

## TENNESSEE MOMENTUM IS STRONG

After years of stagnated progress due to **statewide preemption**, legislation to restore local control is on the move. Gaining significant support, **SB 2219/HB 2705** repeals preemption and restores the opportunity for local smokefree action in 'age restricted venues,' an exemption that leaves thousands of musicians and hospitality workers exposed to secondhand smoke.

Our bills have passed out of the House Health Subcommittee and Senate Labor and Commerce Committee. The Senate Committee has historically been unfavorable to strong public health laws, but with testimonials from TN artists, and educational efforts with legislators and their staff, we are cautiously optimistic that we can repeal preemption.

The impressive coalition behind the measure, **Musicians for Smokefree Tennessee**, consists of over 80 organizations and is led by musician, and ANR Foundation's Artist in Residence, **Jamie Kent**.

If you, or someone you know, lives in, or is planning to visit the Volunteer State, take a moment to reach out to legislative leaders and let them know **you support smokefree workplaces for all Tennesseans!**



**Jamie Kent**



In November 2021 the Air is Life legislation was signed into law. Pictured (L-R), Peter Nez, Paulina Nez, Al Yazzie, Sierra Wilcox, Dr. Scott Leischow, Char Day (ANR Foundation), Deswood Thome, Dr. Patricia Nez Henderson, Geraldine Clark, Hershel Clark, David Clark.

## NAVAJO NATION A WIN FOR TRIBAL HEALTH

ANR board member **Dr. Patricia Nez Henderson** and the **Air is Life Coalition** celebrated the beginning of smokefree Navajo Nation casinos as the new law took effect February 4, 2022.

**AIR IS LIFE**  
Ní'ch'í éí bee iiná

"After years of working towards this day, we celebrate this victory for the health of Navajo people," said Dr. Nez Henderson, who is Diné (Navajo) and has worked with the Air is Life Coalition for many years. "We are grateful to President [Jonathan] Nez and the Navajo Nation Council for their leadership to protect workers and guests from the harmful effects of secondhand smoke."

"The implementation of smokefree casinos is a significant milestone that continues a trend of Tribal casinos adopting smokefree indoor air policies," said Cynthia Hallett, President and CEO of Americans for Nonsmokers' Rights. "We congratulate the leadership of the sovereign Navajo Nation

# NEW JERSEY

## CASINO WORKERS KEEP UP THE FIGHT

As the snow melts, ground thaws, and spring beckons, smokefree air is on the horizon for this season in New Jersey. After casinos operated smokefree successfully for more than a year, boasting record breaking revenue, smoking resumed in Atlantic City's casinos over the 4th of July holiday weekend in 2021. This sparked a public outcry from the thousands of workers who could not fathom having to return to a smoke-filled workplace, breathing in toxic air for forty-plus hours a week after having been free from those conditions for a year. The gaming industry had successfully adapted and pivoted to be able to accommodate COVID-19 health and safety protocols. But once the Governor's masking requirements lifted, the industry doubled down on their tired argument that indoor smoking is connected with profitability.

Long-time casino employees formed the group CEASE—Casino Employees Against Smoking Environments—and launched an initiative to finally close the casino loophole in the statewide smokefree law. It is unconscionable that these more than 20,000 employees are the only group of workers in the state of New Jersey forced to breathe toxic secondhand smoke at work. As employees organized and showed their strength by taking their message to the Boardwalk, submitting editorials, and meeting with decision makers. **The response from lawmakers has been nothing short of**

New Jersey, continued on page 3

Casino worker Virginia Lee & her husband.



Casino worker Pete Nacarelli & his wife.



**STAY INFORMED.**  
**GET INVOLVED.**  
**BE CONNECTED.**



LinkTree: @smokefree

**ADVOCACY** Americans for Nonsmokers' Rights is a national advocacy group protecting nonsmokers from secondhand smoke. ANR is a registered 501(c)(4) lobbying organization under the IRS Code.

