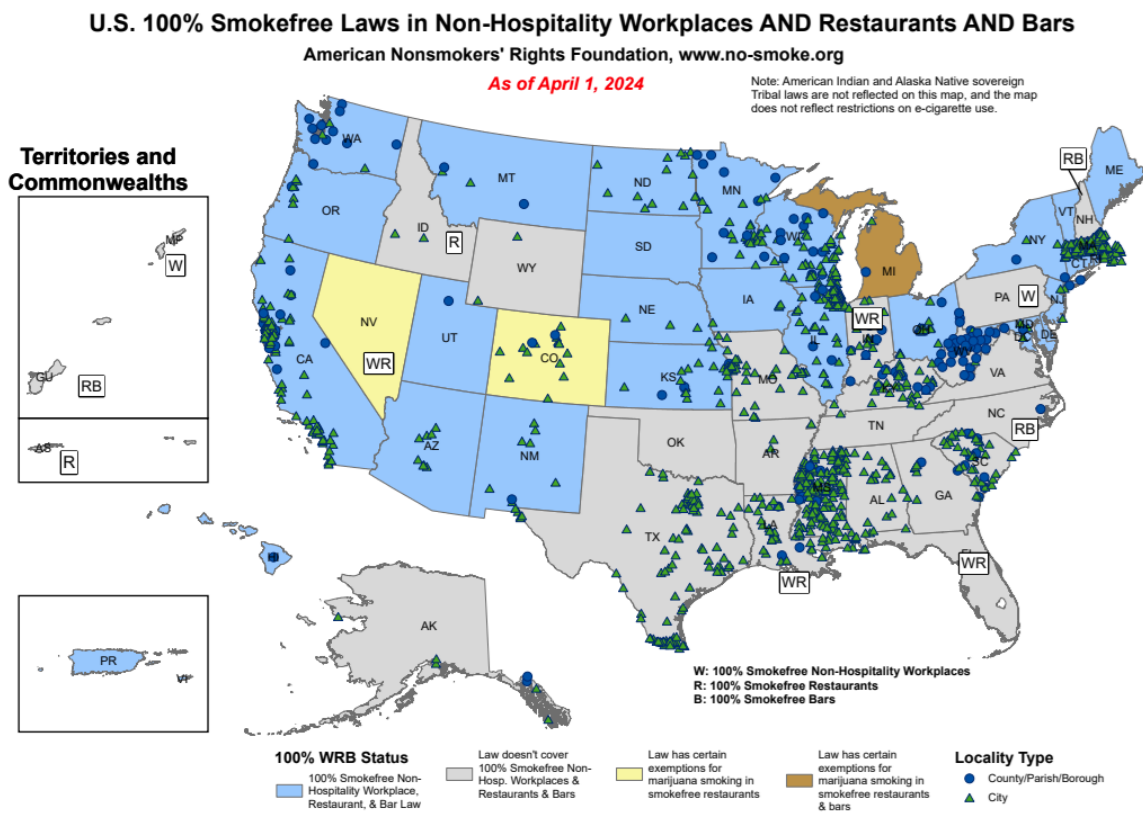


Smoke-free Laws: Everyone Has the Right to Breathe Clean, Smoke-free Air

According to the U.S. Surgeon General,^{i,ii} there is no safe level of exposure to secondhand smoke, which contains approximately 70 known or probable carcinogensⁱⁱⁱ and more than 7,000 other toxic chemicals, including formaldehyde, arsenic, cyanide and carbon monoxide.^{iv} Each year in the United States, secondhand smoke causes nearly 42,000 deaths among people who do not smoke, including up to 7,300 lung cancer deaths.^{v,vi} For people who do not smoke, exposure to secondhand smoke increases lung cancer risk by about 20%.^{vii} Secondhand smoke can also cause or exacerbate a wide range of other health issues, including cardiovascular disease, stroke, respiratory infections and asthma. The lack of comprehensive tobacco control laws contributes to tobacco-related health disparities or worse health outcomes that include various types of cancers, disease, disability, and premature death.^{viii}

