoke-free air legislation and Oklahoma is one of only two states that preempts all smoke-free air legislation; and

Whereas more than 3,500 local governments throughout the country have successfully passed smoke-free air laws to protect people against the harmful effects of secondhand smoke; and

Whereas 48.7% of the U.S. population lives in cities or states with smoke-free laws for enclosed public places and workplaces, restaurants, and bars, while many of these Oklahoma venues remain smoke-filled and their employees and patrons remain unprotected from secondhand smoke because of preemptive state law; and

Whereas the tobacco industry, in an effort to negate such local legislation, has long had as its chief legislative strategy the preemption of local authority to regulate smoke-free laws; and

Whereas preemptive state laws have a devastating effect on tobacco control efforts, economic development, and on the public health of the states' residents and workers; and

Whereas multiple states have successfully overturned preemption and restored local control to enact and enforce smoke-free air laws; and

Whereas protecting people from the harmful effects of secondhand smoke is best accomplished by local communities working directly with the people most affected by smoke-free air laws; and

Whereas numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease in healthy nonsmoker, including heart disease, stroke, respiratory disease, and lung cancer; and

Whereas the 2006 U.S. Surgeon General's report, "*The Health Consequences of Involuntary Exposure to Tobacco Smoke*," concluded that there is 1) no risk-free level of exposure to secondhand smoke; 2) ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; 3) smoke-free workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace, and 4) evidence from peer-reviewed studies shows that smoke-free policies and laws do not have an adverse economic impact on the hospitality industry; and

Whereas the Oklahoma State Legislature should not deprive local governments of the authority to protect people from the harmful effects of secondhand smoke;

Now, therefore, be it resolved that the City of Clinton, Oklahoma urges the State Legislature to repeal any preemption of local smoke-free air and restore the right of local governments to enact and enforce smoke-free air laws.

And be it further resolved that the City of Clinton, Oklahoma strongly encourages other local governmental entities in Oklahoma to adopt similar resolutions.

Mayor

Date

ATTEST:

Clerk



Why Local Control?

When a community's elected officials have the power and authority to move forward to protect their citizens against the health hazards of secondhand smoke, the usually influential tobacco companies are suddenly powerless. This is why they work so diligently to close the door to local ordinances via preemption at the state level.

Local Control Means Meaningful Local Debate and Community Change

Local control is at the heart of our broader goals of 1) educating the public about the health effects cause by secondhand smoke and 2) changing attitudes and behavior of smokers in order to protect other from secondhand smoke. A powerful changes process unfolds as a community debates the issue of secondhand smoke. Letters to the editor, town hall meeting, public debate and media coverage all associated with secondhand smoke, resulting in strong community support for a law protecting nonsmokers.

Ease of Enactment

Meaningful smoke-free air legislation is much easier to enact at the local level where policymakers are most responsive to the concerns of constituents and less influenced by tobacco industry lobbyists and campaign contributions. The tobacco companies are forced to work at the local level through fake front groups and allies, whereas they are able to directly engage policymakers at the state and federal level without as much of a credibility gap. Big Tobacco would much rather bottle up or weaker one bill at the state house rather than try to tack and fight hundreds of local policy efforts throughout the state.

Ease of Enforcement

Because local residents typically have a higher understanding of the need for a smoke-free law at the local level, compliance rates tend to be very high for local ordinances. Local enforcement agencies such as health departments are easily accessible to the community, whereas statewide enforcement can be less reliable or responsive. In addition, not every community in a state is at the same level of public education regarding secondhand smoke.

People Have the Right to Breathe Smoke-free Air

Everyone needs to breathe. Secondhand smoke is a very easily prevented cause of disease and death in people of all ages. Local officials have the right and responsibility to deal with matter of public health and public safety in response to public concerns. A community's public health laws should be determined by research-based evidence, public support and local policymakers, not by tobacco industry lobbyists in backrooms of the state legislature.

For more information contact 918.477.5410 or www.smokefreeok.org