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Enforcing Ohio's smoking ban no money maker

By Ashley Hill, ahill@mariettatimes.com

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Since enforcement of the statewide smoking ban began in May 2007, Steve Peters, manager of the River City Boat House, has seen a decrease in the number of people eating at the restaurant.

"About 20 percent of our population smokes, so if those people are isolated or prevented from partaking in their personal habits, they're less likely to stay and order more food and order another drink," Peters said.

The ban prohibits smoking in any public place or place of employment, and requires that these places post no-smoking signs and remove all ashtrays.

The restaurant, located on Virginia Street in Marietta, is one of several businesses in the county where a violation of the smoking ban has been reported to the state. It was not immediately apparent whether the June 2007 complaint was verified.

Data from the Ohio Department of Health shows the state has spent \$2.3 million to enforce the ban and about \$1.2 million in fines has been assessed. Some have questioned whether the results of the ban justify its costs.

Kathleen Meckstroth, Washington County health commissioner, isn't one of them.

"It would cost far more than that in the cost of health care, and that's the thing you have to weigh," she said. "It prevents people from being exposed to secondhand smoke that could lead to other health problems."

Beverly resident Kimberly Lewis, 49, thinks a smoking ban is necessary, but would rather see the money should be spent to reinstate the Early Learning Initiative (ELI) program for underprivileged children.

"People need to realize, it (smoking) hurts everyone's health and it needs to be kept out of restaurants," Lewis said. "If they want to enforce it, they need to stop selling it all together, or make it such an astronomical price that people stop doing it."

Marietta resident Nicole Huffman, 32, would also like to see the money being spent elsewhere.

"As a mother of three children and one on the way, I realize health issues are a major factor," she said. "But I would definitely like to see that money invested in our education system."

The \$2.3 million spent by the state so far "funds positions, funds the activities of the investigators to check on reports of violations, and various other administrative costs," said Sara Morman, Public Information Officer with the department.

In total, about 200 complaints have been filed with the state for businesses in the county, some of which are repeat violators of the law.

Violations within the City of Marietta are only handled by the state health department, while violations elsewhere in Washington County are investigated by the county health department.

But first, the violation has to be reported to the Ohio Department of Health's toll free hotline, 866-559-OHIO (6446).

"Those reports are sent to us and we send a sanitarian to investigate to see if there is smoking taking place on the premises," Meckstroth said.

"We issue a warning letter, and the owner has so many days to respond to the warning letter, and if we receive another report of smoking, there is a series of fines that start at \$100 and go up to \$2,000," she added.

Fact Box

Smoking ban

Ohio's smoking ban by the numbers:

The Ohio Department of Health has spent \$2.3 million to enforce the state's smoking ban, enacted in 2007.

\$1.2 million in fines have been assessed across the state.

About 200 complaints have been made in regard to local businesses accused of violating the ban.

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Parrothead

02-26-10 9:57 AM [»Report Abuse](#) Slogoin – Perhaps the State should just add this to the long list of requirements to hold a liquor license. If you allow smoking in your private business you cannot have a State liquor license.

Then the "PRIVATE" property owner would be allowed to make their own decision as to whether they wanted to allow smoking in their PRIVATE business or not!

Remember that they are IN business because the State allows them to have a liquor license to sell alcohol.

Parrothead

02-26-10 9:53 AM [»Report Abuse](#) Slogoin – Why do we not hear any of the owners of these "private" venues complaining about the State telling them who they can/cannot hire, what hours they can/cannot be open, who they can/cannot serve or allow entrance to?

These owners of "private" venues accept this government intervention into their businesses with open arms if it means that they are allowed to serve alcohol so I don't want to hear them boo hooing about "government interfering in their business" when it just happens to be something they do NOT want or like!

You cannot have your cake and eat it too!

slogoin

02-26-10 9:16 AM [»Report Abuse](#) most people entering a bar arent doing it for their health anyway.

slogoin

02-26-10 9:15 AM [»Report Abuse](#) You are describing safety issues.I am referring to the rights of a private property owner to choose a business plan that fits demographics of their customers.Contrary to most peoples beliefs,a bar,ect(any business)is not public property.I cant stand smoke while eating,but stepping on peoples private property rights upsets me more.If you own a mom and pop store or pub,and are not exposing employees to smoke then you sshould be able to put a sign on the door that says smoking allowed.Then a patron can make a business decision as whether to do business there or not.

52biggestdog52

02-26-10 9:04 AM [»Report Abuse](#) Sorry for the double post.

52biggestdog52

02-26-10 9:04 AM [»Report Abuse](#) So I guess the state has no say on fire exits handicapped access, or other safety issues for it's patrons.

52biggestdog52

02-26-10 9:03 AM [»Report Abuse](#) So I guess the state has no say on fire exits handicapped access, or other safety issues for it's patrons.

