

# Smoking ban: good or bad?

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TheSmokingBan Brandon Samuel January 24, 2013 The Smoking Ban

Smoking is a popular pass time. At the same time, it also threatens the lives of millions of people, smoker and non-smokers alike. Smoking kills more people each year than any other disease. Smoking kills 2 out 10 people each year in developed countries. (PAHO, 2007) Secondhand smoke puts non-smokers at similar risk to that of smokers. Retrospectively non-smokers feel their rights are being violated. Smokers want to have a choice to smoke where they want.

Smokers claim smoking is a legal act so why ban it? Forty Six million smokers make their ownhealthdecisions to smoke. However, the Environmental Protection agency drafted a report, in May of 1992, stating that second hand smoke is a carcinogen. Every state in America should address this problem on a national level and local level. Smoking should be banned from allpublic facilities. Several states have passed smoking laws making it illegal to smoke in any public facility. In California, it's illegal to smoke in a car with children under the age of 18 aboard.

Other states such as Maine, Louisiana, Puerto Rico, and Arkansas have similar car smoking laws- with different ages that apply. Many variations of policies have been set locally to support a nationwide movement to have smoke free laws in every state. Among these states Michigan is also among these states jumping on board for smoke free environments. The clean air act was established to protect citizens against harmful effects of smoking or second hand smoke. There are currently 13 states that have no statewide ban and simply rely on the clean air act to restrict smoking.

These laws of the clean air act are very broad and may restrict per county but it is up to the state to apply specifics to their area. As Smoking has been a habit of choice for many Americans, laws and policies are set in place to protect those who wish not to be affected by second hand smoke. Michigan has been among many states adapting to the change. Jennifer Granholm signed a bill on December 18, 2009 which was put into place on May 1, 2010 where all public areas including workplaces, restaurants, and bars will be smoke free. The policy also states, unlike California and other states that you may not smoke on any patio of these establishments as well. Opinions of others feel that this is quite harsh as people feel they should be able to smoke outside on a patio at the establishment. The bill defines and explains all appropriate measures which must be taken in order to uphold the law. The sections describe actions for company owners to prohibit smoking in these areas and to also post signs around the establishment. (Mulder, 2010)

There are two exceptions to the smoking ban which includes cigar bars and tobacco specialty stores. Both of these businesses must file an affidavit with the department and await approval. The bill is very specific about what is allowed and what not allowed for these establishments is. For example, you may not smoke cigarettes in the cigar bar, only cigars. The second exception to the policy is casinos. If the casino was established before the bill was called into action then patrons may smoke in the facility. However, casinos that are established after May, 1, 2010 must be smoke free.

Penalties of this bill are determined to be no more than 100 for the first offense and no more than 500 for the second offense. Food establishments that do not permit smoking as according to the law may not discriminate

against employees who do smoke. (Mulder, 2010) Below are a list of state and local laws that pertain to the United States and the participation of this policy.

- Across the United States, 21, 884 municipalities are covered by a 100% smoke free provision in non-hospitality workplaces, and/or restaurants, and/or bars, by either a state, commonwealth, territorial, or local law, representing 79. % of the US population.
- 39 states and the District of Columbia have local laws in effect that requires non-hospitality workplaces and/or restaurants and/or bars to be 100% smoke free. There are 2, 140 states, commonwealths, territories, cities, and counties with a law that restricts smoking in one or more outdoor areas, including 1, 056 that restrict smoking near entrances, windows, and ventilation systems of enclosed places; 1, 497 that restrict smoking in public outdoor places such as parks and beaches; 253 that prohibit smoking in all outdoor stadiums and other sports and entertainment enues, and 361 that restrict smoking in some areas within outdoor stadiums and other sports and entertainment venues. (ANRF, 2012)
- Smoking is a habit that many people engage in throughout America. It can also be thought of as a social activity, and many people who do not smoke normally will smoke especially when they go to bars, restaurants, and casinos. At the same time, smoking is a great health risk, which endangers not only the user, but also everyone who is in the same area as the user.

In this context, this paper will examine the pros and cons of banning smoking in bars and restaurants and will provide an ethical solution to this debatable issue. Looking at ethical solutions to this problem depends on how you view the issue at hand. Quit smoking in enclosed spaces or continue the way we

have always done things. What about giving people the choice not to be engulfed by SHS? Does the smoker's right to smoke trump the right to not smoke or be affected by SHS? If no, then set rules and regulations. Those who don't follow will have consequences.

