

Sample Resolution for Florida Municipalities to Restore Local Control

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 nonsmokers, 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 no risk-free level of exposure to secondhand smoke; ventilation and other air cleaning technologies cannot completely control for exposure of nonsmokers to secondhand smoke; smokefree workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace, and evidence from peer-reviewed studies shows that smokefree policies and laws do not have an adverse economic impact on the hospitality industry; and

Whereas the World Health Organization has determined that there is no safe level of exposure to secondhand tobacco smoke, a pollutant that causes serious illness in adults and children, and in 2007 declared that there is indisputable evidence that implementing 100% smokefree environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke; and

Whereas the National Cancer Institute determined in 1999 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; and

Whereas the California Air Resources Board has identified secondhand smoke as a toxic air contaminant, an outdoor air pollutant which may cause and/or contribute to death or serious illness; and

Whereas outdoor tobacco smoke levels measured in outdoor cafes and restaurant and bar patios near smokers rival levels of indoor tobacco smoke, and nonsmokers spending six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smokefree outdoor area;

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

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

Whereas data consistently demonstrates that secondhand smoke exposure increases the risk of coronary heart disease and heart attacks *and* that smokefree laws reduce heart attacks; and

Whereas local governments have both the right and the responsibility to adopt laws that protect the health and safety of their residents; and

Whereas the people in local communities should have the right to protect themselves against the harmful effects of secondhand smoke; and

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

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

Whereas the vast majority of states do not preempt local smokefree air legislation; and

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

Whereas Florida has had a preemptive state law since 1985, which prohibits local governments from enacting laws that restrict smoking in any indoor or outdoor settings, such as workplaces and public places, or that restrict the marketing, advertising, and point of sale of tobacco products; and

Whereas 64.4% of the U.S. population lives in cities or states with smokefree bar laws, while Florida bars remain smoke-filled and their employees and patrons remain unprotected from secondhand smoke because of the preemptive state law; 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 smokefree air laws; and

Whereas the Florida 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 _____ [*Municipal Entity*] urges the Florida Legislature to repeal the state's preemption of local smokefree air and other tobacco-related laws, and restore the right of local governments to enact and enforce smokefree air and other tobacco-related laws.

And be it further resolved that the _____ [*Municipal Entity*] strongly encourages other local governmental entities in Florida to adopt similar resolutions.

Name

Title

Signature

Date