



Rick Scott
Governor

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State Surgeon General

Smoke-free Multi-Unit Housing

- A resident who smokes in a single unit within a multi-unit residential building puts the other residents of the building at risk. Tobacco smoke can move along air ducts, through cracks in the walls and floors, through elevator shafts, and along plumbing and electrical lines to affect units on other floors.^{1,2}
- If a resident has a medical condition made worse by secondhand smoke drifting into his or her apartment, he or she may be protected under federal and state disability laws. Depending on the nature of your disability, your landlord may be required to take action to eliminate your exposure to SHS.³
- Implementing a smoke-free policy in multi-unit dwellings has numerous benefits. Smoking significantly increases fire hazard and boosts cleaning and maintenance costs. Therefore, a smoke-free policy has comprehensive economic benefits, according to the American Nonsmokers' Rights Foundation. Other benefits are the insurance discounts that many property insurance companies offer to buildings with no-smoking policies.⁴
- Survey findings indicate that tenants are often bothered by tobacco smoke and that four out of five non-smokers would prefer a smoke-free building policy.⁵ In fact, more than 82 percent of Florida adults are non-smokers.⁶

About Smoke-free Air Laws

- There is indisputable evidence that implementing 100 percent smoke-free environments is the only effective way to protect the population from the harmful effects of exposure to secondhand smoke.⁷
- There is no risk-free level of exposure to secondhand smoke (SHS). Breathing even small amounts of secondhand smoke can be dangerous.⁸
- Smoke-free air laws can de-normalize tobacco use, which discourages youth and young adults from starting to use tobacco and encouraging tobacco users to quit.⁹
- Creating separate non-smoking areas in establishments that allow smoking, cleaning the air, and ventilating buildings do not eliminate exposure to secondhand smoke (SHS).¹⁰
- Smoke-free policies do not impede upon a person's rights. There is no constitutional right to smoke.¹¹
- Courts have held that the due-process clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution, which limit government interference in personal liberty and privacy, provide only the most minimal level of protection for smoking.^{12, 13, 14}

For more information on Tobacco Free Florida Week, please visit www.tobaccofreeflorida.com/TFFWeek.

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¹ Office of the Surgeon General. The Surgeon General's call to action to promote healthy homes. Washington, DC: Department of Health and Human Services, 2009.

² Public Health Service, Office of the Surgeon General. Children and secondhand smoke exposure: excerpts from The Health Consequences of Involuntary Exposure to Tobacco Smoke: a report of the Surgeon General. 2007.

³ Public Health Law & Policy: Technical Assistance Legal Center, How Disability Laws Can Help Tenants Suffering from Drifting Tobacco Smoke.", June 2008, <http://www.talc.phlpnet.org/tobacco-control/products/disabilitylawsdriftingsmoke>

⁴ American Nonsmokers' Rights Foundation, 2004

⁵ Henrikus D, Pentel PR, Sandell SD. Preferences and practices among renters regarding smoking restrictions in apartment buildings. *Tob Control* 2003;12:189-94.

⁶ Centers for Disease Control and Prevention (CDC). Behavioral Risk Factor Surveillance System Survey Data. Atlanta, Georgia: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, 2010

⁷ World Health Organization. "Protection From Exposure To Secondhand Tobacco Smoke Policy recommendations." 2007.

⁸ U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006

⁹ Lavack A. June 2001. "Tobacco Industry Denormalization Campaigns: A Review and Evaluation."

¹⁰ U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006 [accessed 2011 Mar 11].

¹¹ Graff, Samantha K. There is No Constitutional Right to Smoke: 2008. (March 2008) A Law Synopsis by the Tobacco Control Legal Consortium. http://www.publichealthlawcenter.org/sites/default/files/resources/tclc-syn-constitution-2008_0.pdf

¹² Coalition for Equal Rights, Inc. v. Owens, 458 F. Supp. 2d 1251 (D. Colo. 2006).

¹³ Beatie v. City of New York, 123 F.3d 707 (2d Cir. 1997).

¹⁴ Grusendorf v. City of Oklahoma City, 816 F.2d 539 (10th Cir. 1987).