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Thursday 24th April

Michigan Trying to Ban Public Smoking

Posted April 21, 2008 @ 1:28 am by [Jeffrey Lindblom](#)

I have some great news for smokers. Because the Michigan state government is concerned with your health, you may soon be encouraged to get out more. Last December, the Michigan House passed a bill to ban public smoking. What that means is you can enjoy a smoke-free meal punctuated by periods of stamping your feet outside the bar in subfreezing temperatures next winter. Remember: fresh air is good for you.

Don't get your hopes up just yet, though, smokers. Right now, the bill is languishing in the Senate's Government Operations and Reform committee. According to an [Associated Press](#) article, "Republicans who control the chamber sent smoking-ban legislation to a committee where bills traditionally go to die." The committee is headed by term-limited [Senator Michael Bishop](#). Attempts to get a comment from Senator Bishop were unsuccessful.

[Representative Brenda Clack](#) introduced [House Bill 4163](#) and its companion HB 4816 to the Michigan House in January 2007. As the bill's sponsor, she shepherded it through the House until it passed in December on a 56 to 46 vote. The bill was important enough that only eight representatives didn't vote. Democrats strongly supported the bill, voting 47 to 7 for it. Republicans were against it by a vote of 39 to 9.

Diagnosed with chronic bronchitis, Rep. Clack (Dem., Dist. 34 - Flint) was inspired to push for the bill to ban public smoking. In addition, other family members are afflicted with smoking-exacerbated illnesses such as asthma and heart disease. "I'm full of smoke when I leave restaurants," complained Rep. Clack. She feels the bill should help employees, especially in bars and restaurants, who don't smoke.

Of course, many of us remember growing up in and visiting houses thick with smoke, getting off an airplane reeking of smoke after a several hour flight, or enjoying a yummy "smoked" steak dinner in a restaurant. My father used to smoke from his teen years until I was about two. He has told me that he quit for the sake of my and my sister's young little lungs. Still, the question remains, is secondhand smoke a problem?

“Secondhand smoke

(SHS) causes premature disease and death in nonsmokers, including heart disease and lung cancer. The Surgeon General has concluded that no risk-free level of SHS exposure exists; the only way to fully protect nonsmokers is to completely eliminate smoking in indoor spaces. Studies have determined that levels of airborne particulate matter in restaurants, bars, and other hospitality venues and levels of SHS exposure among nonsmoking hospitality employees decrease substantially and rapidly after implementation of laws that prohibit smoking in indoor workplaces and public places.” So says the [U.S. Centers for Disease Control](#) in a 2004 report.

Nevertheless, if the purpose of the bill is to improve the health of Michigianians, why is there an exception for casino gaming floors? People can spend many hours sitting at a slot machine or a roulette table. Doesn't their health matter? [Scott Grigg](#), Public Relations for Detroit's MGM Grand, offered a simple explanation.

Native American casinos would not be subject to this law. This bill would have no impact on their ability to attract smokers. On the other hand, imagine being a heavy smoker trying to gamble for hours at a Detroit casino, but having to run out every half hour to smoke. Why not just go to one of the many Native American casinos within easy driving distance?

“[I]f our revenues were impacted from smokers going to Native American casinos, smokers wouldn't be [the] only ones experiencing withdrawal. The taxpayers would feel the effects since that would mean fewer revenues subject to state and local taxes (keep in mind we are taxed at 19-percent of revenues for state and local taxes),” wrote Mr. Grigg in an email.

“Banning smoking would put us on an unlevel playing field” with Native American casinos, said Mr. Grigg. Both Rep. Clack and Rep. Moss confirm this explanation. Rep. Clack said she fought the casino floor and other exemptions but “needed to get the bill in the door.” She'd sent staff to check out the air filters in casinos.

