

Smoke **Free** DuPage

Targeting a tobacco free future



Municipal IMPLEMENTATION TOOLKIT

www.smokefreedupage.org



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Smoke Free DuPage
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1

OVERVIEW

Secondhand Smoke A Known Cause Of Cancer

Secondhand smoke has been designated as a known human carcinogen (cancer-causing agent) by the U.S. Environmental Protection Agency, the National Toxicology Program, and the International Agency for Research on Cancer, and an occupational carcinogen by the National Institute for Occupational Safety and Health.

The toll in the U.S.

- Kills 53,000 non-smokers each year.
- Third Leading cause of preventable death (tobacco #1, alcohol, #2)
- For every eight smokers tobacco kills, it kills one nonsmoker

(source: "Secondhand smoke: The Science" ANR May 2006,
<http://www.no-smoke.org/pdf/SHS.pdf>Source:

The toll in Illinois

- Adults, children and babies who die each year from others' smoking: estimated at 1,520 - 2,710 (from secondhand smoke and smoking during pregnancy)

Source: <http://www.tobaccofreekids.org/research/factsheets/pdf/0103.pdf>


The toll in DuPage

Top 5 Leading Causes of DuPage County Deaths - 2003

Smoking can be a risk factor in EACH of the top five causes:

1. Diseases of the Heart	1,471 (25.8%)
2. Cancer (Malignant Neoplasms) Principally Lung Cancer	1,455 (25.6%)
3. Cerebrovascular Disease <i>Stroke</i>	417 (7.3%)
4. Chronic Lower Respiratory Disease <i>Including Emphysema</i>	267 (4.7%)
5. Unintentional Injuries <i>Accidents</i>	201 (3.5%)

Source: DuPage County Health Department, December 2005



Secondhand smoke contains more than 4,000 chemicals and more than 69 carcinogens and causes cancer, and contributes to stroke and heart disease.

Secondhand Smoke A Known Cause Of Cancer (Cntd.)

The Surgeon General of the United States, in June 2006, issued a landmark report entitled: The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General.


The six major conclusions of the report on secondhand smoke

1. Many millions of Americans, both children and adults, are still exposed to secondhand smoke in their homes and workplaces despite substantial progress in tobacco control.
2. Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.
3. Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer.
4. The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. Even small amounts of secondhand smoke exposure can be harmful to people's health.
5. Only a half hour of secondhand smoke exposure causes heart damage similar to that of habitual smokers. Nonsmokers' heart arteries showed a reduced ability to dilate, diminishing the ability of the heart to get life-giving blood. In addition, the same half hour of secondhand smoke exposure activates blood platelets, which can initiate the process of atherosclerosis (blockage of the heart's arteries) that leads to heart attacks.
6. Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.

Source: 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.

**<http://www.tobaccoscam.ucsf.edu/Secondhand/Secondhand-fs.cfm>*



*secondhand tobacco smoke is by far the most dangerous air pollutant most Americans ever encounter **

Clean Indoor Air Ordinances In Illinois

October 2006

	Effective Date	Area of Restriction	Private Dwelling	Hotels ^o	Nursing Homes ¹	Private Clubs	Restaurants	Open Air Dining	Bars & Taverns	Enclosed Bar Areas	Tobacco Stores	Public Outdoor Events	Theatrical Performances	Bowling Alleys	Outdoor Areas
Buffalo Grove	10\1\06	20 ft.													
Burr Ridge	7\10\06	15 ft.										3			6
Chicago	1\16\06	15 ft.							2	2					
Cook Co.	3\15\07	15 ft.													
Deerfield	3\1\06	15 ft.													
Elk Grove Village	1\1\07	10 ft.													
Evanston	7\1\06	25 ft.													
Highland Park	6\1\05	25 ft.									9				
Hinsdale	7\1\06	25 ft.							7			3			6
Hoffman Estates	1\2\07	15 ft.													
Lake Forest	9\1\06	25 ft.													
Lincolnshire	8\1\06	20 ft.					11			11			8		
Long Grove	1\1\07	20 ft.					11								
Northbrook	1\1\07	25 ft.													
Orland Park	1\2\07	15 ft.										3			
Park Ridge	8\1\06	15 ft.				10									
Rolling Meadows	1\2\07														
Schaumburg	1\2\07	25 ft.													
Skokie	8\7\03														
Tinley Park	1\2\07														
Vernon Hills	10\1\06	15 ft.											6		
Wheaton	1\2\07	25 ft.												4	5
Wilmette	7\1\04														

Exempt

Notes: Jurisdiction of Parks varies per community

Footnotes:

- 0 - Ordinances limit the number of smoking rooms to 10% - 25%
- 1 - Ordinances limit smoking to rooms with all occupants in agreement
- 2 - Exempted until 7/1/08
- 3 - Picnics and Parades only
- 4 - Exempt until 06/07
- 5 - Other than Memorial & Adams Parks
- 6 - 25 feet from play areas/playgrounds/scheduled group activity
- 7 - One establishment for the lifetime of owner
- 8 - Limited to performers only when necessary
- 9 - Exempt if in existence prior to 4/25/05
- 10 - If used for general public event - smokefree effective 7/1/08
- 11 - Self contained room with ventilation requirements

Economic Impact Of Smokefree Legislation

A wise business decision from revenue and health care cost containment perspectives.

Revenue

RESTAURANTS AND BARS

The first comprehensive study of the effect of smoke-free legislation on restaurant revenues found that smoke-free restaurant ordinances do not harm restaurant sales.

(Glantz & Smith, 1994.)

All credible peer-reviewed studies since then have shown similar results, sales staying even or better once ordinances have been in effect for several months or more.

(Source: www.no-smoke.org, ANR, 2006).

Facilities that allow smoking drive some patrons away. A study in California conducted in 2000 found that 75% of bar patrons rated a smoke-free environment as "important," or "very important." The same study showed that 91% of bar patrons either go to bars and nightclubs more often or have not changed their habits following the enactment of the smoke-free ordinance.

(Field Research Corporation, California, October 16, 2000)

In Appleton, Wisconsin, the director of the Appleton Health Department has stated earlier this month (October 2006) that there is a waiting list for liquor licenses. "There has never been a waiting list before."

*Kurt Eggebrecht, MEd,
Health Department, Appleton,
Wisconsin*


Asked last week what he thought of the now two-year-old ban, [New York City tavern owner] Mr. McBratney sounded changed. "I'll have to admit," he said sheepishly, "I've seen no falloff in business in either establishment." The President of the Staten Island Restaurant and Tavern Association went on to describe what he once considered unimaginable: customers actually seem to like it, and so does he. City officials point to data from the first year of the ban showing that restaurant and bar tax

receipts were up 8.7percent over the previous year's.

(New York Times, "As Air Clears, Even Smokers Are Converted", February 6, 2005, Rutenberg & Koppel.)

An article examining the impact of clean indoor air ordinances in the tobacco-friendly state of North Carolina found that the strict ETS regulations in the five counties with the strongest ordinances had no economic impact on restaurant sales in these counties.

*(Goldstein A, Sobel R.
Environmental Tobacco Smoke
Regulations Have Not Hurt
Restaurant Sales in North Carolina:
North Carolina Medical Journal,
1998; 59: 284- 287)*



Annual health care costs in Illinois directly caused by smoking

***\$4.1 billion**

**www.tobaccofreekids.org*

Revenue: (Ctnd.)

TOURISM AND CONVENTIONS

Studies conducted in New York City and Boston, both popular tourist destinations, concluded that neither city experienced a decline in sales following adoption of their early ordinances limiting smoking in restaurants.

(Hyland, 1999; Bartosch and Pope, 1999.)

Similarly, a study in California, which included the tourist-oriented cities of San Francisco and Los Angeles, found that restaurants, bars, hotels, and tourism were not adversely affected economically following implementation of the state's smokefree workplace and restaurant law.

