

RE: Local control of smoking in bars and restaurants

Dear Senators Allen and McManus and Representative Walker:

I am writing to you at the request of the City Commission of Traverse City. We seek your help introducing a bill that would allow local control over smoking in bars and restaurants.

The public health benefits of local non-smoking ordinances are compelling. Last July, the U.S. Surgeon General reported that there is no safe level of exposure to second-hand smoke. Recent studies in Helena, MT and Pueblo, CO showed significant drops in heart attacks after smoke-free ordinances were enacted in those communities.

Across the United States, over 130 cities have enacted non-smoking ordinances. Cities that have banned smoking in bars and restaurants range from Dallas, TX and New York City to Lincoln, NE, Boulder, CO, and Tupelo, MS. The states of Arizona, California, Colorado, Connecticut, Delaware, Maine, Massachusetts, Montana, New Jersey, Ohio, Utah and Washington have also enacted bans on smoking in bars and restaurants, as have dozens of foreign countries. Case studies from 11 U.S. cities and 5 states show either no adverse economic impact to bars and restaurants from smoking bans or, more commonly, an increase in business.

In Michigan, 15 counties and the cities of Detroit, Grand Rapids and Marquette have passed local non-smoking ordinances. However, these ordinances exempt bars and restaurants, because local governments are preempted by state law from making those places smoke-free. Ironically, the source of this preemption is the Public Health Code. As a result, any ordinance Traverse City or Grand Traverse County could enact must automatically exempt the vast majority of places where our residents, visitors and workers encounter second-hand smoke.

As you know, there have been bills introduced over the past few years to ban smoking in public places – including bars and restaurants – statewide. Some legislators have made principled arguments about why they believe such a mandate is not appropriate at the state level. We acknowledge those arguments, but we are not asking for a statewide ban. We are asking for the authority to make a meaningful decision on this issue within *our* community. We need your help for this to happen.

Enclosed is a draft of what a local control bill could look like. Obviously the final form would be up to you and the Legislative Service Bureau, but we wanted to show you an example of the type of measure we are talking about.

A survey by the Northwest Michigan Community Health Agency showed that 82% of registered voters in a four-county area support a smoking ban in work sites and public places. All three of you have been leaders in advancing the interests of Traverse City and Northwest Lower Michigan for years, and we need your leadership now on this important issue. We look forward to hearing back from you, and to working with you to solve this problem together.

Sincerely,

Richard Lewis
City Manager