



POLICYPOINTS

Quick Facts from the Commonwealth Foundation

Smoking Bans

The effort to ban smoking in restaurants, bars, and private businesses is a product of bad science and worse economics.

ISN'T SECOND-HAND SMOKE DANGEROUS?

- ◆ According to a study published in the *New England Journal of Medicine*, an individual would have to spend **4,000 hours** in a smoke-filled room to inhale dosage levels approaching those found in a **single cigarette**.¹
- ◆ The “evidence” cited by those who want to ban smoking is deeply flawed. A frequently-cited Environmental Protection Agency study has been dismissed by both a congressional inquiry and the federal courts as junk science.²
- ◆ The congressional inquiry concluded that “the Agency ha[d] **deliberately abused and manipulated the scientific data** in order to reach a predetermined, politically motivated result.”
- ◆ Even the EPA now admits that the risk for forty years of exposure to a pack-a-day **is statistically insignificant**, and a 2003 study published in the *British Medical Journal* concluded, “The results do not support a causal relation between [second-hand smoke] and tobacco related mortality.”³

WHAT ABOUT THE RIGHTS OF NON-SMOKERS?

- ◆ Smoking bans **violate private property rights** and presume that the state may dictate whether or not an owner may allow a perfectly legal substance to be used in his or her facility.
- ◆ Those who find tobacco smoke distasteful may choose a non-smoking section or decline to frequent establishments where smoking is permitted.
- ◆ When patrons are willing to pay more for a smoke-free environment than smokers are willing to pay for the right to smoke, proprietors will respond to demand. The state should not step in to mandate what patrons have demonstrated that they do not really want.
- ◆ Over three-quarters (77 percent) of indoor workers work in a smoke-free facility—this without any government intervention.

WHAT HARM WOULD A SMOKING BAN BRING?

Wherever smoking bans have been implemented, a decline in business and subsequent layoffs result.

- ◆ If smoke-free establishments would actually create greater demand, as many advocates claim, restaurateurs would capitalize on this largely untapped market. Experience does not bear out this claim.
- ◆ There are over 2 million adult smokers in Pennsylvania. Their choice, at worst, merely inconveniences others. There is no justification for denying over two million Pennsylvanians the right to smoke on the private property of a proprietor who permits it.
- ◆ Enforcement of the ban adds to law enforcement costs, and since routine monitoring would be cost-prohibitive, selective enforcement is likely to result.
- ◆ Four years after the imposition of a smoking ban in California, 59.3% of establishments reported a decline in business, with an average decline in sales of 26.2%. **Nearly 30% reported laying off employees or cutting hours or shifts.**⁴
- ◆ New York's restrictive smoking laws cost businesses **\$37 million per year**, with restaurants, bars, bowling alleys and bingo halls often becoming unprofitable.⁵
- ◆ Smokers tend to spend more than non-smokers on food and alcohol, and, on average, tip better.⁶

CONCLUSIONS

- ◆ Claims about the health risks of second-hand smoke have not withstood scrutiny, making any intrusion into private property rights indefensible.
- ◆ Personal choices must be left to individuals. That some will disapprove of the choices others make, or believe that these choices are unhealthy does not grant the state the right to intervene in the situation.
- ◆ Persons averse to cigarette smoke have a variety of options at their disposal and should look to entrepreneurs eager to cater to their them, not to the government to create new business mandates.

ENDNOTES

1. Lambert, Thomas A. "The Case Against Smoking Bans." *Regulation* (Winter 2006-2007), 39.
2. *Ibid*, 38.
3. Enstrom, James E. and Geoffrey C. Kabat. "Environmental Tobacco Smoke and Tobacco Related Mortality in a Prospective Study of Californians, 1960-98." *BMJ* 326:1057-67.
4. Bast, Joseph H. *Please Don't Poop in My Salad and*

Other Essays Opposing the War Against Smoking (Chicago: The Heartland Institute), 22.

5. Ridgewood Economic Associates, Ltd. "The Economic Impact of the New York State Smoking Ban on New York's Bars." Accessible <http://www.faac.ca/content/economic%20impact/smokingbanreport.pdf>
6. Bast, 21.

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For additional information on **Smoking Bans**, go to CommonwealthFoundation.org or call 717.671.1901.