(California Department of Health Services, 1996.)

Hotel revenues increased in Los Angeles, San Francisco and New York after restaurant smoking bans went into effect, according to a study by Stanton A. Glantz, Ph.D., and Annemarie Charlesworth, MA. Their study, covering three states and six different cities found that these ordinances had no significant effect on tourist revenues as a fraction of total retail sales or compared with the rate of change in

the United States as a whole.

(Glantz S, Charlesworth A. Tourism and Hotel Revenues Before and After Passage of Smoke Free Restaurant Ordinances. JAMA. 1999; 281: 1911-1918.)

HEALTH CARE COST CONTAINMENT

Establishing smokefree workplaces is the simplest and most cost effective way to improve worker and business health.

If all U.S. workplaces implemented a 100% smokefree policy, it would result in "1.3 million smokers quitting, 950 million fewer cigarette packs being smoked, 1,540 myocardial infarctions and 360 strokes being averted, and **\$49 million in direct medical cost savings being realized all within one year.**"

Source: 2006 U.S. Surgeon General's Report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke"

Clean indoor air ordinances have been proven to reduce medical costs and lost work time due to secondhand smoke-related illnesses.

Businesses face additional costs of \$1,300 per year for each employee who smokes due to higher health insurance

claims and costs, plus maintenance and cleaning costs for furniture, drapery and carpeting.

(Making Your Workplace Smokefree - A Decision Maker's Guide, U.S. Department of Health and Human Services; p 5)

Since 94 percent of Americans favor work place smoking restrictions, morale at the office or workplace is boosted when companies go smoke free. Employers that create smoke-free workplaces send the clear message that they care about the health and safety of their employees.

(Making Your Workplace Smokefree - A Decision Maker's Guide, U.S. Department of Health and Human Services)

In 1987, secondhand smoke accounted for \$661 million in annual medical expenditures.

(American Journal of Public Health, 1997, 87: 205 -209)

2

DEVELOPING

THE ORDINANCE

Basic Components Of A Smokefree Ordinance

A wise business decision from revenue and health care cost containment perspectives.

Whereas Statements

These are the statements at the very beginning that establish the intent of the ordinance.

While the 'whereas' statements do not go into the official code as part of the ordinance, they will be referred to in the event of a lawsuit or an appeal of the ordinance. Strong 'whereas' statements are essential to having a strong ordinance.

Definitions

This section provides definitions to particular terms that will be used throughout the ordinance, such as 'public place,' 'restaurant,' and 'bar.' The guiding principle should be that a restaurant is an establishment whose primary function is the consumption of food, with the consumption of alcoholic beverages being incidental. A bar is an establishment whose primary function is the consumption of alcohol, with the consumption of food being incidental. A "restaurant" should be defined as including any bar area within it. An establishment is either a bar or a restaurant, not both. Note: Some cities do not have bars, by definition.

Prohibition Clause

This is the part of the ordinance that actually states that smoking is prohibited and the places in which it will be prohibited. This clause will use terms that are defined under 'Definitions,' making the need for clear definitions of terms such as 'public place' and 'place of employment' necessary.

Reasonable Distance Prohibition at Public Entrances

Smoke free ordinances typically contain a clause referring to the amount of distance from the door smoking is allowed. This can range from 10 feet to 50 feet. (Standard is 25 feet). This clause to prevent smokers from gathering at the door serves two purposes:

- ▶ prevent non-smokers from walking directly through the smoke to enter the building;
- ▶ prevent the potential fire hazard of people blocking the exit.

Exemptions

The places listed under this section will not be required to adhere to the ordinance. Smokefree ordinances should create places that are completely free from smoke.

continued



*Surveys
show that
75% of
smokers
want to quit*

Basic Components (Ctnd.)

Only a few exemptions, if any, should be listed. Acceptable exemptions include private residences, private vehicles, small percentage of hotel/motel sleeping rooms, retail tobacco stores, and private/semi-private rooms in nursing homes.

Enforcement

This clause will name the organization(s) responsible for enforcing the ordinance. Many times it will be the local health department given the primary responsibility of enforcement; other times, it will be the local police department; often, both are involved. The business owners will also be responsible for enforcing the law on their own property.

Violation/Penalties

Outline the fine structure for those violating the ordinance. A strong ordinance includes both a fine for the individual and for the business, with the fine amount increasing with each violation. First offense fines have ranged anywhere from \$50-\$100 or more for the individual or the business.

Effective Date

This is the date and time when the ordinance will go into effect. Some will make the effective date as a certain number of days from passage, while others pick a specific date and time.

Things to consider when selecting the effective date:

- ▶ Time of year – warmer weather tends to lead to better compliance.
- ▶ Length of time – give yourselves time to develop the implementation plan and notify all the businesses of the new ordinance and how it will be enforced. Suggestion: depending on size of city, 30 to 90 days.
- ▶ January 1st- Avoid midnight on January 1, choose a time later in the day after people are done celebrating the New Year.



1 year after quitting, excess risk of coronary heart disease is half that of a smoker

Exemptions That Compromise Public Health

These provisions all create unnecessary exemptions and loopholes that allow unwarranted exposure to secondhand smoke. Exemptions are confusing to your citizens, and make the entire ordinance more difficult to enforce.

Ventilation systems and/or Smoking Rooms are ineffective and costly.

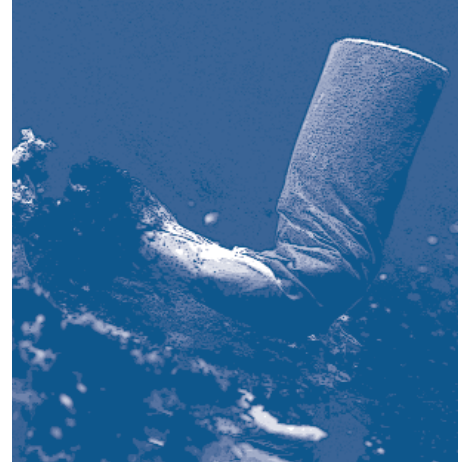
There is no safe level of exposure to secondhand smoke, and there is no ventilation system that will prevent secondhand smoke from permeating nonsmoking areas. Ventilation sometimes removes odor and larger air particles but cannot remove the harmful constituents of secondhand smoke. Smoking rooms offer no protection for employees who work in those areas, putting those employees at risk. The "smoking room" exemption may even exacerbate an employee's health by concentrating all the smoking into one place. Even if no employee is required to work in a separately ventilated smoking room, the people who clean the room will be exposed to the secondhand smoke. Allowing ventilation systems makes it difficult to strengthen the law in the future, because places that have installed them will complain that their investment in the systems will have been lost if the law is changed.

Hardship Provisions allow for exemptions if a business can demonstrate economic hardship after going smokefree. These exemptions are unnecessary and are based on the false premise that a negative economic impact results from smokefree air laws.

Signage or "Red Light/Green Light" Provisions allow businesses to simply post signs indicating that an area allows smoking. These do nothing to protect employees and patrons in those areas. Such a provision (generally referred to as a "Red Light/Green Light" policy) does not result in any protection for non-smokers, but merely gives the impression that something has been done to solve the problem. Moreover, even if customers can choose between smoking and non-smoking establishments, employees cannot.

Grandfather Provisions exempt certain existing businesses from the smokefree regulations. There is no legitimate economic argument for permitting older establishments to avoid a health regulation. By grandfathering in establishments that already have a permit as of a particular date, this provision locks in a two-tier system of smoking regulations. It is unfair to both employees and customers of older establishments not to allow them to benefit from the same smokefree air enjoyed in newer establishments.

