

# Non-smokers back ban on public puffing

By Tim Richard  
staff writer

Fear — that's what keeps non-smokers from complaining to their bosses and fellow employees about how they suffer from others' puffing.

Over-regulation — that's how the tobacco industry sees a Michigan legislative bill to confine smoking in public buildings to designated areas.

"I'm not getting the static I thought I would from the smokers," said state Rep. Justine Barnes, D-Westland, after a three-hour public hearing Monday in Westland City Hall on her House Bill 4500.

Fanned by the American Lung Association, 19 opponents of "second-hand smoke" urged a House subcommittee on public health to report out favorably Barnes' bill. Two industry spokesmen opposed it, and one impartial observer contended the bill would not work.

"MY PARENTS smoked three and four packs a day," said Judy Speir-Crawford of Ypsilanti. "I was trained by my parents not to ask" others to refrain from smoking.

"My lungs are permanently damaged," she said. Traveling through the lobby of Detroit Metropolitan Airport, the University of Michigan graduate student said she must "arrange for aid and oxygen. Can you imagine the humiliation?"

Speir-Crawford displayed a poster board with the medications she takes to treat asthma and a rare lung disease. "The cost is well over \$100 a month," she said. "I cannot physically tolerate cigarette smoke."

"MARSHMALLOW management" is to blame in companies where bosses fail to designate smoking areas, said Gerald O'Grady, a Bloomfield Hills resident and president of People Against Tobacco Smoke.

"Many workers are afraid to complain. Some are afraid they will lose their jobs," said O'Grady, who said his group has complained to "50 to 75" companies on behalf of workers who suffer from smoke.

O'Grady — who said his own employer, General Motors, and such large companies as Boeing are good about designating smoking areas — insisted that "many times management is not willing to listen. Unfortunately, it will take legislation in too many corporations."

But when O'Grady declined to name

the companies, Rep. Mat Dunaaklis, R-Lake Orion, turned visibly cool to his testimony. Though a non-smoker, Dunaaklis said he "prefers to see people approach management" rather than pass a rigid state law.

TOBACCO spokesmen said the bill would be costly to enforce and be "an intrusion" into the work place.

"Most distressing is that employees are forced to play police" on other workers, said Dennis Muchmore, representing the American Tobacco Institute. A Chicago court which handles public smoking violations reported 92 percent of defendants were black — indicating the law was racially discriminatory, he said.

Walt Maner, representing the Michigan Tobacco and Candy Distributors and Vendors Association, said there are 2,000 to 3,000 stores, theaters, work places, institutions and public buildings in Ingham County which were to be subject to the law, but only 20 public health inspectors on the job.

"We can see a larger bureaucracy involved," Maner warned.

When Maner said businesses could be asked to cooperate voluntarily to designate areas for smokers, Barnes pounced hard. "Your answer isn't quite good enough. I'm very concerned that this is not happening," said the second-term lawmaker.

MANY LEGAL problems were foreseen by Rich Birkett, a Superior Township resident who had researched the matter. Among the conflicts:

- The bill is vague on property with multiple uses — e.g., a house that doubles as a store or office.
- "A smoker smokes at the privilege of the property owner," so a bill restricting smoking infringes on property owners' rights.

- A home becomes a workplace when a maid is hired and could be considered a public place. "A house should never be considered a public place," Birkett argued.

- The bill exempts workplaces where designated smoking areas are covered by union contract, but gives no guidance to workplaces where there are multiple unions, or where union and non-union workers mingle.

MOST TESTIMONY, however, came from people who suffered burning eyes, itching noses, tightening chests and coughing spasms from exposure to "second-hand smoke."

Peter Pallierio, a Plymouth resident

and immediate past president of the American Lung Association, with \$30,000 contributors, said "passive smoking," as it's sometimes called, appears to be a greater health hazard than air pollution.

Harry Perstadt, associate professor

of sociology at Michigan State University, said a University of Michigan Institute of Survey Research poll showed "substantial and significant support" for restricting public smoking: 61 percent in favor and 68 percent "strongly" in favor.

## 'It's an indoor clean air act'

"It's not a non-smoking bill. It's an indoor clean air act," said state Rep. Justine Barnes, D-Westland, sponsor of House Bill 4500. An identical measure is Senate Bill 199 sponsored by Sen. Jack Faxon, D-Farmington Hills. Key language in the five-page bill:

"A person shall not smoke in a public place or at a meeting of a public body, except in a designated smoking area."

"Public place" means an enclosed, indoor area used by the general public or serving as a place of work or a meeting place for a public body, includ-

ing a retail store, office, commercial establishment, public educational facility, health facility, auditorium, arena, meeting room, or public conveyance. . . .

"Public place does not include a private, enclosed office occupied exclusively by a smoker, even if the office may be visited by a non-smoker. . . .

Also excluded are privately rented meeting rooms, facilities covered by a union contract that covers smoking or licensed bars.

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