1. Give Cities and Towns the Authority to Protect Their Residents from Secondhand Smoke (repeal of preemption).

**Why is it important to empower cities and towns to protect their citizens from secondhand smoke?**

Secondhand smoke has been classified by the Environmental Protection Agency (EPA) as a Class A carcinogen because it contains benzene, asbestos, formaldehyde and other dangerous chemicals. It is conservatively estimated that at least 53,000 nonsmokers die annually from diseases caused by secondhand smoke.

Over the short term, secondhand smoke is a common trigger of asthma, bronchitis, and pneumonia in children. It has also been associated with Sudden Infant Death Syndrome (SIDS).

Locally elected officials should have the right to protect their citizens, especially children, from the detrimental health effects of secondhand smoke.

**What are the policy advantages of having local control?**

There are several reasons why it is advantageous to have local decision-making regarding the regulation of secondhand smoke. Local legislation is easier to enforce, especially when compared to state laws that often rely on distant enforcement agencies. Furthermore, because residents have a higher level of awareness of local ordinances, compliance rates tend to be higher for local ordinances.

Empowering cities and town to make their own decisions can also be a powerful tool in educating the public about the detrimental health effects of smoking and secondhand smoke.

**Why does Connecticut State Law prohibit cities and towns from regulating secondhand smoke?**

In 1993, the Connecticut General Assembly passed legislation restricting smoking in municipal and state owned building, grocery stores, and hospitals. But the powerful tobacco lobbyists successfully added a provision to the law prohibiting cities and towns from regulating smoking in other places such as restaurants and bars. This is commonly known as “preemption”.

Simply put, the reason cities and towns are forbidden from regulating secondhand smoke is because Big Tobacco helped write the state law.

**Why is Big Tobacco so opposed to local control of smoking regulation?**

Internal tobacco industry documents show that prohibiting cities and towns from having any ability to regulate smoking (preemption) was the number one priority of the tobacco industry in the early to mid-1990s.

Big Tobacco figured that their best chance to fight the anti-tobacco movement was to “preempt” the field and ensure that the only legislative arena where legislation could
be passed restricting smoking was the state level, where Big Tobacco enjoys superior access and a track record of winning more than losing.

**What are laws like in other states?**

Connecticut is the only state in New England and part of a minority of states across the country that forbids their cities and towns from regulating secondhand smoke.

In states where cities and towns are empowered, 1,296 municipalities have passed local ordinances regulating secondhand smoke.

**What types of ordinances could cities and towns pass if given the right?**

The most common local regulations across the country are smoke-free ordinances governing workplaces and/or restaurants, and/or bars. These ordinances are written in a variety of ways, and often times include exemptions catered to the needs and desires of the community.

**Won't having different local ordinances be confusing?**

Other states have not experienced problems with different communities passing different local ordinances regarding secondhand smoke. For instance, in Massachusetts, over 80 communities throughout the state have passed local smoking ordinances.

Cities and towns in Connecticut already have the authority to set their own rules on a variety of subject matters, including planning and zoning. Locally elected officials should have the right to protect their citizens from secondhand smoke as well.

**How are smoke-free ordinances enforced?**

It is often said that smoke-free laws are "self-enforcing" with employers and residents taking sufficient steps to comply with the law. In addition, there are ample models that exist for enforcement by public health departments when violations occur or complaints are registered.

**Do smoke-free restaurants lose business?**

There is no statistical evidence that shows that banning smoking in restaurants hurts business. In fact, numerous studies have shown that restaurants make more money when they go smoke-free. There is also substantial cost savings associated with the decrease in employee health problems due to secondhand smoke exposure when a restaurant goes smoke-free.

Many towns that enact smoke-free restaurant ordinances do so in part because they feel it is appropriate to provide a smoke-environment for the waiters, waitresses and other employees of restaurants who otherwise repeatedly exposed to secondhand smoke.

Giving cities and towns the right to make their own decisions will allow for ample debate at the local level as to whether a smoke free ordinance is right for a particular city or town.
Who is in support of giving cities and towns the authority to protect their citizens from secondhand smoke?

The American Cancer Society, American Lung Association, American Heart Association, American Medical Association, Connecticut Conference of Municipalities, Connecticut Pediatricians, Connecticut Association of Directors of Health and many other organizations are all strong supporters.

Who is opposed?

The tobacco industry is the primary opponent of this legislation. In states throughout the country, they have a track record of collaborating with and funding other organizations such as restaurant associations, bowling alleys and other trade groups to fight anti-tobacco legislation.

What are the chances of successful legislation this year?

The public health community and municipal officials across Connecticut are united in the belief that this will be the year that the state legislature will right the wrong created in 1993. Last year, we were successful in passing legislation through two legislative committees and the full State Senate, with no vote called in the House of Representatives due to lack of time in the legislative session.

How many states have repealed preemption language regarding secondhand smoke regulation?

None. While most states have been successful in preventing preemption of secondhand smoke regulation from ever being enacted, no state has ever been able to beat Big Tobacco and repeal the language from state statute once enacted.

Where can I find additional information about local control of secondhand smoke regulation and whom can I contact to get more involved?

A variety of web sites provide helpful information regarding secondhand smoke and municipal regulation, including the Americans for Non-Smokers' Rights Foundation site.

For additional information, or to get involved, call the MATCH Coalition in West Hartford at (860) 586-8820 or go to our Get Involved page.