Consent Provisions allow smoking if all employees in a business consent. Employees should never be put in a position where they must choose between jeopardizing their health or their job. Employees are then pressured into "consenting" to work in smoke-filled areas either voluntarily or



*Just twenty minutes exposure in a room with a smoker, the non-smoker inhaled the equivalent of a full cigarette.**

**Glantz S., Parmley W., JAMA 2001*

continued

Exemptions: (Ctnd.)

contractually (by signing a contract as a condition of employment). This kind of provision, usually used in connection with restaurants and bars that allow smoking in separate rooms or areas, puts undue pressure on employees, particularly new employees, to either agree to endanger their health or risk losing their jobs. The employer will expect that one or more employees will volunteer for the job. If nobody volunteers, the employer will necessarily have to replace one or more employees with people who are willing to risk their health to get a job. Also, consent forms are a means for employers to evade their liability for work-related health hazards.

Hours Provisions restrict smoking only during certain hours of operation. These provisions are not only ineffective, but create confusion and are difficult to enforce. Such provisions are generally found with respect to restaurants and bowling alleys, usually in an attempt to make a distinction in the law with respect to when minors are present.

- ▶ First, smokefree laws are meant to protect employees as well as members of the general public, and allowing smoking at any part of the day will expose employees to secondhand smoke.
- ▶ Second, smokefree laws are important for everyone, not just minors.
- ▶ Third, because smoke lingers in places for as long as two weeks, allowing smoking in a restaurant or bowling alley at night, but not in the morning, will result in exposure to secondhand smoke by both the morning and evening workers and customers, including those minors this exemption seeks to protect.

Minors Only Provisions allow smoking if minors are not allowed on the premises. These provisions do not protect employees or patrons. Smokefree laws are meant to protect employees as well as members of the general public, and allowing smoking when minors are not present does not fulfill that objective. Moreover, smokefree laws are important for everyone, not just minors. Adult customers of businesses deserve to be protected from the health hazards of secondhand smoke as much as children.

Licensing Fees allow businesses to permit smoking on the premises upon payment of a licensing or other fee. This arrangement is completely ineffective and does not protect the public health. Such an arrangement is nothing more than granting an establishment a license to pollute and harm the health of its employees and customers. Smokefree laws are meant to protect all employees and customers, not merely those in businesses that can't afford to pay what amounts to an air pollution fee.

Tax Incentives for smokefree businesses merely reward businesses for doing something that they should be required to do in any case - providing a safe and healthy workplace for their employees and customers. This is the converse of the rule that an ordinance should not permit smoking on the premises upon payment of a licensing or other fee, and is equally wrong. Tax incentives merely reward businesses for doing something that they should be required to do in any case - protecting the health of their employees and customers. It would be like giving tax incentives for restaurants that have clean kitchens.

continued

Exemptions : (Ctnd.)

Long Phase-in Provisions delay health protections. Laws typically become effective within 30-90 days of enactment, which allows ample time to inform business owners and residents of their responsibilities. Smokefree ordinances typically provide for some phase-in period so that the employers and businesses subject to the law can prepare for its implementation and so that the authorities can adequately prepare for enforcement procedures. Restaurants and bars can fully prepare for a smokefree law by simply putting up a few signs and removing their ashtrays. If the sense of the community is that restaurants and bars should be smokefree, then there is no reason to postpone that from happening.

Bar, Bowling Alley, and Bingo Parlor Exemptions

Prohibiting smoking in places such as bars, bowling centers, truck stops, bingo parlors, casinos, or "off track" betting parlors, may be contentious. But smoking should be completely eliminated in these and other venues for all the usual reasons; the health hazards of secondhand smoke are dangerously high in these establishments. All are workplaces and should be included within the coverage of a smokefree law.

Although there are some standard exemptions to ordinances that are consistent with this objective (such as private residences and retail tobacco stores), exemptions that try to single out specific businesses are not.

Private Club Exemptions

This exemption is not recommended. Restaurants and bars may try to establish themselves as private clubs in order to avoid compliance with the law. If private clubs are exempted, the definition of a private club must be clear, and include only not-for-profit clubs with no paid employees. Also, the exemption should not apply when a club is open to the public.

Allowing smoking in private offices in the workplace.

Because most buildings have shared ventilation systems, smoke from a private office can travel throughout the building, exposing everyone in the building to the health hazards of secondhand smoke.

Allowing smoking in the workplace if all persons are smokers or consent to smoking.

This kind of provision is unacceptable because it creates a situation in which peer pressure, rather than an enforceable law, is the determining factor as to whether smoking is allowed. A non-smoker who is outnumbered by smokers in a small office, or whose supervisor smokes, may believe that he will be subject to harassment, or even termination, if he complains about others' smoking.

Allowing smoking in common work areas or offices as long as nonsmokers are not present.

This is a corollary to the above provision and is unacceptable for the same reasons. Again, such a provision puts peer pressure on non-smokers either not to work in the same areas as smokers or to declare that they don't mind the smoking.

Public Meeting vs. Public Hearing

Tips on holding your Smokefree Ordinance Public Meetings

Most city attorneys have decided that this ordinance does not meet the definition of an ordinance that requires a “public hearing”. However, you may still want to hold an official “public hearing” on your smokefree ordinance and advertise it as such.

A “public meeting” on this ordinance, however, is expected and recommended. Otherwise, opponents may complain that the ordinance was “railroaded without public input from both sides.”

By the time your city is ready to present an ordinance to your constituents, you probably have had many occasions on which people spoke either for or against the concept. At the public hearing or meeting at which the ordinance is presented, be prepared for some of the same supporters or opponents to show up with the same arguments as before. You may decide to limit comments by asking only people who have not spoken on this topic before, or who have new information to share, come to the podium.

If possible, hold this meeting at a time when there are not additional “hot button” items on the agenda. Crowd control, side conversations and maybe your own anxiety will be easier to manage.

If you have not had a formal presentation prior to this meeting, invite two or more people from each viewpoint to make a 5-10 minute presentation. Offer assistance with overheads or PowerPoint® presentations. Ask for a copy of the presentation in advance so that your staff is ready. Ask the presenters to limit repetition of information among their speakers.

Be prepared for verbal “attacks” from people who are speaking about a topic that is emotional to them; heavy smokers are either addicted or heavily dependent on their habit; and parents of children with severe allergies or those who have lost a loved one due to tobacco can also get emotional on the topic.

Remind speakers that “rebuttals” and follow up questions are at the invitation of the council, and once their time limit is up, they are not to get up again to speak on the topic unless invited to do so.

These are the main points you will hear on this topic:

Public Health:

In favor of limiting smoking in public places: “The evidence is clear that secondhand smoke is a public health problem, the CDC and the Surgeon General and all leading health experts have determined that secondhand smoke is the 2nd leading cause of preventable death in the US; that there is no safe level of secondhand smoke.”

Against limiting smoking in public places: “The Surgeon General’s report is based on ‘junk science’; the public health community has a hidden agenda, to eliminate tobacco entirely, not just secondhand smoke; if secondhand smoke was so bad, why doesn’t the federal government ban it.”



“Smoking is the single greatest avoidable cause of disease and death.”

**2006 Surgeon General Report*

Smokefree Ordinance Public Meetings *(continued)*

Economics:

In favor: “All the studies on restaurant revenue show no change or a positive change of up to 8% following a smoking ban; there is a ‘push-pull’ effect with a smoking ban, with 12% more clients ‘pulled’ into an establishment due to the ban, and 6% ‘pushed’ from an establishment due to the ban, with a net of about 6% positive; in most studies, the ‘pull’ effect is seen immediately after a ban, but there are some instances (a small bar with a heavily smoking clientele) where the ‘push’ effect is seen immediately following the ban; for a fair comparison, economic indicators should accumulate for one year following the ban, to account for seasonal influences and word of mouth communications;

Against: “There are studies showing the opposite, with revenue losses of up to 30%; the bars in our town will close within two weeks of a ban; the proponents are not counting bars in their figures, just restaurants.”

