

An argument against the smoking ban in universities

Law



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Cigarettes are not fun to be around. They smell like motor oil and tar, polluting the very air around them. Studies have shown that they are the cause of many diseases like lung cancer and can result in future heart failure. According to the CDC (Center for Disease Control) website, smoking increases the risk of developing cancer by 25%, while claiming almost 480,000 lives every year (Center for Disease, 2015). I personally am not a fan of the things or even the people who smoke them. I also understand that second hand smoke is a problem when around smokers. I gag every time the scent of a Camel or Marlboro hits my nostrils. It is on these points that the University and I reach an agreement. Cigarette and smoke products are unhealthy for everyone, plain and simple. But where the university and I lose touch is on the campus-wide smoking ban. On August 1 of 2013, CSUF declared itself a “ smoke-free” campus. The ban has set forth to prohibit all smoke related products, like cigarettes, E-cigs, and even vaping, from all CSUF facilities (Smoke-Free Campus, 2016). This includes housing areas and even personal vehicles parked on campus. As I stated before, I share the distaste towards cigarettes and my preference is to not be around them but, I do not believe that the campus-wide ban is within grounds. The smoking ban on campus is a problem because it is a waste of University resources and attempts to wield more power than the university actually holds over its students.

What happened to the term, “ It’s a free country”? When did people lose their right to do what they wanted with their own time and life? The smoking ban on campus attempts to take that right away every time a smoker is tainted by the glare of one of the many “ smoke-free campus” signs dotted

around CSUF. Thankfully though, I can return the glare of that sign with the glare of the ninth amendment of the Bill of Rights. The amendment holds that “ The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people”(Wikipedia, 2016). The right to smoke in a public area was a right that our founding fathers unfortunately failed to specify when drafting the Bill of Rights but, luckily they added the ninth amendment. The addition of the ninth amendment protects against laws and policies that look to unnessecarily control the people. No, the right to smoke a cigarette in public is not specifically stated in the Constitution (though that would really help my argument) but the ninth amendment is in place to prevent that right, or any right that is held by the people, from being interfered with on any level. The smoking ban is a very blatant violation of the rights of any smoker who decides that they would like to take a smoke break behind a CSUF building. If an officer of the law or even a member of campus administration ever attempted to challenge a smoker on his/her right to smoke on campus facilities, then that matter could potentially become a violation of that individual’s ninth amendment rights.

Thankfully though, the likelihood of a challenge towards this individual is small due to the lack of enforcement of the campus smoking ban. On the CSUF “ Smoke-Free Campus” webpage, which gives a more detailed explanation of the policy, it asks “ CSUF community members to help create a smoke-free environment using community enforcement”(Smoke-Free Campus, 2016). In response, community enforcement has been extremely ineffective in creating a smoke-free environment. Students and the

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community often pass these individuals with no intention of issuing community enforcement but, instead steer clear or simply walk away. Because of this, smokers remain everywhere at CSUF. They smoke out in the open every day. Take a walk to the humanities courtyard and you can see that many smokers like to set up shop under the shade there. They laugh in the face of the ban freely and in the open for everyone to share their cigarettes. Hundreds of non-smokers walk through the clouds of smokers on campus every day. The ban has done nothing to combat the omittance of second hand smoke, making it an ineffective policy in the first place. Why create a policy that can not be enforced? Why spend money being wasted on signs that send an empty message? Now, don't get confused. I get it. Why am I arguing against a policy that is not even being enforced?

The lack of enforcement is the primary reason for my opposition towards the ban. As a non-smoker who walks through the clouds of smokers on my way to class, I would love to combat the existence of second hand smoke on CSUF facilities. I fully agree that second-hand smoke is a hazard and needs to be reduced for the wellbeing of the community. What I do not believe in is the violation of individual rights and privileges. If a smoker wants to smoke then they should be able to smoke, period.

In my opposition to the ban on smoking products, I've found that there are alternatives to replace the ban that could potentially reduce the amount of second hand smoke as well as not violate the rights of smokers. Instead of a false ban on smoking, the university can manipulate the location of smokers on campus by creating what can simply be considered " smoke spots" in

strategic sections of the campus. These “ smoke spots” would have to be obviously labeled areas that are for the most part excluded from large student traffic sections as well as a comfortable location for a smoke break. Throw in two or three tables so smokers can complete work and possibly an electronic charging station would suit their needs. The importance of ashtrays have been lost under the “ smoke-free campus” policy thus resulting in no better place for smokers to leave finished cigarette butts but on the ground. According to the current campus wide ban “ ashtrays [have been] removed from campus because they are a receptacle for a product that will no longer be used on CSUF property”(Smoke-Free Campus, 2016), but unfortunately that has created an increased amount of litter since smokers no longer have a place to throw out their finished cigs. The university can further strengthen incentive for smokers to use the spots by selling tobacco and smoking products itself possibly through the use of vending machines. By selling the products at a cheaper price in a vending machine, the smoke spots could potentially become profitable for the university as smokers decide to purchase from smoke spot vending machines instead of outside vendors. Providing smokers with a convenient place to continue their habits as wells as relocating them away from the larger student body is a much better compromise than a complete ban on smoking.

A full ban on all smoking is not a realistic vision. Tobacco and smoking, though decreasing in popularity, still holds on strongly to a portion of the population. What most people tend to forget is that smoking and tobacco is connected to an addiction. Addiction can not simply be banned at the snap

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of a finger. When an addict is addicted then they will continue to feed their addiction regardless of the thoughts and policies of the public. The best option is to provide a controlled place for them to continue that addiction and most of all, make it work for the university by making a profit from the addiction. The potential for a lawsuit in violation of a smoker's rights should also be a motivator to move away from the ban. Especially in a public university where activists, protesters, and advocates are free to roam and express themselves in whatever way they please. I believe that the ban on smoking needs to be banned. I believe that the university can work smarter, not harder in this situation.