[nonsmokersrights.org](https://nonsmokersrights.org)

**EDUCATION** ANR Foundation is the 501(c)(3) educational arm of ANR.

[no-smoke.org](https://no-smoke.org)

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### ANR UPDATE

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2530 San Pablo Avenue, Suite J  
Berkeley, CA 94702  
USA (510) 841-3032

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# BIG TOBACCO INTERFERENCE

## 2022 LEGISLATIVE SEASON

Whether legislative session in your state is coming to a close (**West Virginia**) or just beginning (**Louisiana**), one thing is abundantly clear: tobacco industry interference is rampant in direct and clear ways. For a time, the industry worked mostly through front groups like the **American Legislative Exchange Council** (ALEC) to circulate legislation that would give their products a competitive edge by avoiding regulation such as smokefree air, taxation, and other evidence-based strategies. Last year, most Capitol buildings were empty. No advocates, no rallies in the rotunda, and no one to keep the industry in check. So, Big Tobacco crawled out of the woodwork and into legislative offices, writing checks, drafting bills, and generally ramping up their presence.

Currently, most structures are back at capacity, and we are all motivated to keep the industry in check, but it's proven to be a challenging year. **We need your voices now more than ever to save the network of smokefree protections we've worked so hard to keep in place.**

As the industry's product portfolio has expanded to include **e-cigarettes, synthetic nicotine, other tobacco products, and marijuana**, so have their tactics to stall or prevent strong legislation to regulate those products. The tactic of **'exempt and preempt'** has worked successfully for decades, and we're seeing a resurgence with e-cigarette

legislation in states like **Idaho, Nebraska, Arizona, and Missouri**, where, if successful, life-saving protections from secondhand aerosol would be up-ended. In addition, the tobacco industry is organizing to thwart efforts to repeal preemption in places like **Tennessee and Florida**. In **West Virginia**, a proposed **super-preemption** bill is so broad and vague in nature, the chilling effect on local action will be devastating. This super-bill continues to worm its way through the legislative process. The origin: limiting local action on public health and employment issues after the success of smokefree laws.

**How we see it:** Big Tobacco's playbook is worn out. Their arguments are tired. Even with the best attorneys, the industry knows they will lose in the court of public opinion. The people DO want smokefree air, safe workplaces, and homes without toxic secondhand smoke.

Be on the lookout for possible action alerts in your state – because we refuse to go backwards. **We refuse to let smoking in public places and workplaces be re-normalized.**

At right, **Nicole Vitola**, a casino worker in Atlantic City and member of CEASE, wore blue in support of ANR's Day of Breathing on March 1st.

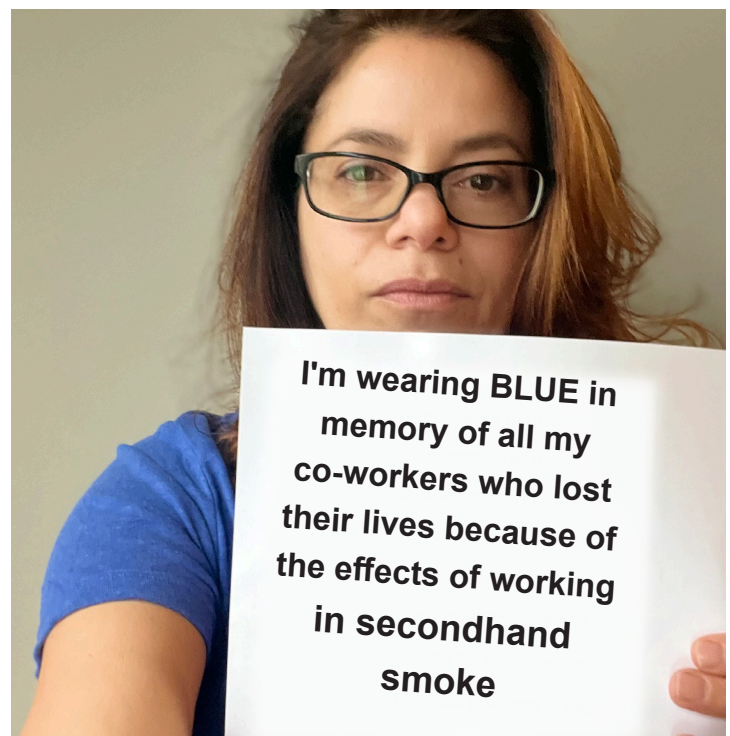
**extraordinary.** One-third of Senators are now co-sponsors of the legislation, and key leaders in the Assembly are backing the measure. This level of bipartisan support is rare and bodes well for getting the bill across the finish line.