Personal liberties:

In favor: “We have ‘liberties’ restricted for the common good in many walks of life: automobiles have speed limits; alcohol has rules against when and where it can be sold; we have rules against consuming alcoholic beverages in certain places; the health department has rules on cleanliness, food safety; the restriction on smoking is not on whether you can smoke; your right to smoke stops where my nose begins; some workers do not have a choice as to where they can work due to transportation, skills, and other factors.”

Against: “What’s next, banning French fries? I have a problem with telling a business owner what he can do in his own business; cigarettes are a legal product; anyone can choose whether to work or eat in a smoky establishment.”

Ventilation:

In favor: “There is no ventilation system currently available that will remove secondhand smoke; that engineers have determined that only ‘tornado-like’ winds could remove the carcinogens contained in secondhand smoke; the ‘smoke eaters’ eliminate only the odor and the large particles, not the carcinogens and gases; the secondhand smoke still enters the airways of people before it gets to the filter; ventilation systems may actually worsen the problem due to re-circulation.”

Against: “Once a good filter is in place, you can’t tell that anyone is smoking; I invested a good deal of money in my filtering system, what do I do with that investment.”



“Smoking is the single greatest avoidable cause of disease and death.”

**2006 Surgeon General Report*



3

IMPLEMENTING

THE ORDINANCE

IMPLEMENTING

Enforcement Protocol

Self-Enforcing Ordinances

Smoke-free ordinances have proved "self-enforcing", much like traffic laws if....

The public is made aware of the new smokefree ordinance

Affected areas are well marked with "No Smoking" signs.

For the few occasions when workplaces or people continue to disregard the ordinance, the DuPage County Health Department may be called for assistance, and your local police department should be contacted to issue citations. The experience of other cities and villages that have enacted ordinances is that citations are rarely necessary.

Violations and Penalties

A Violation can range from:

- ▶ A person who smokes in an area where smoking is prohibited by the ordinance.
- ▶ A person who owns, manages, operates or otherwise controls a public place or place of employment and who fails to enforce the smoking ban.

A penalty can range from:

A person who smokes in a prohibited area can be fined from \$ 25-\$100 for each violation.

A business owner/public facilities manager can be fined from \$ 100-\$1000 for each violation.

The ordinance may establish increasing fines for more consecutive violations

- ▶ A fine of \$25 for first violation
- ▶ A fine of \$50 for second violation
- ▶ A fine of \$75 for third violation, and not more than \$ 100 for subsequent violations

Filing a Complaint

The ordinance should include a provision that allows a citizen, who witnesses an individual or business establishment in violation of the ordinance, to file a complaint with the city and/or health department.

Public Education/Posting Signs

To assist in enforcement, the public needs to be informed. The city government should engage in a continuing program to explain and clarify the purposes and requirements of the ordinance to the citizens affected by it and the business owners and managers.

Every public place and place of employment established as non-smoking under the ordinance should post a conspicuous sign stating the non-smoking status. The international "No Smoking" symbol consisting of a pictorial representation of a cigarette enclosed in a circle with a bar across it is considered acceptable. It is unlawful for any person to remove, deface or obscure any sign posted in representation of the ordinance.



Secondhand smoke:

It hurts you.

It doesn't take much.


It doesn't take long.

Implementation Timeline

The Goal

Each municipality and unincorporated DuPage will have an ordinance in effect by **July 1, 2007**.

- ▶ **November & December, 2006:**
Consult with health department and your staff for technical assistance in writing ordinance, planning public information, media and marketing campaign.
- ▶ **January 1 - Feb. 28, 2007:**
Municipality/County create draft ordinance.
- ▶ **March 1-30, 2007:**
Draft ordinance is introduced at public meeting.
- ▶ **April 1 - 30, 2007:**
Public hearing or town hall meeting is held.
- ▶ **May 1 - 31, 2007:**
Ordinance is on agenda for vote in Municipal Council/County Board.
- ▶ **During June, 2007:**
Public education regarding smokefree workplace ordinance.



*In 2005, throughout the state of Illinois, about 2,900 people or about eight people each day will die from exposure to secondhand smoke.**

**CDC, State Highlights 2002: Impact and opportunity, April 2002*



4

AFTER THE



IMPLEMENTATION

AFTER

After The Ordinance Passes

The ordinance passed and it will soon go into effect. There are two things that now need to be done: education, and plan for compliance.

Educate your residents

You may think this work may already largely be done during the process of public meetings prior to enactment, through the public discussion it generated. But the public hearings and news articles about them engaged the proponents and the opponents. The rest of the public may not have enough "opinion" on the matter to have been following the discussion. It is important that your educational campaign clearly designate where smoking is not allowed, which should be 100% workplaces.

Educate your business owners and managers

Work with your local Chamber of Commerce or business community to make sure that everyone has the same information about the ordinance. Send out letters to all business owners detailing what is expected of them, such as removal of ashtrays and requirements for signage.

Some information to include in all your messages:

- ▶ State the effective date of the ordinance.
- ▶ Provide information on the penalties of non-compliance.
- ▶ Be clear about which types of establishments or workplaces allow smoking.
- ▶ Post information on your website that is easily accessible.
- ▶ Host a series of workshops/meetings to further educate your community.
- ▶ Develop a brochure that outlines this new ordinance.
- ▶ Run advertisements in the local paper.
- ▶ Run a PSA (public service announcement) on radio or cable. Spread your message as far as possible. People who may have stayed away in the past due to the smoking environment need to be informed of the new smoke free status.

Ensure Enforcement and Compliance

With proper signage and community education, smokefree ordinances are generally self-enforcing.

Other ways your town can assure compliance:

- ▶ Establish a "hot line" for complaints or reports of violations. These may be more numerous in the first month after the ordinance takes effect.
- ▶ Place brochures about the ordinance in business license application and renewals.
- ▶ State law already establishes the Local Health Department as one means of enforcement. Work with the Health Department Tobacco Prevention staff or the Environmental Health staff to monitor compliance, if needed.



Workers have a right to breathe clean indoor air and to work in a safe environment which their employers provide.


Evaluating Your Decision To Assure A Smokefree Workplace

All statistically reliable and verifiable studies conducted on patron behaviors and consumer preferences show overwhelmingly favorable responses to smokefree laws.

However, there may be some businesses in your community that remain wary of the predicted negative impact of this ordinance.

In less than a year, these concerns should diminish or be erased.

- ▶ Continue to promote your community as being smokefree, "for the health of the community."
- ▶ Conduct a public opinion poll after the first few months after implementation. These polls help reinforce that public opinion is favorable.
- ▶ Hold a press event to announce the results of the public opinion survey.
- ▶ Monitor revenues. It is important to review revenues after one full year of this ordinance being in effect. By waiting for one full year's experience, it is likely that random fluctuations will balance out, ensuring that any effects that are attributed to the ordinance (positive or negative) are not simply chance variation.
- ▶ Monitor business closings, as compared to previous years. Keep in mind that 70% of all restaurants close over the course of 10 years, according to a study from Cornell University and Michigan State University.
- ▶ Monitor the health impact of the smokefree ordinance. Air quality studies can be performed. You would need to have the air tested before implementation of the ordinance and then again after implementation. Improved air quality as a result of a clean air ordinance translates into improved health of employees and consumers.
- ▶ ***Promote smoking cessation classes. A majority of smokers say they would like to quit. Smokefree ordinances are often the deciding factor to quit. Contact the DuPage County Health Department at 630-682-7979 ext. 7044 to find out about what is available in your area.***



Municipal leaders sometimes question the wisdom of their decisions, but the decision to create a smokefree workplace for all your citizens and visitors is not one of them.



