

**TODAY'S EDITORIAL****Where there's fire, why not smoking?**

May 9, 2005

Our position: *The City-County Council should add smoking to roster of health threats routinely restricted by government.*

Restaurants and other businesses might find it easier, cheaper and less oppressive to operate if the government were not forcing them to take out the garbage, maintain marked emergency exits and curb the use of hazardous chemicals.

Customers and employees, not to mention insurers, would not prefer such freedom; and proprietors and employers pretty much go along with them in the real world.

If the proposed city ordinance regulating smoking in public places can be understood in that light -- as a matter of life and death -- then skeptics on the City-County Council ought to see their way clear to vote for moving the community forward.

The council will vote tonight on a measure that started out as one of the strongest on the lengthening list of tobacco-restricting laws in America, but has since undergone a series of adjustments and trims that have left it weaker but still valuable. After another round of tinkering on Thursday, the council's Children's Health and Environment Committee voted 6-2 to recommend passage by the full council.

Most restaurants, and bars that are within restaurants, would be smoke-free under the proposal, as would shopping malls and most workplaces. In a major departure from the original draft, stand-alone bars with no patrons under 21 would be exempted. So would outdoor venues and excluded cities and towns, such as Lawrence and Speedway. Finally, the ordinance would not take effect until Oct. 1.

Despite many concessions to those who criticize smoking bans as bad for business, unfair to smokers, too intrusive or too hasty, the 15 necessary votes are not expected to come easy. That is no surprise in a city and state that rank among the very worst in the nation in smoking, deaths from smoking, deaths from secondhand smoke and availability of smoke-free workplaces. That is also all the more reason for this city's elected leaders to join the nearly 2,000 other municipalities that have recognized tobacco as a public health hazard and stopped simply living -- and dying -- with it.