An opposition study funded by the industry failed to get the traction intended when released at the end of February. Media responses, including from within the industry, spurred the following headlines:

- **Forbes:** If Atlantic City Casinos Ban Smoking, Who Really Loses?
- **CDC Gaming Reports:** Bottom line: Smoking in Casinos Costs Too Much
- **Global Gaming Business:** Enough Already! It's Time to Make Casinos Smoke-Free

As advocates for smokefree air, it's difficult to express the significance of this momentum and the potential impact to other major markets both regionally, like **Pennsylvania**, and nationally paving the way to even imagine a smokefree **Las Vegas** strip.

Casino employees are calling on us, will you speak out on the inequity of secondhand smoke exposure? Join the effort to finally close this loophole and stay up to date by signing up for our monthly email at [non smokersrights.org](mailto:non smokersrights.org). ■



for taking this step toward healthy outcomes for all Navajo people, especially those who work in casinos.” Navajo Nation President Jonathan Nez signed legislation to make casinos and other public spaces completely smokefree on November 6, 2021. This following a decisive October 19 vote by the Navajo Nation Council — 20-3 — to make casinos and other public spaces completely smokefree by passing the “Nilch’ éi Bee líná – Air is Life Act 2021.” **The Air is Life Act is one of the most comprehensive commercial tobacco-free policies in Indian Country.** It prohibits the use of all commercial tobacco products in all workplaces and public places.

In a statement issued by Navajo Nation, President Nez said, “[This] is a monumental achievement and bold step in the right direction to promote healthy living among our Navajo people. Secondhand smoke can cause health issues among nonsmokers, such as children and elders. Public health professionals have

concluded that the only way to protect nonsmokers and vulnerable populations from secondhand smoke is to require smoke-free workplaces and public places. It is a fundamental right to protect our Navajo people’s right to breathe clean air.”

In 2021, the Navajo Nation Gaming Enterprise casinos reopened with COVID-19 safety protocols in place including smokefree indoor policies. While these temporary measures were welcomed by advocates, the decision to permanently go smokefree in the four tribal casinos managed by the Navajo Nation as well as in other public spaces is a major milestone. ■



Dr. Patricia Nez Henderson speaks to the community during implementation of the Air is Life Act.

## SOUTHERN STATES UPDATE

### LOUISIANA

The City of New Iberia passed a comprehensive smokefree ordinance on Tuesday, March 15<sup>th</sup> with a 4-3 vote of the Council. Tobacco Free Louisiana (TFL) coordinated advocates from the community, and students, musicians, and coalition partners were in attendance. Opposition tactics included providing lots of misinformation during their testimony. ANR Louisiana Consultant **Raegan A. Carter** attended the council meeting to provide education to counter the misinformation. She fact-checked opposition misinformation in real time and shared health data, health care savings costs, information on how smokefree policies are good for business, and the importance of protecting employees and patrons.

The passing of the City of New Iberia ordinance has given momentum to a parish-wide ordinance for Iberia Parish. With the legislative session starting in March, our biggest concern will be guarding against preemption as legislators have shown interest in limiting the control of the Governor and local mayors, particularly around public health issues.

### GEORGIA

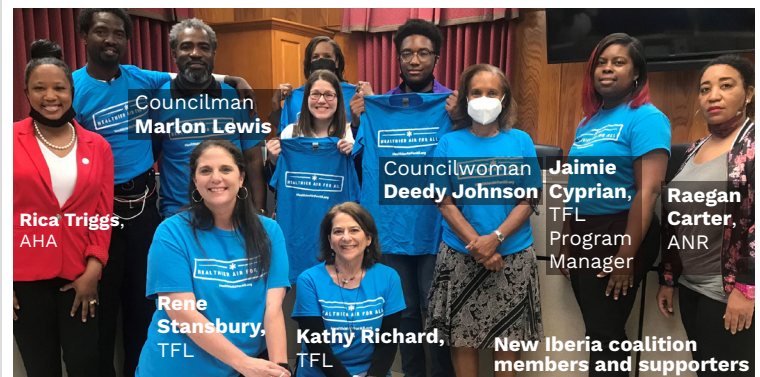
After a year-long campaign, **Gwinnett County** (with a population of nearly 1 million) may become Georgia’s largest municipality to pass a comprehensive smokefree ordinance. A vote is expected in late Spring.

**Fayette County**—ANRF and other tobacco control partners are working with Drug-Free Fayette in **Fayetteville, Peachtree City**, and unincorporated Fayette County.

