

Portage County Smoke-Free Newsletter

Spring 2007

HARM PRINCIPLE:

"THAT THE ONLY PURPOSE FOR WHICH POWER CAN BE RIGHTFULLY EXERCISED OVER ANY MEMBER OF A CIVILIZED COMMUNITY, AGAINST HIS WILL, IS TO PREVENT HARM TO OTHERS"

John Stuart Mill
ON LIBERTY, 1864

Greetings smoke free supporter! Wow, it continues to be such an exciting time for the health of Ohioans! A big thank you goes out to all who supported the passing of Smoke Free Ohio on November 7th! Ohioans can now all breathe a little easier!

Do you still have some fight in you? I hope so because there are still plenty of smoke-free issues that could use your support! We can't just wish things were different; we must do something that leads to change! Let's continue to work together to reduce the devastating impact of tobacco use! Please consider contributing to one of the issues discussed below.

Smoke-Free Multi-Unit Housing

Should secondhand smoke in apartments be an important issue for smoke-free advocates?? Consider this...

- 31% of Ohio's housing units are renter occupied
- In 2002, 44% of households in Ohio were NOT smoke-free

I've included these stats to emphasize the fact that second-hand smoke seepage is affecting millions of Ohioans who live in multi-unit housing. I must admit that I had never given much thought to the subject, but a recent personal experience motivated me to investigate the issue. My three-year-old son and I live in an apartment. You may have guessed by now that my household is one of the 56% of Ohio households that are smoke-free. But unfortunately, second-hand smoke enters my apartment from adjoining apartments that are not. Now for the million-dollar question...Should my son and I be forced to breathe second-hand smoke because our neighbors should have the right to smoke in their home? There can certainly be strong arguments either way. So what's the 'right' answer? Consider the quote that I lead this newsletter off with..."That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, *is to prevent harm to others*". If you are in agreement with this, then the next question becomes, "Is someone's secondhand smoke that is seeping into my apartment, harmful to us?". To answer this I will reference the Surgeon General's recent and extensive 600-page report on second-hand smoke ([click here to view](#)

[report released June, 2006](#)). One of the six major conclusions of this report was that THERE IS NO SAFE LEVEL OF EXPOSURE TO SECOND-HAND SMOKE ([click here to view the 6 major conclusions](#)). So, because ANY level of second-hand smoke is well documented to be extremely harmful, I believe that secondhand smoke in apartments should be restricted and be a HUGE issue for smoke-free advocates. This isn't just affecting my son and I, this is literally affecting **millions of Ohioans** that represent the 31% of Ohio's housing units that are renter occupied.

SFELP Director Jim Bergman, a leading smoke-free apartment advocate from Michigan, has hope. In Michigan alone there are currently 27 apartment buildings/developments, with about 1,904 apartment units, that have adopted a smoke-free policy!! **What can we do to help?**

Mr. Bergman recommends:

- 1) more broadly informing victims of secondhand smoke that there are potential legal remedies, such as the use of the federal Americans with Disabilities Act and the Fair Housing Act;
- 2) increasing the understanding of advocates in the tobacco control field (**that's us!!**) about these remedies so that they are available to assist and advocate with victims;
- 3) convincing health and regulatory agencies, as well as the courts, that victims of secondhand smoke have rights that can be enforced against apartment owners; and, most importantly,
- 4) persuading apartment and condo owners that they not only **have a legal right to make all or a portion of their facilities smoke-free**, but that it **makes economic sense** for them to do so (fire safety, maintenance reasons, can increase occupancy by marketing themselves as smoke-free).

[Click here to view Mr. Bergman's outstanding PowerPoint presentation that was given at last month's Tobacco Control Conference in Columbus \(converted to pdf file\)](#)

Issue 5-Smoke Free Ohio

About the law

On Nov. 7, 2006, Ohio voters passed Issue 5, creating Ohio's indoor smoking ban. This new law requires "public places" and "places of employment" to prohibit smoking as of Dec. 7, 2006. In addition to prohibiting smoking, businesses and organizations are also required to post "No Smoking" signs that contain the telephone number 1-866-559-OHIO (6446) for reporting violations, as well as removing ashtrays and other smoking receptacles.

