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## Government shouldn't necessarily 'butt out'

**M**ost businessmen and women would agree the less government regulation, the better, and that the free market remains the best regulator of commerce.

However, the issue of smoking regulations in bars and restaurants has generated significant debate recently among businesspeople, lawmakers and customers at local watering holes around the state.

This year, Rep. Linda Lopez of Tucson authored a bill at the Legislature that would

create a statewide solution to the issue of smoking in the workplace. Businesspeople, especially restaurant and bar owners, should consider supporting state government as it attempts to regulate a smoke-free working environment. However, it must be done methodically and in as comprehensive a way as possible.

Consider what occurred in Tempe.

Two years ago, Tempe voters approved the strictest smoking ban in Arizona. Some restaurants and bars in Tempe lost up to 30 percent of their sales when the ban was enacted in June 2002. Since then, more than 30 bars and restaurants have closed in Tempe. The unfortunate truth is the smoking ban was the nail in the coffin for many bars and restaurants that were still hurting from the post-9/11 economy.

Some bar owners argue that banning smoking is an intrusion on their privately owned business. While private-property rights are one of the pillars of our free society, when applied to the issue of smoking in bars and restaurants, it's a losing proposition. The truth is government regulates business all the time. Cities reg-



**MY VIEW**

**Eric Emmert**

ulate building safety. The county regulates food. The state regulates liquor products. Examples abound.

Smoking ban opponents argue that customers and employees have a choice whether or not they would like to work, dine and/or drink in a smoky environment. While their opinion has merit, it has lost time and time again when it comes to public health.

Just ask airline executives. The public has a choice

whether or not they would like to board an airliner. Flight attendants have a choice as to whether or not they would like to work in the industry. An airliner is as much a place of work as a bar or restaurant. Yet, lawsuits against the airline industry are plentiful. The industry continues to fight legal battles from passengers and flight attendants who were subjected to smoke-filled cabins prior to a national smoking ban on all domestic flights.

In 2000, Edward Sweda, a senior attorney for the Northeastern University School of Law in Boston, compiled a summary of all legal cases regarding smoking in the workplace. To say the list was extensive is an understatement. Businesses are facing an increasing number of lawsuits from employees exposed to second-hand smoke.

On the other side of the issue, smoking ban proponents until recently have pursued a city-by-city strategy to banning smoking in Arizona. The unspoken belief among health advocates is that they cannot fight the tobacco interests at the capitol or they will lose control of the issue

in the legislative process. Such a defeatist mentality not only aids in solidifying a pessimistic view for supporters of smoke-free workplaces, but also provides the basis for a poor strategy of changing public policy.

There are those who suggest a statewide solution would be inequitable due to sovereign nations within Arizona. Yet differing tribal laws exist in the status quo and continue to be problematic as municipalities across the state enact their own smoking bans. There is nothing to stop smoking proponents from pressing tribal governments to enact regulations identical to surrounding jurisdictions.

Perhaps it is time for bar owners and health advocates to cut a deal.

Consider a statewide solution to the issue. There is irrefutable proof that a city-by-city approach to smoking regulations has economic consequences. The mistake the bar owners have made on this issue is not seeking an alternative solution. The mistake health advocates have made on this issue is not seeking a level playing field to offset the economic impact of their desires. Yet working together, the groups could correct things for the future.

A statewide solution is best for everyone. Consider the alternative — a patchwork of differing municipal regulations. If a community has not yet faced the smoking issue, it will in time. It is best to be proactive, craft the best solution for everyone and support a level playing field.

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Thank You For  
Not Smoking

