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## Guest column of the week

# Government paternalism or democratic freedom?

By Philip Craig  
Executive Director  
The Ohio Licensed Beverage Association

H.B. 299, The Comprehensive Smoking Regulation and Prevention of Youth Access To Tobacco Bill, would set sane, sensible standards for public smoking and tobacco sales statewide.

But anti-smoking zealots, who opposed this bill even before its introduction, can't stand the thought that adults in a free society might make their own decisions. They want to decide for us. So they lament the possibility that H.B. 299 could roll back some outright smoking bans. Their view is "the more bans, the merrier." Heaven forbid that we citizens should have some say in whether our local restaurants provide smoking sections!

In letters to the editor and that have already run in newspapers statewide, these neo-Prohibitionists claim H.B. 299 is a "feeble" bill. Anything short of tobacco prohibition is apparently weak in their book. They claim that "the rights of all people to breathe clean air supersede the rights of some to smoke"--conveniently forgetting the time-honored American tradition of compromise, and failing to note that even total tobacco bans would do little to clean our smoggy air.

They confess an urge to "protect" us all from the "hazards of second-hand smoke"...even though respected scientist dispute these "hazards," a federal lawsuit challenges them, and the Environmental Protection Agency itself had to manipulate the statistics to arrive at any risk at all!

But there's one problem with this paternalism. It's undemocratic. And what's more, Americans know it. That's why poll after poll shows that most Americans favor designated smoking and nonsmoking areas, rather than total smoking bans. A few years ago, a Gallup poll commissioned by the American Lung Association, no less, showed that two-thirds of Americans oppose smoking bans. And more recently, a nationwide Gallup/USA Today/CNN poll revealed that large majorities want fair accommodation for both smokers and nonsmokers in workplaces, hotels and restaurants.

So, when these anti-smokers claim "people" favor their prohibitionist goals, I have to wonder: Which people? In the end, the anti-

smokers don't really care what "people" want. They're more concerned that bureaucrats get their way. H.B. 299, they claim, "does away with individual municipalities coming up with their own regulations that might afford some real safeguards." Translation: H.B. 299 would keep command-and-control elitists from imposing their social-engineering agenda on the rest of us.

Of the 40-plus local smoking bans threatened by H.B. 299, the most onerous are regulations passed by unelected bureaucrats--boards of health. These bureaucrats do not represent us. We did not vote for them. And they have no business assuming lawmaking powers to themselves. They have no right to foist radical, business-bashing, job-killing rules on our communities.

Apparently, these self-appointed guardians still haven't learned the lessons of November '94. And across America, voters called on smaller government. Less red tape, fewer regulations. Big Government control-freaks were swept out and replaced with advocates of liberty and the free market.

H.B. 299 fits right in with this grass-roots groundswell. It says restaurant, bar, bowling lane, and other business owners should be free to set their own smoking policies, based on their own smoking policies, based on their particular clientele, market demands, physical layouts, and so on. Some may opt to go smoke-free. Others may set up smoking and nonsmoking sections. Still others--truckstops that cater to smokers, for instance--may choose to permit smoking throughout the premises. Diners, drinkers, and bowlers, in turn, could choose where to spend their money based on smoking policy. If that's what's important to them.

But anti-tobacco partisans don't trust Ohio's business owner. They say without strict smoking regulations the restaurants and other hospitality businesses of Ohio will become smoke-filled dens of iniquity.

Give us businesspeople some credit. Of course, we don't all plan to remove every possible curb on smoking. We're supposed to be making money, remember? (That's called capitalism!) That means we must respond to what the market wants. And unrestricted smoking is not what the market wants. Our customers clearly tell us again and again that they want smoking and non-

smoking areas.

And we respond. We give our customers what they want...not because Big Government is forcing us to, but because we want to please our patrons. We make more money. It's as simple as that.

Yes, we're also committed to personal freedom, the cornerstone of our American heritage. I know the anti-smokers won't believe me when I sincerely cite my heartfelt convictions on that score. So let me make it perfectly plain on other grounds: Business owners want to accommodate both smoker and nonsmokers because that's the key to profit and success.

Just a few more words in support of this bill. Despite rhetoric to the contrary, this bill would take strong steps to reduce youth access to tobacco. It would require retailers to train sales clerks to identify and turn away underage patrons. It would not remove the onus from merchants. It would simply face the reality: Store owners can't be there all the time or see everything that goes on. To make sure their clerks support state minimum-age laws, they must provide better training. How could any reasonable person object to that?

To further curb kids smoking, this bill goes even further by providing a legal framework for random, unannounced "sting" operations as an enforcement tool to make certain that stores selling tobacco products are

complying with the law. Opponents deride the provision of the bill placing these "stings" under the direction of official safety authorities. They obviously prefer the lack of due process inherent in the haphazard "stings" currently organized by a number of anti-smoking groups around Ohio.

And finally, it's important to note which existing smoking bans would or would not be voided. H.B. 299 will not disturb the right of any public building, school, or any other public or private property owner to ban smoking. In other words, Ohio's city halls, schools, and other government buildings can remain smoke-free.

Americans want fairness, compromise, reason, freedom--and the right to enjoy legal products. Those are the principles behind H.B. 299. And that's the reason the Legislature should pass it into law.

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