



POSITION STATEMENT ON LOCAL CONTROL OF SMOKE-FREE LAWS

Twenty-one (21) Kentucky communities have enacted smoke-free ordinances that were passed by their city council, city commission, or county fiscal court, or smoke-free regulations adopted by their county Board of Health.

When community officials take action to protect their citizens against the health hazards of secondhand smoke, the usually influential tobacco companies and their allies are suddenly powerless. So they try to close the door to local ordinances by passing a weak state law that explicitly preempts local laws (making the state law the “ceiling”) or implicitly discourages local action. We support maintaining local control over smoke-free laws in Kentucky for the following reasons:

Local Control Means Meaningful Local Debate and Community Change

Local control is at the heart of our broader goal of educating the public about the health effects caused by secondhand smoke and changing attitudes regarding smoking in ways that harm other people. A powerful change process unfolds as a community debates the issue of secondhand smoke. Letters to the editor, town hall meetings, public debate, and media coverage all ensue. During this process, the community gains an increased understanding of the health risks associated with secondhand smoke, resulting in strong community support for a law protecting nonsmokers.

Ease of Enactment

Meaningful smoke-free air legislation is much easier to enact at the local level where policy-makers are most responsive to the concerns of constituents and less influenced by tobacco industry lobbyists and campaign contributions. The tobacco companies are forced to work at the local level through front groups and allies, whereas they are able to directly engage policymakers at the state and federal levels without as much of a credibility gap. Big Tobacco would much rather bottle up or weaken one bill at the state house rather than try to track and fight hundreds of local policy efforts throughout a state. Each community should retain the right to determine the standards for their community.

Ease of Enforcement

Not every community in a state is at the same level of public education regarding secondhand smoke. When residents advocate for a local ordinance or regulation, they typically have a higher understanding of the need for a smoke-free law or regulation, so compliance rates for such local policies tend to be very high. Local enforcement agencies such as health departments are easily accessible to the community, whereas statewide enforcement can be less reliable or responsive.

When will Kentucky be ready for a statewide smoke-free law?

When we reach a critical mass of strong local laws and a significant portion of the population is covered by them, it may be time for Kentucky to pass a comprehensive law that covers the whole state. However, we would still insist on statewide legislation that is ‘anti-preemptive,’ meaning local governments could still pass laws stronger than the state if they see fit. That way, the state law would serve as a minimum protection or “the floor” and municipalities could exceed it if appropriate for their community.