

Update on Policy to Empower Local Communities to Protect Workers and Oklahomans from Secondhand Smoke

August 26, 2021

WHEREAS, the Oklahoma Tobacco Settlement Endowment Trust (TSET) was created by voters in 2000 and has a constitutional mandate to support strategies and programs designed to maintain or improve the health of Oklahomans; and

WHEREAS, TSET also has a constitutional mandate to support cost-effective tobacco prevention and cessation programs; and

WHEREAS, in 2006, a U.S. federal court found Altria, Philip Morris USA, R.J. Reynolds, and other tobacco companies in violation of the Racketeer Influenced and Corrupt Organizations Act (RICO), citing 145 distinct acts of racketeering in a 1,682 page ruling (United States v. Philip Morris) and finding the companies' fraudulent conduct permeated all aspects of their operations, that they would likely continue committing fraud indefinitely into the future, and that their conspiracy sought not only to misinform the public, but also lawmakers;

WHEREAS, since 1987¹, Oklahoma state law has preempted local governments from adopting any laws to protect the safety of its citizens from exposure to secondhand smoke; and

WHEREAS, the tobacco industry successfully promoted preemption in Oklahoma to block communities from considering local tobacco-related laws that are stronger than state law²; and

WHEREAS, because of ongoing tobacco industry-supported loopholes in Oklahoma's statewide smoking laws, thousands of Oklahomans still breathe secondhand smoke inside workplaces; and

WHEREAS, no exposure to secondhand smoke exposure is safe, with cigarette smoke containing over 7,000 chemicals, 70 of which can cause cancer³; and

WHEREAS, secondhand smoke exposure can lead to heart disease, lung cancer and stroke⁴; and

WHEREAS, Oklahomans smoke at rates above the national average and Oklahoma is one of only three states (along with the major tobacco-growing states of Tennessee and Virginia⁵) that both lacks a comprehensive clean indoor air law and preempts communities from passing such smoke-free workplace ordinances at the local level, despite strong public support in Oklahoma for these critical public health measures; and

WHEREAS, not allowing Oklahoma communities the freedom to adopt local policies to eliminate smoking inside all workplaces has had a detrimental effect on the health of residents and workers, economic growth, and other tobacco control efforts; and

¹ <https://no-smoke.org/gaps-oklahoma/>

² <https://healthpromotionresearch.org/Tobacco-Regulatory-Science>

³ https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm

⁴ https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm

⁵ <https://no-smoke.org/wp-content/uploads/pdf/WRBLawsMap.pdf>

WHEREAS, the only way to fully protect nonsmokers from secondhand smoke is to provide a 100% smoke-free setting; and

WHEREAS, research has shown that smoke-free laws do not have adverse impacts on restaurants or bars⁶; and

WHEREAS, reinstating local control to allow communities to pass smoke-free workplace laws will improve community health, protect workers and patrons from secondhand smoke, reduce the number of young Oklahomans who start to smoke, and help current smokers to quit.

THEREFORE, BE IT RESOLVED that the Board of Directors of the Oklahoma Tobacco Settlement Endowment Trust respectfully recommends, once again, that the Oklahoma State Legislature repeal the clause in our state smoking law that prohibits local governments from adopting smoke-free workplace ordinances.

THE TSET BOARD OF DIRECTORS hereby calls upon other interested groups and governing bodies to adopt similar resolutions.

⁶ https://www.tobaccofreekids.org/press-releases/2013_08_01_business