



**House
Legislative
Analysis
Section**

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NO SMOKING IN SCHOOLS

**Senate Bill 459 (Substitute H-2)
First Analysis (6-30-93)**

**Sponsor: Sen. Dan L. DeGrow
House Committee: Public Health
Senate Committee: Health Policy**

THE APPARENT PROBLEM:

In 1986, the legislature enacted the Michigan Clean Indoor Air Act, which amended the Public Health Code to prohibit smoking in certain public places, including educational facilities, except in designated areas. Recent revelations about the effects of secondhand tobacco smoke on persons' health have convinced some that further steps need to be taken to eliminate tobacco products from educational settings. In 1986, both the National Research Council and the U.S. Surgeon General released reports concluding that environmental tobacco smoke, commonly known as secondhand smoke, can cause cancer in adult nonsmokers and that children of smokers have increased frequency of respiratory symptoms. Recently, the Environmental Protection Agency (EPA) published "Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders", which concluded that exposure to secondhand smoke "is responsible for approximately 3,000 lung cancer deaths each year in nonsmoking adults and impairs the respiratory health of hundreds of thousands of children." Environmental tobacco smoke has been classified under the EPA's carcinogen assessment guidelines in Group A, which includes those substances that have been shown to cause cancer in humans based on human population studies.

Some people contend that designated smoking areas in schools place children, who must spend many hours at school, in contact with secondhand smoke because ventilation systems often only recirculate the air from a designated smoking area to other parts of a school, thus diffusing smoke throughout the building. Further, as mentioned in a State Board of Education resolution (adopted December 17, 1991) urging all schools in the state to adopt a tobacco-free school policy prohibiting the use of tobacco on school property, children learn not only from classroom lessons but also from examples of adult role models. Arguably, teaching children the

dangers of smoking, only to have those children see instructors heading from the classroom to the designated smoking area, sends an inconsistent message at best. For these reasons, it has been suggested that the use of tobacco products in school buildings be outlawed.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Penal Code to prohibit a person from using a tobacco product on public school property; and provide that a person who violated the bill would be guilty of a misdemeanor punishable by a fine of up to \$50. (School property would mean buildings and "other real estate" used for K-12 classes, latchkey or prekindergarten programs, or adult education classes.) The bill would not apply to outdoor areas including, but not limited to, an open-air stadium, on Saturdays, Sundays, days on which there were no regularly scheduled school hours, or after 6 p.m. on school days.

MCL 750.473

FISCAL IMPLICATIONS:

The Senate Fiscal Agency reported that the bill as passed by the Senate would have no fiscal implications for the state, and that local governments could incur additional costs associated with prosecution of people who violated the bill's provisions. (6-23-93)

HOUSE COMMITTEE ACTION:

The House Public Health Committee adopted Substitute H-2 for Senate Bill 459, which made technical amendments to the Senate-passed version of the bill.

Senate Bill 459 (6-30-93)

ARGUMENTS:***For:***

The bill would eliminate the ability of local school boards to designate smoking areas in school buildings, which ultimately would benefit schoolchildren who heretofore have been subjected to the harmful effects of secondhand smoke. Children must attend school for several hours a day, nearly half the days of the year. Often, the ventilation systems in school buildings do little more than recirculate the air already in a building from one part to another; thus, if a school building has a designated smoking area, the smoke in the designated area simply is circulated from there to the rest of the school. Since the contents of secondhand smoke have been shown to have serious health consequences, it would seem prudent to inconvenience smokers, and thus protect the students, by prohibiting smoking in school buildings.

For:

The bill would have two clear benefits: removing the dangers of environmental tobacco smoke from school buildings; and helping the schools encourage young people not to smoke. Since the 1964 U.S. Surgeon General's report, which found that cigarette smoking was associated with the development of lung cancer, coronary artery disease, emphysema, and a list of other diseases, evidence that links smoking with a host of health problems has mounted steadily. While the prevalence of smoking in the total U.S. population has been declining in recent years, it is still a common habit; according to a 1989 study published in the Journal of the American Medical Association, over 1 million Americans become smokers each year. Further, evidence indicates that the overwhelming majority of new smokers are adolescents; according to the Department of Public Health, nearly 90 percent of smokers start smoking before age 20.

