Resolution Concerning Preemption

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

Whereas the National Cancer Institute determined in 1999 (Monograph #10) that secondhand smoke is responsible for the early deaths of 53,000 Americans annually; and

Whereas the Public Health Service’s National Toxicology Program has listed secondhand smoke as a known carcinogen (U.S. DHHS, 2000, citing Cal. EPA, 1997); and

Whereas secondhand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

Whereas children exposed to secondhand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, developmental abnormalities, and cancer; and

Whereas local governments throughout the country have successfully passed smoke free air laws to protect people against the harmful effects of secondhand smoke; and

Whereas the tobacco industry and their allies, in an effort to negate such local legislation, has developed as its chief legislative strategy the removal of local authority to regulate tobacco and harmful tobacco smoke; 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 the people in local communities have the legal right to protect themselves against the harmful effects of secondhand smoke by enacting ordinances through legislative action, initiative or referendum; and

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

Now, therefore, be it resolved that the Gallatin City-County Board of Health denounces the Montana Legislature’s decision to roll back local health protections from secondhand tobacco smoke that have worked to benefit of public health in our community over the objections of our community.

Be it further resolved that the Gallatin City-County Board of Health urges the public, local businesses and the community at large to act to protect themselves from the dramatic health impact of exposure to tobacco smoke and continue with the status quo of the local smoke free indoor air policy adopted by this community.

Buck Taylor, Chair
Date

Stephanie Nelson, Health Officer
Date