Statewide—A bill is moving through the legislature that will add electronic cigarettes to the **Georgia Smokefree Air Act** passed in 2005. While this is a positive move, the existing law exempts bars, restaurants, and some workplaces, so the addition **will not increase smokefree protections** for Georgia, which protects less than 10% of its population through comprehensive local smokefree ordinances.

### FLORIDA

A small win for smokefree advocates in Florida statewide recently happened, with the passage of a bill to grant municipalities the authority to prohibit smoking at public beaches and parks.





# LEGISLATIVE HIGHLIGHTS

AS OF MARCH 15, 2022

## SMOKEFREE INDOOR LAWS ENACTED

**CALIFORNIA** Fairfax, Fresno, Hawthorne, Larkspur, Lompoc, Marin County, Pasadena, Pleasanton, Walnut Creek

**CONNECTICUT** Milford

**INDIANA** Elkhart, Fort Wayne

**MAINE** Wilton

**MICHIGAN** Farmington Hills

**NEW MEXICO** Bernalillo County, Carlsbad, Curry County, Eddy County, Farmington, Rio Communities, Ruidoso, Santa Fe, Santa Fe County, Taos

**SOUTH CAROLINA** Charleston County

**SOUTH DAKOTA** Brookings County, Rapid City

## SMOKEFREE INDOOR LAWS PENDING

**ALASKA** Matanuska-Susitna Borough

**CALIFORNIA** Carpinteria, Downey, Grover Beach, Port Hueneme\*, San Jose, Signal Hill\*, South Lake Tahoe

**CONNECTICUT** Beacon Falls, East Lyme, New Haven

**GEORGIA** Gwinnett County

**LOUISIANA** New Iberia\*

**MAINE** Tremont

**MICHIGAN** Muskegon

**NEVADA** Winnemucca

\*passed first reading

## PENDING SMOKEFREE STATE/TERRITORY BILLS

**S:** strong smokefree bill or restores local control

**W:** weak smokefree bill

**X:** creates exemption in current smokefree law

**P:** preemptive bill

**O:** outdoor smokefree areas bill

**C:** smokefree cars with children bill

**H:** smokefree housing bill

**E:** bill about where e-cigarettes may be used

**M:** bill about marijuana in smokefree areas

**Arizona:** P

**California:** M

**Florida:** S

**Georgia:** E

**Hawaii:** H

**Idaho:** P

**Kentucky:** S

**Louisiana:** C

**Missouri:** P

**Nebraska:** P

**New Jersey:** S

**New York:** H

**Pennsylvania:** S

**South Carolina:** P

**Tennessee:** S

**West Virginia:** P

## THUMBS UP | THUMBS DOWN



**Thumbs up** to the City of **New Iberia, Louisiana**, for passing a comprehensive smokefree ordinance that supports momentum for a smokefree Louisiana.

**Thumbs down** to the **FDA** for being 6 months past a court-ordered deadline to rule on flavored e-cigarettes including **JUUL** that are still on the market without any regulation. **Puff Bar** and other companies have exploited a loophole during this delay, avoiding any regulation at all.

**Thumbs up** to lawmakers in **New Jersey**: One-third of Senators are now co-sponsors of **A2151**, the legislation to close the loophole in the state smokefree law. Key leaders in the Assembly are backing the measure. This level of bipartisan support is rare and bodes well for getting the bill across the finish line.

**Thumbs down** to **Carnival Cruise Line** for re-allowing smoking in onboard casinos despite the health hazards of secondhand smoke.

**Thumbs down** to **The Cigar Association of America Inc.**, **ITG Cigars Inc.**, **Swedish Match North America LLC**, and **Swisher International Inc.** for challenging an ordinance against sales of flavored tobacco products in **Philadelphia**.

And further **Thumbs down** to Big Tobacco for the preemption provision that is specific to **Pennsylvania** where municipalities can't additionally regulate what the commonwealth's tobacco sales statute already governs.

**Thumbs up** to **Florida** for rolling back preemption to allow municipalities to pass local ordinances to prohibit smoking at public beaches and parks.

But **Thumbs down** to **Florida** for exempting cigars from the provisions.