5

TECHNICAL

ASSISTANCE

ASSISTANCE

www.smokefreedupage.org

Technical Assistance

The **DuPage County Health Department** can provide technical assistance to facilitate your efforts in developing and implementing a smokefree ordinance.

Researching statistics

Health Educators in the Tobacco Control and Prevention Program can research information regarding revenue, health statistics, facts on secondhand smoke, the effects of a cigarette tax on youth smoking, and how to develop a smokefree ordinance.

Providing media/marketing assistance

The DuPage County Health Department has developed marketing communications tools for municipalities to use when implementing a smokefree ordinance:

brochure, newspaper advertisements, sample press release, public service announcements, key messages, www.smokefreedupage.org - a comprehensive source for data, facts, ordinance comparisons, and much more.

Collaborating with the DuPage County Coalition Against Tobacco (DCAT)

The DuPage County Coalition Against Tobacco works to provide a tobacco-free future for DuPage County residents of all ages by promoting the elimination of environmental tobacco smoke and the prevention of youth initiation through ordinance development and / or enforcement, education, and working collaboratively with schools, concerned citizens and other governmental or community agencies.

DCAT is pleased to have more than 50 members dedicated and eager to carry out the mission, goals, and objectives set by the Coalition.

For more information about DCAT, please visit <http://www.dupagehealth.org/dcat/>.

Locating a venue

The Tobacco Control and Prevention Program can help locate a venue for your smokefree ordinance town hall meeting. If you are in need of a larger venue to hold your meeting, we can provide suitable accommodations at any of our public health centers: Westmont, Lombard, Addison, Wheaton, West Chicago, or at our partnering agencies: local hospitals, schools, colleges, community centers.

Providing Speakers

The Tobacco Control and Prevention Program can provide speakers to testify at town hall meetings. These speakers include health educators, physicians, economic experts, and smokefree advocates. The executive director of the DuPage County Health Department testified at the Naperville City Council hearing September 13, and the manager of the Tobacco Prevention and Control Program testified at the July 10, Wheaton City Council hearing.



Secondhand smoke contains more than 4,000 chemicals and more than 69 carcinogens and causes cancer, stroke and heart disease.

Marketing Communication Tools

Implementing a smokefree ordinance can be challenging. An aggressive, pro-active approach to communicate with all constituents serves to ease the transition. Change is never easy, but when communicated properly to the audience(s) it affects, change can be embraced as a welcome breath of "fresh air."

In an effort to help municipalities effectively communicate to their residents and employers that a smokefree ordinance has been implemented, DuPage County Health Department has branded the campaign "Smoke Free DuPage" and created a selection of marketing communications tools. These tools may be customized by each municipality, as needed.

The marketing communications tools included in this toolkit are:

Graphic design templates:

- Brochure
- Newspaper Advertisements and Insert (black and white)
Sizes available include:
 - ❖ Full page
 - ❖ Half page
 - ❖ Quarter page
- Pre-designed layouts with high-resolution photos and original art work. They are completely customizable and suitable for most newspaper publications.
- Templates are available in the following file formats:
 - ❖ Adobe Illustrator CS
 - ❖ Encapsulated Post Script (EPS)
- Media messages:
 - ❖ Sample press release
 - ❖ Key messages
 - ❖ Important messages to include when creating your own press release or newsletter article
 - ❖ Public Service Announcements
 - ❖ Messages that can be submitted to local radio outlets, used on moving signs and in streaming web banners.

A hard copy of each of these tools is included in the subsequent pages of this toolkit.

Templates are available for downloading at www.smokefreedupage.org/toolkit/templates.

If you are in need of technical assistance please contact:

Kim Siebert at the DuPage County Health Department (630) 682-7979, ext. 7215
or Thomas Rocco at (630) 682-7979, ext. 7368.



*Announcing
smokefreedupage.org
a comprehensive
source for data,
facts, ordinance
comparisons,
communication
templates and much
more.*

Communicating Your Message

After passing a smoke-free law

Assure residents that the smoking ban is similar to that of other nearby cities (if that is the case) or of Chicago's or Cook County's. "We wanted to make our city part of a 'level playing field' so that no town has an advantage or disadvantage over another."

Keep the message focused on health. Offer the press a quote from an elected official, such as: "It was clear after the surgeon general's report that secondhand smoke is a major public health problem," said [mayor or other official]. "After careful study and listening to all our constituents, we voted in favor of the health and safety of our residents and visitors."

Assure your citizens that you expect compliance to be easy. This is considered a "self-enforcing law" meaning that a reminder from others to extinguish a cigarette is all that is often needed.

Assure your business owners also that you expect compliance to be easy but that the city will not let business owners off the hook if they do nothing to enforce the law.

Remind your business owners that compliance is inexpensive and easy:

- ▶ Remove ashtrays
- ▶ Post no-smoking signs
- ▶ Inform their employees

Mention the key points of your law. Does it cover restaurants as well as bars that are not inside restaurants?


Make clear any exemptions, such as a private residence that is not used as a business.

Make especially clear any temporary exemptions, since these may be a cause of confusion later. Does it cover bowling alleys now, or is it in the future?

Mention the distance away from a public doorway where smoking is prohibited, but do not get hung up on the actual number of feet. A reminder that "if you smoke, stay away from the space near the entrances" is sufficient.

Point out the places that a smoker can still smoke, as this is a major "personal rights" issue. "You can smoke in your car, your home, or a sidewalk, as long as you are not standing right in front of a place of business."

Offer the health department as a resource for more questions. Health department staff, which has been a resource for compliance with the current state clean indoor air law, has experience with dealing with clients who smoke. The health department has had nearly a year experience with a smokefree campus and can offer suggestions on soft approaches with violators.



More than 126 million nonsmoking Americans continue to be exposed to secondhand smoke in homes, vehicles, workplaces, and public places.

U.S. Department of Health and Human Services

Public Service Announcements

(Approximately 15 seconds each)

Town about to go smoke free:

1) Are you ready to breathe clean air (***name of town***)? The (***city, town, village***) of (***name***) wants to remind you that starting (***effective date***), all businesses in town will be smokefree. That includes restaurants (***and bars or but not bars***). If you must smoke, take it outside. **Tag line:** This message brought to you by the (***city of***), the DuPage County Health Department, and (***this radio, cable station.***)

2) Do you work in (***name of town***)? Do you smoke? Starting (***effective date***), workers in (***name of town***) who smoke will no longer be able to take a cigarette break indoors. The (***city of name of town***), the DuPage County Health Department, and (***this radio, cable station***) want you to know that if you must smoke, take it outside.

3) There are more than 4,000 chemicals, and cancer causing agents, in secondhand tobacco smoke. That is why the (***city of***) passed a law that takes effect starting (***effective date***), if you must smoke, take it outside. **Tag line:** This message brought to you by the (***city of***), the DuPage County Health Department, and (***this radio, cable station.***)

Town has gone smoke free:

1) Did you know that secondhand smoke kills an estimated 65,000 people annually? In (***name of city***), secondhand smoke is "out of bounds" if you are in a restaurant or other place of business. Speak up, and remind others that if they must smoke, take it outside. **Tag line:** This message brought to you by the (***city of***), the DuPage County Health Department, and this (***radio, cable station.***)

2) Bothered by the smoke of someone else's cigarettes? If you are in a restaurant or other public place in (***name of city***), then speak up. Remind the business owner that smoking is banned inside (***name of city***)'s businesses. **Tag line:** This message brought to you by the (***city of***), the DuPage County Health Department, and (***this radio, cable station.***)

3) Just a reminder to business owners that for the health and safety of your staff, smoking is no longer allowed indoors in (***name of city***). There are penalties for allowing your workers or customers to smoke inside your place of business in (***name of city***). **Tag line:** This message brought to you by the (***city of***), the DuPage County Health Department, and (***this radio, cable station.***)

4) Business owners, have you removed ashtrays yet? A reminder from the (***city of***) that the smokefree law went into effect (***date***). The law requires you to prohibit smoking inside your place of business, remove ashtrays, and post signs. **Tag line:** This message brought to you by the (***city of***), the DuPage County Health Department, and (***this radio, cable station.***)



Announcing
smokefreedupage.org
a comprehensive
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comparisons,
communication
templates and much
more.