Thus, young people are the primary age group looked upon for replacement smokers. Though a Michigan statute prohibits the sale or distribution of tobacco products to minors, children have little difficulty obtaining cigarettes or chewing tobacco. Michigan's schools spend a great deal of time and resources to combat this situation; the Michigan Model for Comprehensive Health Education, which is incorporated in the curricula of many school districts across the state, promotes smoking prevention. Merely to provide instruction about the

health effects of smoking, however, is not enough. For the instruction to be effective, the people who deliver the anti-smoking message must reflect that lesson in their actions. By removing smoking areas from school buildings entirely, and from school grounds during school days, the bill would strengthen the contention that school personnel should serve as examples of this important health message to the students they teach. Continuing the current situation, in which school personnel can go to a designated smoking area to smoke, sends to students a hypocritical message that adults don't practice what they preach.

For:

Schools are for children, not adults, and the bill would send a strong message to reinforce this standard. It is time for the schools to catch up with recent moves by industry, business, and government toward a smoke-free workplace. Many people, working in many different places and types of jobs, now do so in buildings that are totally smoke-free. Those persons who continue to smoke while employed in or visiting these places must go outside, and this policy seems to benefit all involved. It has been demonstrated clearly that secondhand smoke poses a health threat to those exposed to it for lengthy periods of time. The concept of designated smoking areas in buildings, before information about the damages of secondhand smoke became accepted, was thought to be sufficient protection for nonsmokers. It has been shown that this is not the case, and that secondhand smoke is more than an annoyance.

Against:

The bill is unnecessary, since school boards already are able to establish no smoking policies in their buildings and on their properties; some have banned smoking totally. The current statute represents a realistic approach to deal with the issue of smoking in schools. While it allows boards to prohibit smoking in a school or on school property, it also attempts to accommodate smokers, by permitting a board to designate a smoking area in school buildings and limiting smoking during school hours. Further, it recognizes that policies regarding schools, such as a partial or total ban on smoking, should be set by local school boards working in conjunction with school employees.

Response:

Smoke in a school building is a health and safety issue, not an issue subject to bargaining between school boards and school personnel. There is a great benefit in having a statewide policy on this issue, because local boards would not have to fight with small but possibly powerful groups that may want to block a smoking ban. While the bill would remove an element of local control, it would do so to the clear advantage of the students.

Against:

The bill could have more far-reaching consequences than is at first evident. In many areas of the state the education facilities are the focal point of community activity, often being the only facility available to accommodate large crowds. These buildings are used by all segments of the local population for many events, including adult education, fund-raisers, bingo, special meetings, etc. The bill, by banning smoking from the interior of school buildings at all times, completely would remove from local authorities their ability to accommodate the general public, which includes taxpaying smokers. Removing the ability of a school to have a designated smoking area at specified times seems to go much too far in an attempt to protect students. Further, if all smoking in school buildings were banned, many members of the community simply could choose not to participate in functions held at a school, thus hurting fund-raising activities such as bingos and special events. The bill should at least give the local boards an option to designate a smoking area for adults after school hours.

Response:

The effects of secondhand smoke can remain in poorly ventilated areas long after the smokers have left. Why should children be exposed to this at a school they must attend?

Against:

While it is a fine goal to want teachers and other school personnel to be positive role models for children, it must be remembered that those people are human beings, and human beings have habits that others may not like. Should that give them the right to attempt to eliminate the behavior? If the anti-smoking segment of society is successful in banning smoking from school buildings, what other bans on behavior will be next, and from what group? Though most smokers would agree with the arguments that smoking should be restricted in certain places, or contained to certain areas, the bill

would go too far. The bill simply is another attempt to legislate behavior.

Response:

The well documented health effects of secondhand smoke provide considerable justification to regulate an activity that can result in serious illness to others.

POSITIONS:

The State Board of Education supports the bill. (6-25-93)

The Department of Public Health supports the bill. (6-29-93)

The Michigan Association of School Boards supports the bill. (6-25-93)

The Michigan Association of School Administrators supports the bill. (6-25-93)

The Michigan Federation of Teachers supports the bill. (6-25-93)

The Michigan State Medical Society supports the bill. (6-25-93)

The Tobacco-Free Michigan Action Coalition supports the bill. (6-28-93)

The Michigan Coalition on Smoking OR Health supports the bill. (6-28-93)

The Michigan Education Association opposes the bill. (6-25-93)