

## ***Property and Personal Rights Arguments: Talking Points for Advocates***

- Smoke-free policies are a **public health issue**, not a rights issue. The science is clear that secondhand smoke causes cancer, heart disease, emphysema, and stroke. In fact, tobacco smoke causes immediate damage to DNA and to the delicate linings of lungs and blood vessels.
- The April 2004 Kentucky Supreme Court ruled that **local governments have the power** to promote and safeguard public health, noting that the “protection of public health...is not only a right but a *manifest duty*.”
- Along with the right to own a business comes the **responsibility to provide a safe environment** for workers and customers.
- Smoke-free policy is **no different than other laws and regulations** affecting businesses. Business owners place sneeze guards on buffet lines, mark trip hazards in yellow, and abide by occupancy limits for fire safety. Ensuring healthy air is another public health measure that simply requires people to step outside to smoke.
- A **free market approach does not protect all workers**. In the best case scenario, less than 50% of workers can be covered by voluntary smoke-free policies. Business owners like the government to level the playing field so all have the same smoking rules.
- **Not all workers have access to smoke-free employment** options. Many rural workers have limited job opportunities and may not have transportation to neighboring communities to find a smoke-free workplace. Smoke-free laws protect *all* workers’ right to breathe smoke-free air.
- Smoke-free laws do not take away anyone’s right to smoke. They simply **protect everyone’s right to breathe healthy air at work**.
- Smoke-free laws and regulations protect the rights of all people by preserving: (a) ***life*** by reducing secondhand smoke related death and disease; (b) ***liberty*** by promoting the freedom to work and visit any public place without getting sick; and (c) ***the pursuit of happiness*** by ensuring the right to breathe smoke-free air.