Develop Your Press Release



For Immediate release

Contact:
Tel.
Cell Phone:
Email:

Smokefree ordinance to take effect

The question, "smoking or non-smoking" will soon be a thing of the past in **(name of city)**. Beginning **(effective date)**, all businesses, including restaurants, in **(name of city)** will fall under the smokefree law.

On **(date of enactment)** the **(name of city)** council approved an ordinance that requires restaurants and businesses to go smoke free. The ordinance will be effective starting **(date)**.

"It was clear after the surgeon general's report that secondhand smoke is a major public health problem," said **(mayor or other official)**. "After careful study and listening to all our constituents, we voted in favor of the health and safety of our residents and visitors."

The city's smokefree law is similar to other smoking bans in the county. It includes restaurants, **(bars, bowling alleys, and most hotel rooms)** in town.

Although city officials do not expect many violators, there is a fine in place for people who refuse to comply, as well as for business owners who refuse to enforce the law. The fine ranges from **(amount of lowest fine)** for first offense to **(amount of highest fine)** against business owners who continue to ignore the law.

Each year 16,900 adults die from their own smoking. Secondhand smoke, also called passive smoking, is the third leading cause of preventable death in the United States. Secondhand smoke contains more than 4,000 chemicals, from which 69 cause cancer.

The city's restaurants join the more than 500 other restaurants in DuPage County that are smokefree. Find them at www.dupagehealth.org/tobacco.

For more information on smoking, or for help in quitting, contact the DuPage County Health Department at 630-682-7400, ext. 7044.

1/4 Page Newspaper Ad

No Smoking Ordinance Takes Effect on January 2



On January 2, 2007, Wheaton public buildings will go smoke-free. This includes offices, retail stores, restaurants and bars. Smoking will not be allowed within 25 feet of public entrances to buildings.

All bowling alleys will be smoke-free on June 1, 2007.

The penalty for violating the ordinance is a fine of \$75 for individuals who smoke in a prohibited area and \$150 for owners or managers of a public place or workplace who allow smoking in a prohibited area.

For information on this ordinance please visit www.xxxxxxxxxx.org.

Smoke Free DuPage
Targeting a tobacco free future

Do You Want To Quit Smoking?

Contact

The DuPage County Health Department

630-682-7979 ext.7044,

visit www.dupagehealth.org/tobacco

or call the Illinois Tobacco Quitline at 1-866-Quit-Yes.

(5.75" wide / 10" high)
Reproduction is shown
@ 75%

1/2 Page Newspaper Ad

No Smoking Ordinance Takes Effect on January 2



Smoke Free DuPage
Targeting a tobacco free future

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For information on this ordinance please visit www.xxxxxxxxxx.org.

Do You Want To Quit Smoking?

Contact

**The DuPage County
Health Department
630-682-7979 ext.7044,**

visit www.dupagehealth.org/tobacco
or call the Illinois Tobacco Quitline at
1-866-Quit-Yes.

(11.625" wide / 10.375" high)
Reproduction is shown
@ 65%

Full Page Newspaper Ad

No Smoking Ordinance Takes Effect on January 2



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Smoke Free DuPage
Targeting a tobacco free future

Do You Want To Quit Smoking?

Contact

**The DuPage County Health Department
630-682-7979 ext.7044,**

visit www.dupagehealth.org/tobacco
or call the Illinois Tobacco Quitline at 1-866-Quit-Yes.

(11.625" wide / 20.75" high)
Reproduction is shown
@ 40%

What should I do if customers insist on smoking?

You and your staff must advise them of the new ordinance. Politely explain that they must step outside to smoke. If the customer refuses to comply, refer to your company's policy on dealing with difficult customers.

How can I file a complaint?

Complaints can be confidentially filed with the XXXXXXXX. To file a complaint by phone, call (630) XXX-XXXX during regular business hours and (630) XXX-XXXX after hours and on weekends or visit www.XXXXXX.com. An employee or patron may contact XXXXXXXX to file a complaint against you and/or your establishment.

Does the ordinance prohibit smoking outdoors?

Smoking in outdoor areas is prohibited at all outdoor events and venues, Adams and Memorial Parks and within 25 feet of a public entrance or an open air dining area.

Do signs need to be posted?

Signs clearly stating smoking is prohibited must be prominently displayed in the enclosed area of any public place where smoking is prohibited. Sample sign artwork may be downloaded at www.wheaton.il.us.

Where can I get information about how to quit smoking?

There are many different options to help you or your employees quit smoking. The Illinois Tobacco Quitline, 1-866-QUIT-YES (866-784-8937), provides one-on-one phone counseling and support for smokers. When a smoker calls, they are provided encouragement, a personalized plan and tools to quit smoking. Services are free of charge.

The DuPage County Health Department offers "quit-smoking" classes to individuals and groups, and will come to your worksite. Call (630) 682-7979, ext. 7044 for more information.

Where can I get more information about the new ordinance?

You can learn more about the new ordinance by contacting the Wheaton City Hall (630) 260-2000 or visit www.wheaton.il.us.

More information is also available from the DuPage County Health Department at (630) 682-7979, ext. 7044.

INFORMATION FOR
Businesses
Effective Date: January 2, 2007



Smoke Free DuPage
Targeting a tobacco free future

WHEATON

When does Wheaton go smoke-free?

Beginning at midnight on January 2, 2007, the Wheaton Clean Indoor Air Ordinance of 2007 with few exceptions, prohibits smoking in all workplaces and public places including bars and restaurants. Smoking is also prohibited at outdoor events and venues and Adams and Memorial Parks.

What does the ordinance require me to do?

You must inform your employees and customers that smoking is no longer permitted indoors. You may want to redirect your employees and customers to an outdoor location where smoking is permitted.

To learn more about the new ordinance, contact Wheaton City Hall at (630) 260-2000 or visit www.wheaton.il.us.

What are the exceptions to the new ordinances?

The only exceptions to the new ordinances are:

- private residences (except when used as a childcare, adult care, or healthcare facility)
- private clubs
- no more than 20% of hotel/motel sleeping rooms
- retail tobacco stores
- private/semi-private rooms in nursing homes or long term care facilities.

This ordinance shall become effective for bowling alleys on June 1, 2007.

How will the ordinances be enforced?

The XXXXXX is the agency responsible for enforcement. The XXXXXXXX will inspect for compliance, as well as process complaints, document violations, and assess penalties.

What are the penalties?

Both the individual as well as the business or establishment can be fined under this ordinance.

Individual Fines

Wheaton: \$75.00

Business Owner Fines

Wheaton: \$150.00

Any person who owns, manages, operates or otherwise controls a public place, a place of employment or an open air dining area that permits smoking in an area where smoking is prohibited under the provisions of the ordinance, shall be guilty of an offense punishable by a fine and such violation may result in the suspension or revocation of any City permit or license issued for the premises in which the violation occurred.

Each day that any violation of this ordinance shall continue shall constitute a separate offense.



Secondhand smoke contains more than 4,000 chemicals and more than 69 carcinogens and causes cancer, stroke and heart disease.

Smoke Free
WHEATON
Effective Date: January 2, 2007

Health Effects:

STATEMENT → ***"There is no scientific proof that secondhand smoke causes death and illness."***

REBUTTAL STATEMENT → "Scientific, peer-reviewed, longitudinal studies show an increased risk to nonsmokers exposed to secondhand smoke for heart disease, stroke, asthma, and chronic obstructive pulmonary disease. These illnesses can lead to death."