**FOR THE PRICE OF YOUR LUNCH SUSTAIN US: BECOME A FREQUENT BREATHER**

**A monthly gift adds up to big impact.**

**YOU CAN HELP SAVE LIVES FROM SECONDHAND SMOKE!**

[nonsmokersrights.org/donate](https://nonsmokersrights.org/donate)

# MULTI-UNIT HOME DWELLERS BATTLE SECONDHAND SMOKE

## WITH OUR HELP YOU CAN ADVOCATE FOR YOURSELF

Apartment and condominium residents throughout the country continue speaking up for their right to breathe smokefree air at home. Progress is being made in expanding smokefree living environments in a number of different ways, including through the **adoption of local laws**, policies for individual buildings and housing complexes, and the federal rule requiring public housing properties to be smokefree. However, the majority of multi-unit residents still are not protected from breathing their neighbor's secondhand smoke that drifts into their unit.

The best case scenario is for a city or county to adopt a local law that requires all multi-unit housing in the community to be smokefree. More than 60 communities in California require all multi-unit buildings to be 100% smokefree indoors, including both rental apartments as well as condominiums. As communities in states beyond California start to consider this policy option, we want to them to learn from California's experience on adopting local laws that don't leave any multi-unit residents behind.

windows, in the unincorporated areas of the county starting on July 1, 2022.

At **ANR Foundation**, we regularly hear from many people who are struggling with drifting smoke at home. We provide residents and property owners

with the information and advice they need to help adopt and implement a policy that creates a healthier and safer smokefree environment. Our goal for residents is to **empower them to effectively advocate for a smokefree building**, whether by working with their landlord on a smokefree policy for their building, or to communicate with their local elected officials in support of a local law for the whole community.



Our goals for housing providers are to help them understand that a smokefree building policy is a good business decision that will save them money and time, and is an amenity that will help attract and retain residents. Likewise, we want them to have the tools they need to work with residents to enforce the policy so that their building is smokefree in practice, not just on paper.

**Everyone deserves to breathe smokefree air at home.**



A smokefree building is legal and is not discriminatory.



Residents have the right to speak up and ask for the building to be smokefree.

A smokefree building policy or local law should require people to not smoke or vape any substance—including tobacco and marijuana—anywhere inside the building, on outdoor spaces like balconies and patios, and around windows and doorways.

In January, **Alameda County**—where ANRF is located—became the most recent community to adopt a strong smokefree housing law. Alameda County's new law prohibits smoking tobacco and marijuana in all multi-unit residences with two or more units, and within 25 feet of doorways and

### What are some of the most frequent questions we get from residents?

We are hearing more than ever before about concerns with drifting marijuana secondhand smoke and frustration that a smokefree policy is not being enforced.

**Question from Andreia in California:** “My upstairs neighbor smokes marijuana, and the smell comes all the way to my bathroom. It comes through the heater and gets so strong that I can't use my bathroom, or sometimes I can't sleep in my room. I have already talked to [the building administration], which has not taken any action. What should I do?”



# SUCCESS IN MASSACHUSETTS

## AN ANR SUPPORTER STORY

**Luciana** writes from Massachusetts: I was diagnosed with Multiple Sclerosis in 2016. After an emotional roller coaster, I thought it was best to leave our single-family home of 12 years and simplify by moving into a condominium community with a lot of amenities. However, it came with one amenity that I didn't expect: **secondhand smoke**.

In 2018 I smelled cigarette smoke. I am very sensitive to secondhand smoke. It was hard to prove which unit the smoke was coming from. I alerted management and sent an email to residents, but the situation became worse over the course of the next two years. It became an ongoing back and forth of nothing to prove, no concrete evidence, he said/she said.

I contacted **ANR** and investigated Massachusetts laws on smoking and discovered that because Massachusetts has no jurisdiction for multi-unit housing/condominium living,

I had no state support. I also did not have any support from the town in which I resided. I even tried to petition for an ordinance\*, but the town would not get involved because condominium living is considered private property and we have our board/trustees to resort to.

Our condominium board did not want to pursue a smokefree amendment, and it was shot down without a survey being sent. I did discover that a unit owner can pursue to create (or change) an amendment as long as there is 66.67% of the unit owners that sign the petition. After consulting a real estate attorney, a smokefree amendment was drawn up and distributed to all of the unit owners for a vote. This did take time and money. However, after finding that 75% of our community wanted our buildings that we call our home to be smokefree, **it was worth it**.

