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*"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."* — First Amendment

# Unhealthy compromise

## *Weak smoking ban not up to snuff*

Unswayed by reams of scientific data and the non-smoking majority, the City-County Council appears headed toward consideration of a smoking ban much weaker than what was introduced earlier this year—a compromise that's a clear victory only for the bar owners who likely would be exempt from the ban if it's adopted.

After counting hypothetical votes, proponents of the ordinance determined there aren't enough councilors willing to go the full mile to protect employees and the general public from potentially lethal secondhand smoke.

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**Consumers should know ahead of time that they're about to walk into a carcinogenic haze.**

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The ordinance that would've banned smoking in all bars and restaurants is more likely to reach the full council requiring only that restaurants go smoke free. It's anyone's guess which establishments would ultimately have to abide by the ban.

Granting an exemption to any establishment off limits to those under 21 is

one approach. Another is to base the exemption on an establishment's percentage of food or alcohol sales. Either solution results in a two-tiered system that some will say is unfair and that perpetuates a threat to public health.

It's disappointing that a majority of councilors can't get behind a ban that would clearly serve the common good. The city is already known as a place with an unhealthy population, a reputation that will grow if public officials here cater to smokers and bar owners while state and local governments elsewhere take action to protect the public from a known killer.

Until Indianapolis joins the party, a partial ban is better than no ban, provided the council delivers a partial ban consumers and workers can count on. The discussion of an age-based exemption raises the possibility that establishments that are open to minors only at certain times could be smoke-free one hour and smoky the next. That's unacceptable, as are separate smoking rooms.

The council should also require establishments where smoking is permitted to post a prominent warning. If, as some members of the council say, consumers should be the final arbiter in determining where smoking is and isn't allowed, those consumers should know ahead of time that they're about to walk into a carcinogenic haze. •