“Michigan should join the other 31 non-smoking states,” said Rep. Clack. A check of the Wikipedia article “List of smoking bans in the United States” (as of 3/10/2008) shows 34 states with some kind of state-wide smoking ban in restaurants and bars, but eleven of those have significant exemptions. Common exemptions are to allow smoking in bars if the bars have age-restrictions or get most of their income from alcohol.

When asked if there was ever much doubt about the House passage, Rep. Clack replied that “[t]here was a battle. Not because of emotion, but with the business community.” But restaurant owners should support the bill, she said. Smokers, she claimed, tend to eat then have a couple cigarettes. In that time, the restaurant could've had two families come and go. Thus, she feels that this bill will ultimately improve restaurant business. While not directly answering the question about business owner feedback, she characterized the attitude of many business owners going non-smoking as “[w]e were afraid at first, but we're glad we did it.”

[Representative Chuck Moss](#) (Rep., Dist. 40 - Birmingham) takes exception to Rep. Clack's claims. As one of those voting against the bill, he wanted to emphasize the role government should play in this debate. “I strongly believe this is a decision [to be smoking or non-smoking] that should be made by the bar or restaurant owner. I believe when it comes to bars and restaurants, the decision should be made by those who pay for it. I don't think that's an appropriate role of government.”

This bill is a sneak attack on smokers' rights, the representative said. “This is Prohibition on the installment plan. If people want to make smoking illegal, they should come right out and say so.” To

him, this bill is saying the government is “going to make you be virtuous whether you like it or not.” Asked about business feedback, Rep. Moss said “[m]any businesses keep their mouths shut because they’re afraid” of being too much on the vanguard of the non-smoking push. The business owners just want to run a profitable business, but most expect to lose customers. Some bar owners have told him that they expect to lay people off.

Business owners do, indeed, have mixed opinions and results. Over the last couple years, [Ram’s Horn](#) restaurants have been experimenting with non-smoking policies. The results have depended on a restaurant’s location. Co-founder Kasapis admits that little research had been done before the experiments. When asked why the experiments were undertaken, he responded that Ram’s Horn “tried to be pre-emptive on trends.” He added that “I hope it [the bill] passes. It puts us on a level playing field.” To the question of employee satisfaction with the changes, he claimed that employees were indifferent unless they were smokers who now have to go outside to smoke.

Of the 24 Ram’s Horn restaurants in Michigan, five are completely non-smoking and four ban smoking on some days. The reason some restaurants are hybrids is for efficiency. According to Mr. Kasapis, on some days there’d be lines for people waiting for non-smoking sections, while smoking areas were only partially full. Eventually, most Ram’s Horn restaurants will be non-smoking on Sundays, he predicted.

Mr. Kasapis said that the first two complete bans, in Farmington and Royal Oak (now a The Avenue restaurant), worked well, so the owners were encouraged. Two other attempts, in Clarkston and Waterford, failed badly enough that the locations lost about 25% of their business and have never recovered, despite having returned to mixed smoking environments. Now five restaurants have complete bans; three have non-smoking Sundays; and one, Novi, is smoke-free Fridays through Sundays.

Maureen Cowley, General Manager of [John Cowley & Sons Pub](#), offers a decidedly different view. Cowley’s, an Irish style pub in downtown Farmington, had a complete redesign five years ago. The pub has two floors. The first floor is all non-smoking dining. “It’s like a European hotel dining room,” said Ms. Cowley. The second floor is mixed smoking and has a “huge” ventilation system. This division has been in place since the pub reopened. Ms. Cowley explained that the reason for the change was to create a positive dining experience but still allow for those who want to smoke at a bar while enjoying live entertainment. Non-smoking, she said, “is positive for a dining experience, not a pub experience.”

The bill is “not going to do us any favors,” complained Ms. Cowley. “Even if all bars and restaurants have to be non-smoking, it’ll hurt business because people will either go out less often or not stay as long.” Even though she has been aware of the bill, she hasn’t personally done anything about it. Maybe Rep. Moss has a point about business owners keeping their heads down. Ms. Cowley does admit that patron feedback has been very positive about the dining experience.