FACT → **According to the US Surgeon General, US Dept. of Health and Human Services, Executive Summary: "massive and conclusive scientific evidence documents adverse effects of involuntary smoking on children and adults, including cancer and cardiovascular disease in adults, and adverse respiratory effects in both children and adults."**
(2006, USDHHS, CDC, "The Health Consequences of Involuntary Exposure to Tobacco Smoke." pg. iii

In 2005, secondhand smoke is estimated to have killed 3,000 adult nonsmokers from lung cancer, 46,000 from coronary heart disease, and 430 newborns from SIDS.

(Surgeon General report executive summary, pg. i

STATEMENT → ***"Car exhaust is worse than cigarette smoke. We should concentrate on car exhaust as the major cause of respiratory disease, not tobacco smoke."***

REBUTTAL STATEMENT → "Car exhaust does indeed cause or exacerbate respiratory disease. The EPA can and does regulate outdoor air; it has no authority to regulate indoor air. State laws such as the anti-school bus idling law also help reduce the risk from gasoline and diesel emissions. This community has the right to enact laws regulating indoor air. It has the ability to remove a preventable cause of disease from the community.

FACT → **According to the CDC/Surgeon General report of 2006, "Over time, research has repeatedly affirmed the conclusions of the 1986 Surgeon General's report and studies have further identified causal associations of involuntary smoking with diseases and other health disorders."**

(CDC report, pg.5

More than 50 carcinogens have been identified in sidestream and secondhand smoke.

(CDC, pg. 10)

Ventilation as a Solution:

STATEMENT → *"I purchased an air filter system that removes all secondhand smoke from the air."*

REBUTTAL STATEMENT → "Many of the air cleaning systems remove the air particles that cause the smoky haze, and the particles that cause the odor. Some may filter, or capture, smaller SHS particles. None claim to remove all the carcinogens."

FACT → "The Environmental Protection Agency, states that no filtration system can remove 100% of ETS from air, this statement is true."

(Source: Mike Holmes, technical director, Quality Filter Service, Romeoville, IL)

ASHRAE (American Society of Heating and Refrigeration and Air-conditioning Engineers) states that no amount of ventilation can remove ETS, this is a true statement.

(Source: Mike Holmes, technical director, Quality Filter Service, Romeoville, IL)

"Eliminating smoking is the only way to eliminate the risk of secondhand smoke. "

(Source: position statement of ASHRAE, the Association of Heating, Refrigerating and Air Conditioning Engineers, June 2005)

STATEMENT → *"The Black Dog (Tavern) study in Toronto, Canada, shows the positive effects of ventilation and air filters on secondhand smoke."*

REBUTTAL STATEMENT → "This air study was conducted by the Center for Indoor Air Research, a tobacco-funded group. In a different study, the levels of smoke pollution in the Black Dog's bar area were even higher than the average of six smoking bars with dilution ventilation. The Black Dog has since gone smoke free. The Center for Indoor Air Research is no longer in business."

FACT → **Source for statement that CIAR is tobacco-funded: Phillip Morris USA, 9-16-93, transcript of telephone conversation obtained through Master Settlement Agreement and available at <http://tobaccodocuments.org>**

**CIAR charter members: RJ Reynolds Tobacco Co.,
Phillip Morris Co.,
Lorillard Tobacco Co.**

CIAR was dismantled following the Master Settlement Agreement.

(Source: www.tobaccoscam.ucsf.edu/vent)

Source for subsequent study on Black Dog air quality: www.tobaccoscam.ucsf)

Personal Choice

STATEMENT → *"I should be able to choose where to smoke. If others don't like it, they can go to other places that are smokefree."*

REBUTTAL STATEMENT → "True, non-smoking customers can choose to dine elsewhere. However, the majority of smokefree restaurants in DuPage County are fast food or carry out restaurants. I can't see taking a business client or out of town guest to fast food, especially if we want alcoholic beverages."

FACT → **Approximately half of the 500 smokefree restaurants in DuPage County are fast food or carry out restaurants.**

Source: www.dupagehealth.org/tobacco
DuPage County Health Department Smokefree Restaurant List.

STATEMENT → *"A business owner has the right to do whatever he wishes on his own property, and it should be his decision whether to allow smoking. Businesses are already over-regulated by the government."*

REBUTTAL STATEMENT → "This is a public health regulation. The government does not allow bars or restaurants to decide if they will wash their hands or wash their dishes, if they can allow rats in the kitchen, or taste test your food. The government regulates their operations to ensure that the public's health is protected."

FACT → **The mission of the DuPage County Health Department is to promote health, prevent illness, protect health from environmental risk factors (DuPage County Health Department mission statement)**

STATEMENT → *"Non-smoking employees choose to work in a smoking environment."*

REBUTTAL STATEMENT → "While a business owner or customer can choose, the employee can't. It's not that easy for them to "just find another job". An employee shouldn't have to choose between a paycheck and their health. If someone wants to work in a smoke free sports bar, their options are very limited."

FACT → **Food service workers have a 50% greater risk of dying from lung cancer than the general population, in part, because of secondhand smoke exposure in the workplace.**

(Source: Journal of American Medical Association, 1995)

Economic Effects

STATEMENT → *"In Appleton, Wisconsin, the bars there are losing business."*

REBUTTAL STATEMENT → "In Appleton, Wis., there are nine businesses on a waiting list for a liquor license. If it were true that they are losing money, why would 9 more business owners be applying for liquor licenses?"

FACT → According to Kurt Eggebrecht, health officer of the Appleton Health Department, "their (the lobbyist for the Illinois Licensed Beverage Association) statement is simply not true. And any bar that thinks they are losing business can sell their business with its liquor license to anyone on the waiting list. We never had a waiting list until after the ordinance was passed; we hold liquor licenses at a maximum of 126."

(Source: telephone conversation with Mr. Eggebrecht, Maureen McHugh and Jessica Gerdes, Oct. 2006; and report of Appleton Health Dept. to their Board of Health, June 2006)

STATEMENT → *"Eighty-five percent of my customers are smokers."*

REBUTTAL STATEMENT → "It is possible that 85% of your customers are smokers. This is even more likely true if you are known as a 'smoky bar' or 'smoker friendly.' If that percentage of your customers consistently smokes, then your business is marketing to the 20% or fewer of residents who are smokers. Your business is allowing non-smokers to 'vote with their feet' by avoiding your establishment. Does it make good business sense to exclude that many potential customers?"

FACT → **81.6% of DuPage County residents are non-smokers.**
(DuPage County Health Department, Behavioral Risk Survey, 2005, poll conducted by MCIC research, margin of error plus/minus 2%)

STATEMENT → *"We should wait for a statewide ban to level the playing field."*

REBUTTAL STATEMENT → "All politics is local, it is said. Let us have local control, it is said. As with many laws, it takes a show of popular support for smokefree legislation before state lawmakers decide to act."

FACT → According to the Americans for Non-smokers Rights, on average, states enact statewide smoking bans after local laws cover approximately 65% of the population. According to Smoke Free Illinois, smokefree laws currently cover 46.03% of the Illinois population.

Economic Effects continued

STATEMENT → *"If a smoking ban is enacted, my bar will close within two weeks."*

REBUTTAL STATEMENT →

"There can be many reasons for a slump in revenue during a two-week period, and business owners should carry enough capital to carry them through such slumps (weather related, a health department violation, nearby road construction, change in personnel, an outbreak of a foodborne illness in the area, etc.) Within a two week period or longer, following enactment of a smoking ordinance, the smokers may wish to "make a statement" by boycotting ALL restaurants and bars."

