

## Oppose SB 469 Why Mess with a Success?

### **SB 469 Would Significantly Weaken NC's Successful and Popular Smoke-Free Restaurants and Bars Law.**

### **SB 469 Would Result in Increased Exposure to Secondhand Smoke, Costing Lives and Raising Health Care Costs.**

**SB 469 proposes to significantly weaken a strong public health law by adding a “minors only” provision that prohibits smoking in restaurants and bars where minors are present.**

- These provisions are **inconsistent with the stated purpose of the smoke-free restaurants and bars law**, which is to protect all patrons and workers from secondhand smoke. After all, secondhand smoke is harmful to adults as well as minors, and to employees as well as patrons. All people, regardless of age, which shift they work, or what time they dine, deserve to be protected from the serious health hazards of secondhand smoke. No one should have to put their health at risk in order to earn a paycheck or enjoy a night out.
- This approach would allow the creation of “**hours provisions**,” potentially **allowing businesses to be adult only and smoker-friendly at certain times while being open to customers of all ages and non-smoking at other times**. This will create a law that is confusing and nearly impossible to enforce.
- *SB 469 is OPPOSED by the NC Restaurant and Lodging Association* because the confusion created by this bill would result in an **unlevel competitive playing field** for bars and restaurants.

#### **Other major problems with “hours provisions”:**

- **The chemicals in secondhand smoke linger in a building for days after smoking has occurred.**<sup>i</sup> If a restaurant or bar allows smoking at night, employees and customers who are in the venue the following morning will be exposed to these chemicals, even if no smoking is allowed at that time.
- **Chemicals in secondhand smoke are extremely toxic and harmful, causing heart disease, lung cancer, bronchitis, asthma and other ailments.**<sup>ii</sup>
- For this reason, the Surgeon General has concluded that **only 100% smoke-free worksite policies**, free of exemptions or loopholes such as hours provisions, **fully protect workers and patrons from secondhand smoke.**<sup>»iii</sup>
- **Checking whether a venue is in compliance becomes more difficult and costly** if a citizen or the local health department, as the enforcement agency, needs a schedule plus a watch or calendar to know whether smoking is allowed. In such cases, enforcement consumes more time, personnel and financial resources.
- **Patron compliance is likely to be lower** if physical cues in a business (for example, the presence of ashtrays and discarded cigarette butts and the smell of smoke) suggest that the business permits smoking.
- Strong smoke-free laws that prohibit smoking at all times are straightforward and largely self-enforcing. There are no questions about when smoking is allowed or not allowed.

#### **Concerns about the “Structural Separation” and “Ventilation” Provisions in S469:**

- The current smoke-free restaurants and bars law, which provides no provision for separate ventilation or structurally separate facilities, **not only protects the health of employees and patrons, but also protects business owners' bottom line for both the short and long terms** by reducing cleaning costs, decreasing employee absenteeism, and increasing sales.

- **No ventilation system can completely remove the cancer-causing and toxic chemicals in secondhand smoke.** The 2006 U.S. Surgeon General’s Report, “*The Health Consequences of Involuntary Exposure to Secondhand Smoke*,” concluded that ventilation and smoking rooms cannot control exposure to secondhand smoke.
- Since the landmark Surgeon General’s Report release in 2006, both the Institute of Medicine and the U.S. President’s Cancer Panel have both endorsed **100% smoke-free indoor policies, free of loopholes, to protect workers and patrons from developing adverse health effects due to exposure.**
- In 2005, the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the international standard-setting body for indoor air quality and ventilation, adopted a position document on approaches to controlling secondhand smoke, which states unequivocally that “**the only means of effectively eliminating health risk associated with indoor exposure is to ban smoking activity.**” *The full document* can be accessed at [www.ashrae.org](http://www.ashrae.org).

***ALL Restaurant and Bar Workers Deserve Protection from Secondhand Smoke, Regardless of the Clientele Served or the Hours of Work.***  
***Oppose SB 469.***

For more information, go to [www.NCAAllianceforHealth.org](http://www.NCAAllianceforHealth.org) or contact [ncalliance@heart.org](mailto:ncalliance@heart.org)

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<sup>i</sup> Singer, B.C., A.T. Hodgson, and W.W. Nazaroff, *Gas-phase organics in environmental tobacco smoke: 2. Exposure-relevant emission factors and indirect exposures from habitual smoking*. *Atmospheric Environment*, 2003. **37**(39-40): p. 5551-5561

<sup>ii</sup> National Cancer Institute. *Health Effects of Exposure to Environmental Tobacco Smoke*. Smoking and Tobacco Control Monograph No. 10. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; 1999.

<sup>iii</sup> U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.