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## **Banning Smoking In Public Places An Appeal to the City Council of Beaumont**

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**Your Life Your Health**

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In one of the more amusing events in recent political history, a candidate for public office claimed that he had "smoked marijuana" but that he had never "inhaled." While that may be a "distinction without a difference," its converse is not. Everyday, millions of non-smokers, people who have never and would never place a tobacco product in their mouth and set it on fire, inhale tobacco smoke.

Many parents, who smoke, are eager to keep their children from "smoking," while every day, they cause them to "inhale" the toxins and poisons contained in tobacco smoke. Sometimes, what we will not do for ourselves, we will do for our children. Hopefully, every parent, grandparent, aunt, uncle, brother or sister, who is not motivated to stop smoking themselves, will be motivated to stop causing their loved ones to inhale.

Environmental Tobacco Smoke (ETS) is a mix of more than 4,000 compounds, over fifty of which are known to cause cancer. In 1992, the U.S. Environmental Protection Agency (EPA) classified environmental tobacco smoke as a "Group A" carcinogen - a substance that produces cancer in humans. ETS from parental smoking can cause children to suffer the following health effects:

- Pregnant women who smoke and nonsmoking pregnant women exposed daily to tobacco smoke are more likely to have low birth weight babies at risk for death and disease in infancy and early childhood.
- Nursing mothers who smoke can pass along harmful chemicals from cigarettes to their babies in breast milk.
- It is estimated that more than one-third (35 percent) of all deaths from Sudden Infant Death Syndrome (SIDS) are due to maternal tobacco use. U.S. Children are three times more likely to die from SIDS caused by maternal smoking than die from homicide or child abuse.
- Children of parents who smoke have a higher prevalence of symptoms of respiratory irritation such as cough, phlegm, and wheeze.
- An estimated 1.67 million physician visits for cough each year in the United States are due to involuntary smoking.
- Exposure to ETS substantially increases the risk of lower respiratory tract infections, and is responsible for an estimated 350,000 cases of bronchitis and 152,000 cases of pneumonia annually or 16 percent of all lung infections in U.S. children under the age of five.
- Involuntary exposure to tobacco smoke is responsible for an estimated 1.2 million ear infections each year in the United States, or approximately 7 percent of the total.

- Children exposed to household smoking are at greater risk of requiring surgery for recurrent ear infections or tonsillitis; an estimated 86,000 tube insertions (14 percent of the total) and 18,000 tonsillectomies/adenoidectomies (removal of the tonsils or adenoids - 20 percent of the total) each year in the United States are attributable to ETS.
- ETS exposure is associated with higher risk of developing asthma and more frequent and severe asthma attacks in children who already have the disease. Each year in the United States, an estimated 11 percent of all asthma cases and more than half a million physician visits for asthma are due to smoking in the home.
- Exposure to the smoking of one or both parents has also been shown to be a highly important predictor of smoking among adolescents.
- It is difficult to quantify the exposure of nonsmokers to ETS. Smoking in confined spaces, such as in a small enclosed room or a car, can greatly increase concentrations of environmental tobacco smoke.
- It takes more than three hours to remove 95 percent of the smoke from one cigarette from the room once smoking has ended.
- In general terms, most adults (87 percent) believe people have a right to be free from breathing other people's second-hand smoke.
- Parents who restrict smoking to the outdoors are more likely to be highly educated, older, come from nonsmoking households, and have higher incomes.
- Courts in Canada, the United States, and Australia have begun to consider parental smoking as one of the factors that must be weighed in assessing "the best interest" of the child in custody and access proceedings

### **City Council of Beaumont Considers Banning of Smoking**

On Tuesday, March 21, 2006, the Beaumont City Council will address the banning of smoking in public places. Beaumont has had outstanding city government for decades and the present Council is no exception. The Council now has the opportunity to exercise visionary leadership

The natural inclination of public leaders is intuitively to follow Thomas Jefferson's famous dictum, "Those are governed best who are governed least." And, in a pure democracy, where the group is governed by public meetings of the whole, Jefferson is absolutely right. However, in a large republic with representative government, there is a balancing precept which states that "the rights of the many are limited principally by the rights of the one.

Beaumont's City Council members must balance these two precepts in deciding on banning smoking in public places. The questions which the Council must answer are:

1. Is there a significant, valid public interest in the right to be free of environmental tobacco smoke (also called passive or second-hand smoke)?
2. Can Council protect the rights of smokers while also fulfilling their fiduciary responsibility to provide a safe living environment for all citizens?

3. Does the banning of tobacco smoke in public places impinge upon the rights of the proprietors of public places?
4. A public banning of smoking will clearly improve the general public health, but will it cause a decrease in profitability of public places where smoking is currently allowed?
5. Does the City Council have the legal right to ban smoking in public places?

The overwhelming scientific evidence is that there are significant and real health hazards to the public from second-hand tobacco smoke. Currently, the Public Health Department examines restaurants for cleanliness. The City has the power to and will close a restaurant which does not meet certain minimal standards. Unfortunately, there is no such measurement for air quality. Thus, while the public is protected from E. Coli, the public is not protected from the far more insidiously danger of billions of free radicals found in every single puff of tobacco smoke. The Beaumont City Council can and should mandate that residents of this city be able to eat in restaurants which are not only clean but which are safe due to the absence of tobacco smoke.

The rights of citizens who chose to use tobacco products are protected by continuing to allow such products to be sold and used in Beaumont. They just cannot be used in certain places. At a minimum, the city should establish air quality standards for public places. If a restaurant wants to install air purifiers and ventilation systems which can guarantee that patrons are not exposed to any tobacco smoke or particles, then it would be appropriate to allow restaurants to have two totally separate facilities: one for smokers and one for non-smokers and particularly for children who are uniquely harmed by second-hand smoke. The regulatory complexity and the cost of such systems makes it much less expensive to simply ban smoking.

However, when customers in local restaurants must walk through a smoking section just to get to their non-smoking seating, as is the case at Carraba's; when they have to walk through the smoking section just to get to the restrooms, as is the case at Pappideaux's; when patrons have to walk through a fog of cigarette smoke to get into a restaurant, or when a table in a non-smoking section is three feet away from a table in a smoking section with no separate ventilation, the City Council of Beaumont is compelled to correct this.

As to the third question, regulation of businesses who serve the public are a part of our republic. No restaurant owner has the right to place the public at risk by lack of hygiene and/or cleanliness whether of the physical plant, or the employees who serve the public. Those standards need to be applied to the air quality as well. In addition, no business has been hurt in any city, state or country where tobacco use has been banned. Even bars have not experienced loss of revenue in municipalities where smoking has been banned in pubs and bars.

The last question is easy. The City Council has the legal right and the moral responsibility to regulate business in the public interest. And, any business which will tell a customer, "No shoes, no shirt, no service," can also say, and should say, "No

smoking.” Business owners regulate their customers to their advantage; now business owners need to be regulated for the customer’s advantage.

Call your City Council. Attend the Council meeting on Tuesday, March 21<sup>st</sup>. Let our City Council know that you want Beaumont to be an innovator. Whether you don’t smoke or do, your interests are served by the banning of smoking in and around public places. All of us who are interested in public health applaud the City Council for undertaking this debate; we will recognize them as visionary leaders when they establish a ban on public smoking in Beaumont, Texas.