BEFORE THE MARTIN COUNTY BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NUMBER 11-9.53

A RESOLUTION URGENCY THE STATE LEGISLATURE TO
REPEAL STATE PREEMPTION IN THE AREA OF REGULATING
SECONDHAND TOBACCO SMOKE.

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 diseases such as heart
disease, stroke, respiratory disease, and lung cancer in healthy nonsmokers; and

WHEREAS, the 2006 U.S. Surgeon General’s report, “The Health Consequences of
Involuntary Exposure to Tobacco Smoke” concluded that smoke-free workplace policies are
the only effective way to eliminate secondhand smoke exposure in the workplace and that
evidence from peer-reviewed studies shows that smoke-free policies 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 smoke and in 2007 declared that this is indisputable evidence that
implementing 100% smoke-free 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, secondhand smoke is particularly hazardous to individuals with
cardiovascular disease, individuals with impaired respiratory function, and the elderly; 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, local governments have both the right and responsibility to adopt laws that
protect the health and safety of their residents; and

WHEREAS, more than 3,100 local governments throughout the country have
successfully implemented smoke-free air laws to protect people from the harmful effects of
secondhand smoke; and

WHEREAS, the tobacco industry, in an effort to negate such legislation, has long had
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, multiple states have successfully overturned preemption and restored local control to enact and enforce smoke-free 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 or that restrict the marketing, advertising, and point of sale of tobacco products; and

WHEREAS, the Florida Legislature should not deprive local governments of the authority to protect their citizens from the harmful effects of secondhand smoke.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARTIN COUNTY, FLORIDA THAT:

The Martin County Commission urges the Florida Legislature to restore the right of local governments to enact and enforce smoke-free air and other tobacco-related laws. Further, Martin County strongly encourages other local governmental entities in Florida to adopt similar resolutions.

DULY ADOPTED THIS 27th DAY OF SEPTEMBER, 2011

ATTEST:

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

BY: MARSHA EWING, CLERK

BY: EDWARD V. CIAMPI, CHAIRMAN

APPROVED AS TO FORM AND CORRECTNESS:

BY: STEPHEN FRY
COUNTY ATTORNEY