The hardest part is enforcement. Unit owners



continue to smoke cigarettes and marijuana, but now we have an amendment to fall back on. If the amendment is not enforced, then you, as a condominium owner, have the right to pursue legal recourse.

The other moral of the story is that multi-unit housing living is not for everyone. There are rules to follow and some type of consideration to respect your neighbor. If this isn't the type of person you are, then multi-unit housing living may not be a good fit for you.

**At the end of the day, we all need to breathe cleaner air.**

### \*EDITOR'S NOTE

Advocating for yourself is hard work. And it's much the same if you want to translate your advocacy to an entire community.

Smokefree campaigns take a lot of organizing, preparation, and campaign consulting, all of which ANR can provide. We have a guide with tips and can provide technical assistance to help determine your community's readiness for going forward on a smokefree ordinance of any kind.

**Read more:**

[nonsmokersrights.org/campaign-guide](https://nonsmokersrights.org/campaign-guide)



A guide to passing local smokefree indoor air ordinances

A publication of Americans for Nonsmokers' Rights

**Response:** Firstly, educate others. By doing so, you will 1. raise awareness about the health risks of breathing secondhand marijuana smoke and 2. let them know that smokefree laws and policies can and should include marijuana smoking and vaping.

Breathing any type of smoke—from tobacco or marijuana—is harmful to health, and smokefree spaces should be free of all types of smoke. The fact is that buildings are not really smokefree if marijuana smoking and vaping is still allowed indoors. Even in states where marijuana is legal, landlords and condominium boards can include marijuana in their smokefree building policies. It is perfectly legal to not allow marijuana smoking and vaping wherever tobacco smoking and vaping are not allowed.

Our info sheet: “**Enforcement Tips for Building Managers and Maintenance Staff**” includes examples of what housing providers can use as evidence, including **seeing cigarette butts**, maintenance staff **smelling smoke during a visit**, and **reports from neighbors** about seeing or smelling drifting smoke on specific dates and times.

We provide our [Secondhand Marijuana Smoke Fact Sheet](#), [Smokefree is Smokefree](#) tip sheet, and [Model Smokefree Lease Addendum](#) (which includes marijuana) for residents to share with their housing providers.

**Question from Kristin in Minnesota:** “The multi-unit building I live in adopted a non-smoking policy over two years ago. Smokers in the building are **continuing to smoke** in their units, which is a breach of the signed lease agreement. The management of the building has done little if anything to enforce this policy. Secondhand smoke is seeping into units through walls, corridors, exhaust fans in kitchens and bathrooms. As a senior (62 or older) residence facility, many here have serious health issues with some on oxygen.”

**Response:** Residents are often happy that their landlord finally adopted a smokefree policy, or that they recently moved into a building with a smokefree policy—only to be very frustrated if the policy isn’t actually enforced. We have tools for how smokefree policies can be enforced, since some housing providers may not have the awareness and tools to do so. Our [Enforcement Tips for Building Managers and Maintenance Staff](#) includes recommendations based on steps that landlords and property managers have found to be useful for helping to achieve compliance in their buildings. Another resource is the [Tips for Talking with Residents](#) which can help housing providers

communicate with and work with residents to achieve compliance and set an expectation of responsibility around the policy.

**Question from Jennifer in New Jersey:** “I’ve been struggling with secondhand smoke since 2019. I recently moved into a smokefree building in 2021. The property manager says she can’t do anything unless she catches them. I’m so sick and my health is deteriorating...I’m so exhausted and don’t know what to do.”

**Response:** A common response from housing providers is that they cannot take action on a drifting smoke complaint unless they catch the person in the act of smoking. Thankfully, housing providers themselves have shared that they enforce their smokefree policies without actually having to see someone smoke. Our [Enforcement Tips for Building Managers and Maintenance Staff](#) includes examples of what housing providers use as evidence, including seeing cigarette butts, maintenance staff smelling smoke during a visit, and reports from neighbors about seeing or smelling drifting smoke on specific dates and times. A concrete step a resident can take to help their landlord follow through on smoking complaints is to keep a log of when and where they experience drifting smoke.

Advocating for yourself can feel difficult, but each person speaking up adds to the demand for smokefree spaces and helps make change possible to protect your health.

To view the tip sheets and resources mentioned here, please visit [no-smoke.org/at-risk-places/homes](https://no-smoke.org/at-risk-places/homes). ■