The trend towards banning smoking in public is not just an issue for U.S. states. The issue came up in the national election campaign. According to a [New York Post](#) article last year, Senator Hillary Clinton was “[a]sked at an Iowa forum on cancer whether banning smoking in public places would be good for America, Clinton replied, ‘Well, personally, I think so. And that’s what a lot of local communities and states are starting to do.’”

The issue also crosses national borders. In neighboring Canada, cities, such as Calgary (2007) and Edmonton (2005), have banned smoking. Several entire countries have greatly restricted public smoking, for example, Ireland (2004) and Scotland (2006)—if you can believe it—in Europe, Bhutan (2005) in Asia, and Uganda (2006) in Africa.

Back home in Michigan, Rep. Clack remains optimistic about her bill's future, despite the reputation of the Senate committee now controlling the bill's fate. "The community is going to speak out more and more," she said. Musicians, for example, have expressed support to her for the bill because of how smoking and second-hand smoke affects their lungs. The fact that she's at the end of her term limit may allow her to escalate the fight for the bill.

Summarizing her philosophy about the bill, Rep. Clack said "I want a healthier Michigan. We'll see the results of this fight and if we can cut back on disease, this is the way to do it"


For More Information:

The Michigan legislature's official site for HB 4163: <http://legislature.mi.gov/doc.aspx?2007-HB-4163>.

You can find the complete text of the bill and a summary by non-partisan House staff.

A list of all who voted for and against the bill: <http://tinyurl.com/ywo8e8>. Search for "Roll Call No. 557"

Representative Michael Bishop:  (517) 373-2417 , SenMBishop@senate.michigan.gov

House sponsor Brenda Clack:  (517) 373-8808 , BrendaClack@house.mi.gov

A complete list of Michigan's House members: <http://house.michigan.gov/replist.asp>

A complete list of Michigan's Senate members: <http://senate.michigan.gov/senators/senfull2007.htm>



2 Comments »

1. Governments gone wild

The bandwagon of local smoking bans now steamrolling across the nation has nothing to do with protecting people from the supposed threat of "second-hand" smoke.

Indeed, the bans themselves are symptoms of a far more grievous threat, a cancer that has been spreading for decades throughout the body politic. This cancer is the only real hazard involved - the cancer of unlimited government power.

Loudly billed as measures that only affect "public places," smoking bans have actually targeted many privately owned places such as bars and shops - places whose owners should be free to ban smoking or not and whose customers are free to patronize or not. Outdoor bans even harass smokers in places where others' health is obviously not the issue.

The decision to smoke or to avoid "second-hand" smoke, is a question for each individual to answer based on his own values and judgment. This is the same kind of decision free people make regarding every aspect of their lives. All lifestyle decisions involve risks; some have demonstrably harmful consequences; many are controversial and invite disapproval from others. but the individual must be free to make these decisions. He must be free, because his life belongs to him, not to others, and only his own judgment can guide him through it.

Yet when it comes to smoking this freedom of choice for a minority, is being seriously limited by a majority made baselessly fearful through massive media campaigns often funded by tax dollars.

The real threat we face here, no matter how strongly it is denied by the anti-smoking lobby, is the systematic and unlimited intrusion of government

into our lives.

We do not elect officials to control and manipulate our behaviour. They are in office to serve us, not vice versa.

Thomas Laprade

Thunder Bay, Ont.

Ph. 807 3457258

Comment by [Thomas Laprade](#) — April 22, 2008 @ 2:07 pm

2. The whole idea that SHS is harmful to nonsmokers is mythical. Austria, Japan and Greece all have higher rates of smoking than the US AND longer life expectancies. Look elsewhere for a quick-fix to growing health problems.

Comment by [chris](#) — April 23, 2008 @ 11:15 am

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