

INFORMATION FOR SB 25

The Economics of Clean Indoor Air

1. Choosing fact over fear: studies indicate a neutral or positive impact for hospitality businesses when clean indoor air laws are enacted
 - No peer-reviewed studies substantiate claims that restaurants and bars will lose business if smoke-free. Studies have been done in California, Florida, Kentucky, New York that show receipts often increase, as well as employment.
 - KHI just completed a study of the economic impact of the Lawrence clean indoor air law that shows similar results. In Lawrence, total sales at bars and restaurants increased in the two years following enactment of a clean indoor air ordinance.
 - Reports that demonstrate an adverse impact are often those conducted by the tobacco industry, which rely on owner predictions or estimates of sales impact, rather than actual sales data (Kansas Department of Health and Environment).
 - Business owners have been pleasantly surprised by the lack of adverse impact when clean indoor air policies are implemented. *I've come full circle on smoking bans. I was initially against them but now I fully support them. Of my customers, 99% have commented on how much they like being in a non-smoking environment.* – Louie Riederer, Owner of Johnny's Taverns, employing 150 people.
 - For restaurants and bars that do fail, there are many factors that may have played a role, from the state of the economy to local competition. Jumping to the conclusion that clean indoor air is the cause is not substantiated by the data.

2. The economics of clean indoor air must include what Kansas taxpayers pay in smoking-related health care costs
 - Kansas taxpayers spend \$196 million annually for smoking-related health care costs in Medicaid and \$927 million annually on all smoking-related health care costs in Kansas.
 - Insured Kansans pay increased premiums because of smoking-related health care costs. *"Clean air acts provide tremendous financial benefits by lowering utilization and increasing productivity."* – Graham Bailey, Blue Cross, Blue Shield of Kansas.
 - KDHE estimates that a Kansas clean indoor air law would save \$21 million annually in hospital charges by reducing the number of heart attacks brought on by second-hand smoke exposure.
 - Enacting a clean indoor air law costs nothing but could result in health care savings and better health outcomes.

Protection from Second-Hand Smoke for All Kansans

1. Protecting public health is a responsibility of state government that outweighs local control considerations

- Just as we have state laws requiring food inspections and safe drinking water, it is appropriate for the state to protect Kansans from the dangers of second-hand smoke, for which there is no safe level of exposure, according to the Surgeon General.

“A statewide smoking ban deprives no one of their rights any more so than health inspectors deprive Kansans of their rights when ensuring restaurants are clean and safe.” – James Sherow, City Commissioner, Manhattan

- All Kansans deserve to breathe clean air, not just those who live in cities with clean indoor air ordinances

“Piecemeal passage of local ordinances will not address the widespread health concerns caused by exposure to second-hand smoke, nor will it protect Kansas residents beyond each city’s political boundaries.” – Dion Avello, Mayor, Derby

2. Many city officials support a uniform, statewide clean indoor air law

- According to a survey of city officials conducted by John Neuberger, DrPH, MPH, MBA, Professor, Department of Medicine and Public Health, University of Kansas School of Medicine, 60 percent of local government respondents support a state clean indoor air law. The survey represents more than 650,000 people.
- Even the League of Kansas Municipalities *Statement of Municipal Policy* states *“We support air quality controls which protect the health and safety of Kansans while allowing for orderly economic development.”*
- The difficulty of enacting local ordinances on clean indoor air may take several years resulting in ordinances that do little to protect nonsmokers and fail to settle the issue. In Wichita, the ordinance contains “smoker-friendly” language that allows business owners to have smoking establishments if children are not permitted. Emporia and Salina may face petition drives to recall the clean indoor air ordinances already enacted, because the opposition has the resources to prolong and potentially reverse a decided issue. *“The implementation process resulted in an ordinance that met neither the desires of the drafters nor the expectations of voters.” – Bob Strawn, Mayor Pro Tem, Manhattan, in response to the clean indoor air referendum process in Manhattan.*

3. Allowing local ordinances to stand within state law conflicts with Home Rule amendment and could lead to other cities not having to abide by any state clean air standard

- There is a clause within the Kansas Home Rule amendment that requires uniform application of state laws. If existing clean indoor air ordinances are grandfathered into state law, holding new ordinances to stricter state standards conflicts with the uniform application required under the amendment.

Second Hand Smoke Exposure is a Public Health Issue

1. All Kansans deserve protection from the harms of second-hand smoke
 - Approximately 80 percent of Kansans do not smoke, yet the choice to abstain is undermined by the lack of a state clean indoor air law.
 - Polling shows a substantial majority of Kansans favor a statewide clean indoor air law to gain protection from second-hand smoke.

2. Second-hand smoke exposure is more than a nuisance
 - Unlike heavy perfume or loud music, exposure to second-hand smoke is more than unpleasant, it is harmful.
 - During a two-year study of the Pueblo clean indoor air ordinance, it showed a reduction in heart attack hospitalizations of 41 percent as compared to before the ordinance was adopted.
 - The right to smoke stops at my right to avoid the harmful effects of smoke.

3. Remedies to reduce smoke exposure without eliminating exposure do not work
 - The Surgeon General has declared there is no safe level of exposure to tobacco smoke.
 - Separate seating and ventilation systems do not work in protecting us from second-hand smoke. *“International experience has been gained over several decades with using various strategies to reduce ETS exposure, including separation of smokers from nonsmokers, ventilation, air cleaning and filtration, and smoking bans. Only the last provides the lowest achievable exposures for nonsmokers and is the only effective control method recognized by cognizant authorities.” – American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc., Position Document.*