Enforcing the law

To implement and enforce this new law, the Director of Health has adopted rules focusing on enforcement authority and procedures. The full enforcement of the law will begin on May 3rd (next week!).

American Cancer Society (ACS) lawsuit

Private clubs are exempt from the smoking law *if* they meet certain conditions. The ACS lawsuit pertains to the interpretation of one of these conditions. The text in the original proposed smoke-free law, *that Ohioans voted on*, states private clubs are exempt **provided that "the club has no employees"** ([original text on page 5 section \(G\)](#)). But the text in the *refilled version of the law (3/21/07)* states **"the term employees does not include members of the private club who provide services to the private club"** ([refilled version on page 11 section \(G\)](#)). It appears that the controversy lies in whether a member of a club, who is being paid for service, should be considered an employee. Not an easy answer. It pains me to say this, but I do not think of a member of a club who is being paid, as an 'employee'. But I can still see a logical argument from the perspective of the ACS and can also see how the exemption could be abused. Hmmm, makes me want to be a lawyer....um no, not really. In any event, the filing of this lawsuit will only delay the private club exemption and will not delay the enforcement of the rest of the rules (which begin May 3rd).

The Ohio Tobacco QUIT LINE (1-800-QUIT-NOW)

Do you know someone who would like to quit using a tobacco product and could use some support getting through the quitting process? If so, the QUIT LINE is a great resource! *Why?...*

The QUIT LINE is Lifesaving

Did you know that tobacco is the #1 actual cause of death in the U.S.? Tobacco use is estimated to take the lives of **over 400,000** people in the United States **EVERY YEAR**. Please help promote the QUIT LINE to reduce these horribly disturbing numbers. 1-800-QUIT-NOW.

The QUIT LINE is Effective

Research has shown that only 1 in 20 people trying to quit "cold turkey" on their own are successful. Research has also shown that **over 1 in 3 people trying to quit are successful if they use the QUIT LINE!** Now, there's nothing wrong with the cold turkey approach, it has actually been shown to be one of the most effective ways to quit. So then why are only 1 in 20 people successful if they try to quit on their own??? This is because other factors need to be considered. Quitting is so difficult because of the PHYSICAL and PSYCHOLOGICAL challenges involved. The physical challenges are a result of the body's powerful *addiction to nicotine*. The psychological challenges are a result of *habit or learned behaviors* that are repeated over and over again. The QUIT LINE addresses both of these challenges. The psychological challenges (habit) are addressed over the phone by smoking cessation counselors who work at the leading respiratory hospital in the U.S. The physical challenges (nicotine addiction) are addressed with the use of free or reduced cost nicotine patches (available at a 50% savings to everyone, available free to callers with participating employers and insurance

carriers). This one-two combination results in a program that has enabled thousands of Ohioans to quit for good! Please help others through the difficult quitting process by promoting the QUIT LINE. 1-800-QUIT-NOW.

The QUIT LINE is FREE

Nothing is free you say? Unfortunately this is a true statement in this case. The program doesn't cost anything to the caller, so in that sense it is free. But the QUIT LINE is being paid for with money coming from the Master Settlement Agreement (MSA). The MSA is an agreement the tobacco companies made in 1998 with 46 U.S. States and 6 U.S. territories, in which \$160-\$246 billion would be paid out to all parties over 25 years (the other 4 states had already reached individual agreements). So, in reality, we've already paid more than we could imagine for this 'free' program. *Let's not let this free service go unused. It was sadly already paid for by our loved ones, whom I'm sure would want to help others quit.* Please promote the QUIT LINE. 1-800-QUIT-NOW.

For additional information:

[SmokeFreeOhio](#)

[Ohio Department of Health](#)

[Smoke-Free Apartments/Multi-Unit Housing](#)

[Ohio Tobacco QUIT LINE](#)

[Portage County Tobacco Prevention Coalition](#)

[Ohio Tobacco Prevention Foundation](#)

Thank you for your support! Together we can make a difference!

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