Harleyrider

02-26-10 8:42 AM [»Report Abuse](#) slogoin, well said.

slogoin

02-26-10 8:03 AM [»Report Abuse](#) Private property is just that.A bar or pub ect is PRIVATE property that you are allowed to enter to do business with.Put a sign on the door and let patrons choose.The state has no right to regulate behavior on private property.

snowbird1

02-26-10 2:12 AM [»Report Abuse](#) There is absolutely no reason to have smoking bans in this country Owners can put sifns in their doors: 'This is a smoking venue' 'This is a non-smokin venue. This situation gives the owners and customers choice. Isn't that the American way??

Parrothead

*****thetruthisalie****

snowbird1

02-26-10 2:04 AM The controversy of second hand smoke could be ended quickly by a simple act of legislation. Anyone presenting information represented as science or health reliant information, which is later found to be false or misleading, would be rewarded with a mandatory ten year jail sentence.
[»Report Abuse](#)

I can guarantee the bandwagon of smoker hatred would end overnight and the profiteers would be making deals in self preservation convicting each other. Similar to the last time their ilk rose to prominence and Doctors were hanged at Nuremberg. The laws of Autonomy created in the wake, are largely being minimized by the bigots and zealots of Public Healthism, they are laws we found at the expense of millions who died without them. No one has the right to make health choices for others and no one has a right to demand rights to the detriment of others, especially with the convenience of a lie, as we find in the "toxic effect of second hand smoke".

smokedbacon

02-26-10 1:49 AM There is no argument that smoking bans hurt business in adult venues. States have made exemptions for Casinos due to the revenue loss created by smoking bans, NJ Atlantic City good example. Michigan new smoking ban States Casinos exempted! PROOF YOU CAN NOT ARGUE!
[»Report Abuse](#)

smokedbacon

02-26-10 1:46 AM When the ban was inacted the economy had not started down. Before the Ohio ban marketing director of Petro truck stops said they lost business in every state where a smoking ban had be. Jan 2007 before the economy went down my American Legion Zanesville lost \$7,000 first month we enforced the ban and the loss has never been recouperated!
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hockeypuck

02-25-10 8:58 PM If you smokers don't like paying the taxes, then quit.
[»Report Abuse](#)

Katnk9

02-25-10 8:32 PM \$2.3 million??????? Are they crazy? They sent letters to businesses to stop smoking inside and that cost \$2.3 million?
[»Report Abuse](#)

moderation

02-25-10 7:53 PM You go bulldog58!!!!
[»Report Abuse](#)

CluelessOH

02-25-10 6:34 PM Smokers pay more taxes than anyone in this country. We pay taxes on taxes. We pay the cigarette tax and then have to pay sales tax on top of that. Then we are treated like second class citizens. All of you people need to think about what you are saying. If everyone that smokes were to quit today, where would the taxes come from. You wouldn't want to loose the services that you are currently getting would you? You are getting those services from us, the smokers. One of these days the tax man will be coming for something that you do. I think that they need to start with food and gas, then go on to taxing you according to how much you weigh. If that were to occur, you wouldn't think it were fair.
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bulldog58

02-25-10 5:12 PM raise the fine so these businesses wont be laughing at the fine, hit them were it hurts the wallet,the law is the law right or wrong as it may be let, me break it once or twice or three or four and see what the law does to me
[»Report Abuse](#)

armybrat

02-25-10 4:53 PM I have always been allergic to cigarette smoke and it limited me as to where I could go for a meal. It is nice to be able to go in somewhere and enjoy a meal without worrying about having an allergy attack.
[»Report Abuse](#)

hockeypuck

02-25-10 4:11 PM Not designed to make money, just to make it easier to breathe. You smokers can go outside and smoke your cancer sticks.
[»Report Abuse](#)

Parrothead

02-25-10 3:11 PM Law enforcement was NEVER meant to be a revenue generator.

Parrothead
[»Report Abuse](#)

disabledtrustlevel

02-25-10 12:23 PM [»Report Abuse](#) We live near Michigan and they don't have a smoking ban. The restaurants STINK, even if you're in the "non-smoking" section. When you have to walk past those who are smoking it kills your appetite! And I agree the decrease in patrons is more due to the economy than the no smoking law!

Parrothead

02-25-10 11:15 AM [»Report Abuse](#) Smoking in public places is against the law and the law should be enforced just like they go after speeders on the road. Law enforcement was NEVER meant to be a revenue generator.

cs01501

02-25-10 11:07 AM [»Report Abuse](#) There are some restaurants I go to now that I used to avoid because of the smoke. So it works both ways.

Kmill8

02-25-10 10:23 AM [»Report Abuse](#) I got out a lot more since people aren't smoking inside.

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