

South Carolina

Smoking Bans and Restrictions to Protection the Public from Secondhand Smoke

Public Health Problem

As recommended by the *Guide to Community Preventive Services*, smoking bans and restrictions are effective interventions to protect the public from the dangers of exposure to secondhand smoke. In line with this recommendation, *Healthy People 2010* calls for no state to have preemptive tobacco control laws in place by 2010. This call to action ensures that communities retain the ability to pass and enact the strongest possible protection from secondhand smoke, particularly when this protection is not provided under a statewide law. Avoiding preemption is also important because, in general, advocacy and public health organizations have resisted efforts to seek a statewide smoke-free air law until a state has had some critical mass of local ordinances in place for some time. Unfortunately, state preemption of smoke-free policies exist in several states—including South Carolina—preventing local governments from exercising their authority to enact appropriate laws for their communities.

Program Example

In South Carolina, local governments cannot regulate tobacco products more strictly than the state. However, health advocates have begun successfully passing local smoke-free air policies that will protect the health of South Carolinians. OSH has provided ongoing technical assistance to the state's Department of Health to help it educate communities, partners, and decision makers on the negative health effects of exposure to secondhand smoke and the science behind strong policies to protect the public's health.

For example, in late 2006, a 100% smoke-free workplace law in the town of Sullivan's Island, the first of its kind in the state, was upheld against a legal challenge based on preemption. This paved the way for other local communities, such as Greenville, Charleston, Columbia, Hilton Head Island, Bluffton, Liberty, Beaufort County, and Aiken County, to exercise local control and enact smoke-free laws in 2007. (However, two Circuit Court judges split on the question of this local control, and the issue is currently under review by the state Supreme Court.) One of the most significant policy changes in the state occurred when Surfside Beach, one of the state's most popular tourist destinations, passed a smoke-free ordinance in July. The ordinance includes smoke-free walkovers to the beach and the beach itself.

Even as local communities began adopting effective policy changes to reduce exposure to secondhand smoke, state activities were occurring to undermine these efforts by reinforcing statewide preemption through state legislation and prohibiting future ordinances from enactment. Partners such as the American Cancer Society, the American Lung Association, the American Heart Association, the South Carolina African-American Tobacco Control Network, the South Carolina Tobacco Collaborative, and others organized, mobilized, and succeeded in stopping a bill this past legislative session.

Implications and Impact

A state previously hindered from implementing effective strategies to reduce the public's exposure to secondhand smoke made history by passing smoke-free air policies at the local level in 2007. These efforts are educating the public on the dangers of secondhand smoke, as well as increasing support for stronger protection.