

FW FW Smokefree column

Public Health Requires Smoke-free Restaurants by Phil Andrews

Alone among workers in Maryland, restaurant and bar employees are exposed to hazardous secondhand smoke at work. During this session, the General Assembly can end this second-class treatment by adopting the smoke-free restaurant bill introduced by Senator Ida Ruben and Delegate Barbara Frush.

The Montgomery County Council ended this unfair treatment of restaurant workers by an overwhelming vote (8-1) last July. Montgomery's smoke-free restaurant law took effect October 9, after a Circuit Court Judge decisively rejected an attempt by a few restaurants to block this essential public health measure, concluding that the law will be upheld.

Thanks to Surgeons' General reports and public health education by groups including the American Cancer Society, American Heart Association, and the American Lung Association, the public understands the immediate and long-term dangers of exposure to secondhand smoke, including life-threatening asthma attacks, reduced heart function within 30-40 minutes of exposure, and lung cancer.

The enthusiasm of Montgomery County residents for smoke-free restaurants is shared throughout Maryland, and much of the nation. A professional poll released in January found that 67% of Maryland residents favor a smoke-free restaurant law. Florida residents approved a smoke-free restaurant law in 2002 by 71 percent of the vote, and Connecticut, Delaware, Maine and New York have recently enacted the same. Even all the pubs in the Republic of Ireland are scheduled to go smoke-free this year. The only question is when Maryland's General Assembly will provide this necessary protection for the public health.

The same obstructionists who stood for years in the way of safe restaurants in Montgomery County -- the Restaurant Association and Big Tobacco -- are lobbying state lawmakers with scaremongering tactics. Lawmakers need to know that in 1999, when the Montgomery County Council first considered a smoke-free restaurant bill, opponents asserted that Silver Spring would become a ghost town. Opponents haven't had any credibility since.

The fact is that Montgomery County's restaurant industry continues to thrive. Since the smoke-free law took effect, the county has received more than 20 new applications for restaurant licenses (Montgomery County does not have stand-alone bars; all eating and drinking establishments must earn at least 50 percent of revenues from the sale of food).

Moreover, all the objective studies of the economic impact of smoke-free restaurant laws show either a neutral or positive impact on overall restaurant industry revenues. This is what one would expect given that 75-90 percent of adults don't smoke. People continue to go out to eat and drink, and a large majority want healthy, smoke-free restaurants.

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That's why almost every month another local government enacts a smoke-free restaurant law. Takoma Park's law took effect on November 10. Rockville's was approved in December and took effect on February 1, and Talbot County approved its smoke-free law on February 3.

Gaithersburg is the only municipality of any size in Montgomery County that still has restaurants with air that's unfit to breathe. That should change soon. The City testified in favor of the County law, and a public hearing on a smoke-free restaurant ordinance is scheduled for February 9.

A few opponents in Gaithersburg are trying to persuade the City to continue to allow smoking in enclosed rooms with ventilation systems. The Montgomery County Council rejected this approach after receiving expert testimony from the American Society of Heating, Refrigeration, and Air Conditioning Engineers that, even with the best of ventilation systems "acceptable indoor air quality cannot be achieved in the presence of secondhand smoke." Given the inevitability of smoke-free restaurants in Maryland in the near future, local officials would be leading restaurant owners off a financial cliff if they encouraged them to invest in expensive ventilation systems.

We wouldn't consider going back to the days of smoke-filled airplanes. We wouldn't consider allowing a restaurant to serve unsafe food. Yet Maryland is allowing restaurant owners to choose whether or not to protect workers and patrons from dangerous air by allowing smoking inside restaurants and bars.

Now is the time for the General Assembly to do its duty and protect the public health by enacting a smoke-free restaurant law.

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The author, a Democratic member of the Montgomery County Council, was the lead sponsor of the County's Smoke-free Restaurant Law.

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