Clarks article states that an amazing 88% of Americans feel that smoking is annoying. Too much surprise, most smokers support a smoking ban as well. We could cater to the 88% and develop solutions to these problems such as; make it illegal to smoke in any public facility. Another solution would be to install advanced air filtering systems to enable smokers to continue to smoke indoors as long - as the filtering systems prove to be efficient. This may be the key to help the smokers, less likely to feel isolated and attacked.

Another possible solution would be to spend money on outdoor areas (patios) where customers may eat or socialize outside together. This would actually draw non-smokers and smokers together in an environment where they could mingle together without feeling like they are being harmed physically or emotionally. If your business was located in a cold area, the owners could also install outdoors heaters to allow year round patios. To clarify misconceptions even further, the Journal of American Physicians and Surgeons, written by Michael L.

Marlow, reports that the best evidence reported that smoking bans put into place does not pose an economical threat to the any business. (Marlow, 2009) In addition to public smoking remedies, there should be a smoking ban in any vehicle that transports a child under the age of 18 years old. By making the age 18, there is no question of rights that are infringed. You have to be 18 to buy and smoke cigarettes, so lets keep it consistent and simple.

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Given scientific information on the effects of smoking a non-objectivist would agree that sometimes simplicity is the key. Waller, 2008, p. 175) As stated previously smoking is a greater cause of death and disability than any single disease, says the World Health Organization. According to their figures, it is responsible for approximately 3.5 million deaths worldwide every year - or about 7% of all deaths. (BBC News: Smoking) Moreover, the World Health Organization says that by 2020 17.7 percent of all deaths in developed countries will be the result of smoking (BBC News: Smoking). This means that out of every 10 people who die roughly two people die because of smoking.

The WHO is currently working on a global level to achieve 100% smoke free environment in any enclosed space. This is to include airlines, schools, workplace, health facilities, bars, restaurants, and all public facilities. This global organization recognizes the dangers that come from smoking and also would like to help educate our youth on the effects of smoking. This type of action would focus on preventative measures to lower the percentages of smokers in the years to come. (WHO, 1999) There was also a recent study done by the United States Societies actuary and it reported that a combination of direct and indirect medical costs estimated about 10 billion dollars in health care costs associated with smoking. To support this estimate, the Occupational Safety and Health Administration reported that a clean air act would save US employers 15 billion dollars annually and the workforce productivity would raise about 3.5%. (PAHO, 2007) To begin, the argument for allowing smoking in bars and restaurants is that many people go to bars and restaurants to relax and socialize.

Historically, smoking has been a part of these activities, especially drinking and socializing in bars, pubs and nightclubs. Charles Clark writes in his article about the desperate attempts to cut down smoking in public facilities. Politicians, administrators, and supervisors are looking for policies that they can move forward with- in order to “ crackdown on smoking”. Clark notes that since the smoking ban issue has been pushed so heavily and been in the forefront of everyone’s minds, smokers have been feeling publicly humiliated, vilified, and ridiculed. Clark, 1992) The ban of smoking could, in this context, jeopardize businesses by forcing businesses to ban activities in which their customers engage. This economic factor is potentially problematic, since it is often a good thing for businesses to further profits by catering to the wishes and desires of the customer. Secondly, bars are places where everyone knows that people smoke and so they enter into this environment of their own free will. Thus, smoking in this case is not a malicious activity, since everyone freely chooses to visit a place that allows smoking.

Thirdly, it is potentially problematic to dissuade what is often considered a social activity in a social environment. In the context of the pros to banning smoking in bars and restaurant, these cons to banning smoking in a bars and restaurants hold up different viewpoints. First of all, smoking is a serious health risk both to all customers and the people who serve them. Studies have also proven that the smoking bans have not affected the businesses that are on board. In fact, it has increased business and people are generally supporting the change. PAHO, 2007) This also brings up another issue of whether or not to ban smoking in every workplace establishment and

vehicles with children as well. Overall, according to the World Health Organization, smoking kills and disables more people worldwide than any other disease. This means that smoking, which is a chosen habit, kills more people than serious worldwide disease such as AIDS. Tynan's article reports that the American Nonsmokers ' Rights Foundation estimated 33% of US residents live in areas where smoking bans have already been set in place. Tynan, Babb, , 2008, May). When looking at the smoking ban we can include the smoking ban to incorporate all public facilities, transportation (airplanes, trains, buses), and also vehicles with children aboard. Right now children are suffering from second hand smoke. In many states it is still legal to smoke in your car with children. But what isn't exploited is that the World Health Organization reports that 700 million children are exposed to second hand smoke. SHS exposure causes upper respiratory infections and increases the chance of asthma. PAHO, 2007) Shouldn't America fight for protecting adult non-smokers, but also the children too? In regards to SHS in the workplace The Employee Relations Law Journal (2006) Tomkowicz and Lessack make claims that workers who smoke, take longer and more frequent breaks. In addition, to longer breaks there is a rise in the cost of health care, which is more expensive for everyone because of smoking and its many effects. The World Health organization supports this claim as well, adding that economically the businesses are at higher risk for fire, more expensive cleaning fees, and higher insurance premiums. PAHO, 2007) Non-smokers feel the smoking ban has a positive impact on the health of everyone, so let's continue the progression and move forward with a nationwide ban. These reasons alone should show that public establishments and society



