



The Time is Right for Smoke-Free Outdoor Dining in L.A.

The City of Los Angeles has a proud heritage of taking significant, steps to protect children, the elderly, those suffering from respiratory disease, and nonsmokers in general from secondhand smoke

In 2002, the City banned smoking within 25 ft. of park play areas.

In 2004, the City made our beaches smoke-free.

In 2007, the City made our parks smoke-free.

In 2008, the City made our farmers markets smoke-free.

Smoke-Free Outdoor Dining is the right next step to keep Los Angeles at the forefront of protecting those at risk

Many other California cities have already acted to protect nonsmokers on outdoor dining patios including Calabasas, Santa Monica, Culver City, Pasadena, Burbank, Beverly Hills, South Pasadena, Glendale, Berkeley, and Oakland as have Boston, Santa Fe, Vancouver and the entire states of Hawaii, Maine and Queensland, Australia.

A record low 13% of California's adults smoke and the social norm has shifted around smoking in public.

A statewide survey conducted by the California Department of Health Services in 2005 showed that over 93% prefer to eat in restaurants that are smoke-free.

The 2005 L.A. County Health Survey reported that 97% of adults agree that inhaling secondhand smoke from someone else's cigarette is harmful to the health of babies and children.

Smoke-Free Outdoor Dining sends the right message to our youth

A May 12, 2008 article in the *Los Angeles Times* reported that smoking bans in restaurants significantly deter kids from becoming smokers. The study by the Boston University School of Public Health saw a 40% decrease in the likelihood of teens smoking in towns that banned smoking in restaurants.

Secondhand smoke (SHS) has been proven to be harmful in outdoor public settings

The California Air Resources Board (CARB) monitored outdoor nicotine concentrations in a range of settings and found that some of the highest nicotine monitoring results is comparable to those found in some smokers' homes.

A Stanford study specifically designed to measure SHS on outdoor dining patios concluded that "short-term outdoor levels can exceed secondhand smoke levels measured inside cars and houses." A May, 24, 2007 memo from the principal author of the study stated that "even if a person were seated 1 or 2 tables removed from a single smoker, they could still receive appreciable exposure to outdoor tobacco smoke."

A University of Waterloo, Canada Study assessed indoor and outdoor air quality at bars with patios and found that SHS on outdoor patios where smoking is allowed "represent a potentially significant health threat that may approach the level of SHS indoors." It further demonstrated that smoke from outside can and does drift inside.

The levels monitored in outdoor smoking areas qualifies as "unhealthy" according to U.S.A. EPA standards, meaning "everyone may begin to experience health effects; members of sensitive groups may experience more serious health effects."

"There is no safe level of exposure to secondhand smoke. Breathing even a little secondhand smoke can be harmful to your health." (U.S. Surgeon General, 6/06)

"The primary and often the only exposure for individuals who do not spend time near smokers is outdoors in locations over which the individual has little control." (CARB, 1/06)

Smoke-free outdoor dining can actually help business

A Beverly Hills Assessment report dated May 6, 2008 concluded that the city's smoke-free outdoor dining ordinance "has been embraced by the public and businesses alike producing lasting benefits for workers, patrons and the businesses themselves"

Studies have shown that restaurant and bar business has actually increased since smoke-free policies went into effect in California--Sales taxes from restaurants and bars in California rose to \$35 million in 2000, up from \$25 million in 1995. (2002 CA DHS report)

The 2005 Zagat Restaurant National Survey reported that customers would eat out significantly more often as a result of smoke-free restaurants, and 89% of all Americans surveyed for their 2006 survey thought that "smoking should be totally banned in restaurants." "It is clear from our surveys that the vast majority of Americans prefer their restaurants and bars to be smoke-free." (Tim Zagat)

A major study released in February, 2003 assessed the quality of 97 studies on the economic effects of smoke-free policies on the hospitality industry. The study found that no-smoking policies in restaurants and bars don't harm business, despite concerted efforts by the tobacco industry to prove otherwise.

Sheraton and Marriott recently joined Westin and Disneyland Resorts in instituting a chain-wide smoke-free policy, citing business reasons as the driving force.

The 2006 U.S. Surgeon General's report concluded that evidence from peer reviewed studies show that smoke free policies and regulations do not have an adverse impact on the hospitality industry.

Secondhand smoke is the third leading preventable cause of death, disease and illness

In 2006, the California Air Resources Board classified secondhand smoke as a toxic air contaminant, which is defined as "an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness"

The California Air Resources Board (CARB) reports the following health impacts of secondhand smoke exposure each year in California:

- Over 400 additional lung cancer deaths
- Over 3,600 cardiac deaths
- About 31,000 episodes of children's asthma
- About 21 cases of sudden infant death syndrome
- About 1,600 cases of low birth weight
- Over 4,700 cases of pre-term delivery

The CARB report was the first study to conclusively link secondhand smoke to a significant increase in breast cancer among younger, pre-menopausal women.

The 2006 U.S. Surgeon general's report concluded that secondhand smoke causes premature death and disease in children and adults who don't smoke and has immediate adverse effects on the cardiovascular system.

Overall, it is estimated that over 50,000 Americans die each year due to exposure to secondhand smoke.

Smokers Do Not Have the Right to Smoke When it Negatively Impacts on Nonsmokers and Hurts our Environment

No court has ever recognized smoking as a protected fundamental right nor has any court ever found smokers to be a protected class.

When smoking regulation is related to a legitimate governmental objective, such as protecting health or the environment, the regulations are upheld.