Current Status of Smoke-free Laws

As of April 2024, 28 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands and more than 1,208 municipalities across the country have laws in effect that require 100% smoke-free workplaces, including restaurants and bars.^{ix} 21 states, as well as Puerto Rico and the U.S. Virgin Islands, include gaming facilities in their smoke-free laws.^x One Sovereign Tribal Nation, Navajo Nation, has a law requiring all non-hospitality workplaces, restaurants, bars and casinos to be 100% smoke-free indoors. Nationwide, 62.7% of the U.S. population lives in a place with a comprehensive smoke-free law covering workplaces, including restaurants and bars.^{viii}



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The Challenge and Solution

Progress is being made as states and communities adopt comprehensive smoke-free laws, but certain segments of the population, such as people who work in hospitality and gaming facilities in states or communities without comprehensive laws, continue to be denied their right to breathe smoke-free air. Exposure to secondhand smoke causes tobacco-related conditions including various types of cancers, disease, disability, and premature death.^{xi} Among people who do not smoke, SHS exposure continues to disproportionately burden communities of color, people with limited incomes and limited educational opportunities.^{xii} Prevalence of secondhand smoke exposure among non-Hispanic Black people who do not smoke (50.3%) is much higher compared with non-Hispanic White people (21.4%) and Americans of Mexican descent (20.0%).^{xiii}

The only way to reduce exposure to secondhand smoke is to make all public places, including all workplaces, restaurants, bars and gaming facilities, 100% smoke-free.^{xiv} Smoke-free laws reduce exposure to secondhand smoke, encourage and increase smoking cessation success among adults trying to quit^{xv,xvi,xvii,xviii,xix,xx} and reduce health care, cleaning and lost productivity costs.^{xxi} Smoke-free laws also have been proven to reduce the incidence of coronary events among people under the age of 65.^{xxii} Research has also shown that comprehensive smoke-free laws covering restaurants and bars are associated with reductions in smoking among youth and young adults.^{xxiii}

ACS CAN's Position on Smoke-free Laws

The American Cancer Society Cancer Action Network (ACS CAN) advocates for everyone's right to breathe smoke-free air so that no one is forced to choose between their health and a paycheck. ACS CAN urges state and local officials to pass and protect comprehensive smoke-free laws in all workplaces, including restaurants, bars and gaming facilities, to protect the health of all employees and patrons. These laws should include all forms of smoking, including but not limited to cigarettes, electronic cigarettes, cigars, hookah, pipes and cannabis. Policymakers are encouraged to reject legislation that weakens smoke-free laws or removes authority from local governments to pass local smoke-free laws.

ACS CAN does not support smoke-free laws that allow for separating people who smoke from people who do not smoke or ventilating buildings as alternatives to requiring a 100% smoke-free environment. The evidence is overwhelming that these measures cannot eliminate exposure to secondhand smoke.

ACS CAN works to create 100% smoke-free environments is part of a comprehensive approach to reduce tobacco use and exposure to secondhand smoke in the United States.

ⁱ U.S. Department of Health and Human Services (HHS). The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. 2006. Atlanta, GA: HHS, Centers for Disease Control and Prevention (CDC), National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health (OSH).

ⁱⁱ HHS. How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease – A Report of the Surgeon General. 2010. Atlanta, GA: HHS, CDC, National Center for Chronic Disease Prevention and Health Promotion, OSH.