FACT →

Evidence from peer-reviewed studies show that smokefree polices and regulations do not have an adverse effect on the hospitality industry.
(US Surgeon General report, pg. 14)

STATEMENT → *"The streets of downtown Madison are empty now (post smoking ordinance)."*

REBUTTAL STATEMENT →

"Broad generalizations like this should be taken with a grain of salt and healthy skepticism. On which day did the observer see downtown Madison (the area around the college campus)? A Monday during spring break?"

FACT →

"The streets around college campuses with smoking ordinances may indeed appear tamer these days, but so do the downtown campuses without smoking ordinances. The reason is not due to tobacco free bars but possibly to a crackdown on underage drinking. The days of rowdy college students spilling out of bars into the streets are numbered, due to heightened awareness of the problem of underage drinking."

In Madison, there were 29 new liquor licenses issued in the year following implementation of the ordinance. These are not just for restaurants; many of the new licenses are for taverns.

(Tobacco-Free Dane County Coalition, June 29, 2006 report, "One Year Later: A Status Report")

STATEMENT → *"The city of Beverly Hills, California, rescinded its ban because of the lost revenue."*

REBUTTAL STATEMENT →

"What was actually rescinded was the report of 'lost revenue.' What happened? Beverly Hills was the first California city to pass a 100% smokefree restaurant measure. Soon after implementation, the Beverly Hills Restaurant Association (BHRA) claimed a sharp, 30% drop in business. The city rolled back the measure. Later review of restaurant sales tax records showed that the 30% figure was a myth. There was a modest drop followed by a slight increase in restaurant sales. The BHRA was a creation of the tobacco industry, and the report of 'losses' was later itself rescinded by the president of the BHRA."

FACT →

The accounting firm Laventhol & Horwath later conducted a more rigorous study, this one of taxable sales at Beverly Hills restaurants. It showed a more modest average drop: 6.7 percent followed by an

Continued

Economic Effects continued

Continued

increase in sales. Today, all restaurants and bars in Beverly Hills are 100% smokefree. Barry Fogel, president of the BHRA, stated in 1994: "We (BHRA) were organized by the tobacco industry... I regret my participation with the tobacco industry."

STATEMENT → ***"After the ban in California went into effect, 1,000 restaurants and bars closed."***

REBUTTAL STATEMENT →

"The restaurant and bar business is well known for being a type of business that is subject to market swings; some close within a year of opening, an even higher number within five years of opening. In California, a large state with more than 80,000 restaurants and bars, the places that closed were more than offset by those that opened."

FACT →

The number of eating and drinking places in California increased since the full ban went into effect Jan. 1, 1998: they report total figures in thousands: 71,900 in 1997, 72,900 in 1998; 73,500 in 1999; 74,200 in 2000; 74,200 in 2001; 77,600 in 2002; and 81,300 in 2003. (Source: California Restaurant Association)

STATEMENT → ***"If you ban smoking in this town, my customers will go to the next town where they can smoke."***

REBUTTAL STATEMENT →

"Following enactment of the smoking ban in Chicago, the restaurants outside the city limits are not experiencing a boom in revenue due to smokers fleeing the smoke free restaurants."The Cook County ordinance does not take effect until March 2007.

FACT →

I have noticed nothing like (a boom in business in the cities surrounding Chicago) after Chicago went smokefree, nor in New York, California and other places. A number of bars in Chicago decided to go smokefree ahead of schedule, and only one went back on that. Restaurant owners know that their customers will drive only so far for a restaurant, no matter how good it is, for the ... pleasure of smoking at the table. "

(Phil Vettel, Chicago Tribune Restaurant Critic, Nov. 29, 2006 telephone conversation with DuPage County Health Department, Jessica Gerdes)

DuPage County Municipal Ordinance Activity

COMMUNITY	CURRENT ACTIVITY	NEXT STEPS
Village of Addison	Mayor is speaking with trustees	
City of Aurora	Under Discussion - not on council agenda	
Village of Bartlett	Public hearing held by economic development commission 11/13	Ordinance being drafted -board expected to vote Dec. 5 or 19, 2006
Village of Bensenville	No current plans to put on agenda	
Village of Bloomingdale	No discussion at this point	Will be on agenda within next 6 months
Village of Bolingbrook	Wait and see	
Village of Burr Ridge	Passed	Effective 7/10/06
Village of Carol Stream	Awaiting Task Force Tool Kit	Bring Tool Kit to Board
Village of Clarendon Hills	No public dialogue -Monitoring issue - participant in regional meetings	Public hearing January/February 2007
City of Darien	Looking into it; attended workshop	
Village of Downers Grove	Environmental Concern Committee made recommendations	
City of Elmhurst	City Council to study pros/cons and develop recommendations	
Village of Glendale Heights	No current plans to put on agenda	
Village of Glen Ellyn	Hosted workshop #2 on Nov. 16	Jan 07 - trustess will consider
Village of Hanover Park	Under discussion - waiting to see County sample ordinance	Voting end of Dec 06 or Jan 07
Village of Hinsdale	Passed	Effective 7/1/06
Village of Itasca	Under Discussion by Board	Address early 2007
Village of Lemont	Discussed at committee meeting 11/20/06	Board is continues to gather information
Village of Lisle	Discussed by Board	Mayor is on county task force
Village of Lombard	Sent letters to Chamber and Businesses asking them to voluntarily go smoke free	
City of Naperville	Drafting an ordinance	Final reading expected in January 2007

DuPage County Municipal Ordinance Activity

Continued

COMMUNITY	CURRENT ACTIVITY	NEXT STEPS
Village of Oak Brook	Meeting with managers of restaurants and businesses	
City of Oakbrook Terrace	Discussed 11/13/06	Agreed to enact "some" ordinance by June 1, 2007; will see what rest of towns do
Village of Roselle	Rejected concept; public hearing 10/30/06	Jan 07: to discuss ordinance less restrictive than Cook Co. ban
Village of Villa Park	Left several voice messages; no reply as of 11-28-06	
City of Warrenville	On agenda of Public Safety Committee 12/11/06	City Council discussion 12/18/06
City of West Chicago		
Village of Westmont	Environmental Commission passed a draft ordinance recommending 100% smokefree, effective date July 1, 2007	Draft and recommendations to be presented to Board
City of Wheaton	Passed	Effective 1/2/07
Village of Willowbrook	Was on board agenda for discussion 11/27/06	
Village of Winfield	Environmental Committee is drafting	Environmental Committee meets Jan 07, if approved it will go to Village Board
City of Wood Dale		
Village of Woodridge	Under discussion for more than a year	Mayor chairs county task force

Regional Municipal Ordinance Activity

COMMUNITY	CURRENT ACTIVITY	NEXT STEPS
City of Batavia	Drafting Ordinance w/Geneva & St Charles	Proposed effective date 5/1/07
Village of Buffalo Grove	Passed	Effective 10/1/06
City of Chicago	Passed	Restaurants effective 1/16/06; bars, June 08
County of Cook	Passed	Effective 3/15/07
Village of Deerfield	Passed	Effective 1/1/06
City of Elgin	Informational hearing held 8/06	
Village of Elk Grove Village	Passed	Effective 1/1/07
City of Geneva	Drafting Ordinance w/Batavia and St Charles	Proposed effective date 5/1/07
Village of Highland Park	Passed	Effective 6/1/2005
Village of Hoffman Estates	Passed	Effective 1/2/2007
County of Kane	County Board and Mayors meeting 10/16/06	Next meeting 2/07- looking for 5/1/07 effective date
Village of Schaumburg	Passed	Effective 1/2/07
City of St. Charles	Drafting Ordinance w/Batavia & Geneva	Proposed effective date 5/1/07
Village of Sugar Grove	Discussed	Nothing proposed
Village of Vernon Hills	Passed	Took effect 10/1/2006