should support a clean air act. A habit, which kills and injures so many people worldwide and in the US, is hard to embrace. In a larger respect, one could argue that, considering these facts, it is the duty of our United States government to protect people when they go to public places from the awful effects of smoking.

The biggest reason, moreover, that smoking should be banned from restaurants, bars, public places, and transportation is that we need to find a way to protect the rights of individuals asking for a choice to stay healthy. Why should smokers infringe their choice on others? It would be safe to say that the opposing views of the smoking bans derive from a universal ethical egoism viewpoint where as Bruce Waller's text *Consider Ethics* (2008) describes ethical egoism as everybody does what benefits them, not considering others views or values. Waller, 2008, p. 87) Although ethical egoism deserves consideration society should also consider utilitarianism as another ethical viewpoint. Although these negative myths about the smoking ban can be refuted, and smokers understand consequences of smoking to their own health, smokers have to also calculate the consequences to non-smokers as well. Assuming the United States Government fights these battles locally, nationally, and statewide, many of the Americans will continue to decline in health and continue to die each year from tobacco and SHS.

If society looks at second hand smoke in an ethical manner they could see that SHS is detrimental to one's health and we have a moral obligation to our fellow humans to not impose serious health risks upon others. Another aspect to point out is that most of America does not smoke. There are more

non smoker s that there are smokers. Also smokers generally want to quit but still smoke because of nicotine addiction. A lot of smokers support a clean air act. There are several myths that are brought about from the tobacco industry.

Clearly looking at the difference between right and wrong in this case is key. People should have the right NOT to smoke, even passively. Simply, have rules and regulations on where smokers can and cannot smoke. Based on scientific knowledge, many Americans and organizations that support the smoking ban have begun to campaign against second hand smoke. If the smoking ban does not progress, we may see backlash of an angry population. We could also see US studies providing that second hand smoke increases the number of people with lung cancer and heart disease.

People who are addicted to smoking should be treated with compassion in order to help their habit. However, they should not be permitted to harm others by chemical means. If America cannot agree to enforce public smoking laws, then we will continue to see declines in smoker's health including cancer and fatal deaths resulting from a carcinogenic agent, such as cigarette smoke. In regards to smoking in the workforce, employees who are continually and routinely exposed to a lot of second-hand smoke may end up walking away from their jobs, due to the health risks.

In this respect, non-smokers can be subjected to the same ailments and risks that smokers are subject to. This fact in itself makes it plainly evident that smokers endanger others by smoking, and that in view of public health, the government must pass laws which protect its citizens from health hazards, especially ones which kill more people so violently. Conclusion To conclude,

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the arguments for allowing smoking in bars and restaurants rest on the assumptions of the past, that smoking is a social activity and should be allowed in public places.

But since that time in the early 20th century when smoking was much more prevalent among adults, medicine has discovered absolutely that smoking greatly jeopardizes the life and quality of life of millions of people, smokers and non-smokers exposed to secondhand smoke alike. M. Tynan says that the 2006 Surgeons General's Report concluded that SHS causes premature death and disease in young children and nonsmoking adults. This means that the government must enact changes in the law to reflect this scientific knowledge.

Overall, however, when weighing both the pros and cons, it becomes very evident that smoking is too harmful to people's health and must be publicly censured as much as possible. Given all these factors of smoking the US government should provide a universal ban for smoking in public facilities. With the exception of those establishments who provide an area, which is sealed off, and the air current is ventilated away from the general public. Only then would a bar or restaurant owner be able to allow smoking in this space.

Millions of Americans chooses not to smoke. However, they are not given the chance to get away from second hand smoke. In most states it is still legal to smoke in restaurants, bars, casinos, and public facilities. Why is the law taking their right away to be healthy, but yet not taking the right away from smokers all the while letting them blow smoke in their way? What is more

important the right to smoke or your right to good health? References ANRF. (2012, January 02). Overview list – how many smoke free laws?.

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