- iii HHS. The Health Consequences of Smoking—50 Years of Progress: A Report of the Surgeon General. Atlanta, GA: HHS, CDC, National Center for Chronic Disease Prevention and Health Promotion, OSH. Printed with corrections, January 2014.
- iv HHS, 2010.
- v Max W., Sung H-Y, and Shi Y. (2012). Deaths from Secondhand Smoke Exposure in the United States: Economic Implications. *American Journal of Public Health*. 2012; 102: 2173-2180.
- vi HHS, 2014.
- vii Schwartz AG, Cote ML. *Epidemiology of Lung Cancer*. *Adv Exp Med Biol*. 2016;893:21-41. doi: 10.1007/978-3-319-24223-1_2. PMID: 26667337.
- viii U.S. National Cancer Institute. A Socioecological Approach to Addressing Tobacco-Related Health Disparities. National Cancer Institute Tobacco Control Monograph 22. NIH Publication No. 17-CA-8035A. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; 2017.
- ix American Nonsmokers' Rights Foundation. Overview List – Number of Smokefree and Other Tobacco-Related Laws. April 1, 2024. Available [Overview List – Number of Smokefree and Other Tobacco-Related Laws \(no-smoke.org\)](#) Accessed May 14, 2024.
- x American Nonsmokers' Rights Foundation. Statewide Laws Requiring 100% Smokefree Gambling Venues. As of April 1, 2024. Available at <https://no-smoke.org/wp-content/uploads/pdf/100smokefreecasinos.pdf>. Accessed May 14, 2024.
- xi U.S. National Cancer Institute. A Socioecological Approach to Addressing Tobacco-Related Health Disparities. National Cancer Institute Tobacco Control Monograph 22. NIH Publication No. 17-CA-8035A. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; 2017.
- xii Tsai J, Homa DM, Gentzke AS, et al. Exposure to Secondhand Smoke Among Nonsmokers — United States, 1988–2014. *MMWR Morb Mortal Wkly Rep* 2018;67:1342–1346. DOI: <http://dx.doi.org/10.15585/mmwr.mm6748a3>.
- xiii Ibid.
- xiv HHS, 2006.
- xv HHS, 2014
- xvi Hopkins DP, Razi S, Leeks KD, Priva Kalra G, Chattopadhyay SK, Soler RE, et al. Task Force on Community Preventive Services. Smoke-Free Policies to Reduce Tobacco Use: A Systematic Review. *American Journal of Preventive Medicine* 2010;38(2 Suppl):S275–89 [cited 2014 Apr 25].
- xvii International Agency for Research on Cancer (IARC). [IARC Handbooks of Cancer Prevention, Tobacco Control, Volume 13: Evaluating the Effectiveness of Smoke-Free Policies](#). Lyon, France: WHO, 2009
- xviii Callinan JE, Clarke A, Doherty K, and Kelleher C. [Legislative Smoking Bans for Reducing Secondhand Smoke Exposure, Smoking Prevalence and Tobacco Consumption \(Review\)external icon](#)[PDF–1.11 MB]. The Cochrane Library 2010; Issue 6 [accessed 2020 Aug 18].
- xix Bauer JE, Hyland A, Li Q, Steger C, Cummings KM. A Longitudinal Assessment of the Impact of Smoke-Free Worksite Policies on Tobacco Use. *American Journal of Public Health* 2005;95(6):1024–9 [cited 2014 Apr 25].
- xx Fichtenberg CM, Glantz SA. Effect of Smoke-Free Workplaces on Smoking Behaviour: Systematic Review. *British Medical Journal* 2002;325(7357):188–94 [cited 2014 Apr 25].
- xxi Centers for Disease Control and Prevention. [Save Lives, Save Money: Make Your Business Smoke-Free](#). Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, June 2006. Accessed April 3, 2022
- xxii HHS, 2014
- xxiii Garritsen HH, da Costa Senior YY, Rozema AD, Kunst AE, Kuipers MAG. Association Between Smoke-Free Legislation in Hospitality Venues and Smoking Behavior of Young People: A Systematic Review. *Nicotine Tob Res*. 2022 Apr 28;24(6):807-812. doi: 10.1093/ntr/ntab129. PMID: 34132801.