

Local Control Critical for Smoke-Free Workplaces An Opinion by Renee Martin

Tobacco-free school campuses and smoke-free workplaces across South Carolina: What's not to like? Throughout this General Assembly session, our legislators will be considering several bills that may appear to be good public health measures, but there is more to this well-meaning legislation than meets the eye. In reality, any statewide bill that restricts smoking could bring local progress on the smoke-free issue in South Carolina to a dead stop.

In the 18 months since the U.S. Surgeon General released the "Health Consequences of Involuntary Exposure to Tobacco Smoke" promoting adoption of smoke-free indoor air polices, 12 South Carolina municipalities have heeded the advice by passing strong local laws. All of them are now in danger of being overturned if the state passes a weak law that may provide some restrictions, but prohibits local governments from taking further action. How do we know that? That's what has happened time and again in other states.

All the major health groups, here in South Carolina and nationally, support local control of smoke-free workplaces and public places. Local control is critical to enacting meaningful smoke-free laws at the community level where policymakers are most responsive to their constituents' concerns. When a community's elected officials act to protect their citizens against the health hazards of secondhand smoke, the influential tobacco companies are suddenly powerless. So for decades, the tobacco industry has worked diligently to pass "preemptive" smoke-free statewide laws that purport to "level the playing field." It's easier for them to control or weaken one bill at the state level, rather than fight dozens of local efforts. In the words of former tobacco industry lobbyist, Victor Crawford, "We could never win at the local level.... So the Tobacco Institute and tobacco companies' first priority has always been to preempt the field, preferably to put it all on the federal level, but if they can't do that, at least on the state level."

People sometimes wonder why public health advocates are opposed to a statewide law in South Carolina. Twenty-two other states have passed statewide legislation - why not our state? First, the vast majority of those were enacted after a significant number of local laws had been passed. Second, the most effective state laws serve as a "floor" not a "ceiling" and allow local communities to pass even stronger smoke-free laws if they see fit. Third, the reality is that South Carolina is a tobacco-growing state with deep historic and cultural ties to the industry. As a result, the political climate at the statehouse has not been conducive to passing meaningful legislation to prevent and reduce tobacco use. For example, South Carolina currently has the nation's lowest cigarette tax at 7 cents per pack, and we spend only \$2 million on prevention and cessation programs per year despite the Centers for Disease Control and Prevention's recommendation of \$62 million.

Despite the lack of political will at the state level, citizens and local officials in Aiken and Beaufort counties, Bluffton, Charleston, Clemson, Columbia, Greenville, Hilton Head Island, Liberty, Mount Pleasant, Sullivan's Island and Surfside Beach worked together to pass meaningful smoke-free workplace laws. They engaged in an interactive and thorough debate and decision-making process. Local smoke free laws - because they are passed when the community is ready - are virtually self-enforcing. The state legislature needs to uphold local authority so this progress can continue.

It's no coincidence that the effort to strip local communities of their power on this issue is taking place while the State Supreme Court considers two cases that call local control into question. During the same week that the Supreme Court heard oral arguments in the case, the City of Clemson took the bold step of protecting the right to breathe clean air in their city and passed a strong smoke-free law. The tobacco industry would like nothing better than for the legislature to pass a weak statewide law to stop this kind of local progress in its tracks - before the court rules and more communities become smoke-free. In fact, they know that movement on any state level smoke-free legislation would not only serve as a vehicle to prevent local communities from passing their own strong laws, but could establish the state as the authority on this issue - giving Big Tobacco the victory it needs at the expense of the health of South Carolinians. The state's high court should have the chance to interpret state law before the legislature acts.

We call on our legislature to safeguard the local progress made on smoke-free issues by delaying action on any statewide bill that restricts smoking, at least until the court can decide what current law says about local control. If our state lawmakers are truly committed to protecting their constituents from the proven health hazards of exposure to secondhand smoke, they should listen to public health authorities and preserve local governments' power to enact smoke-free workplace laws. The only acceptable alternative would be for the General Assembly to pass a 100% smoke-free law that covers every workplace, restaurant and bar in the state with no exceptions, and also specifically allows local communities to enact further restrictions if they so choose.

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