



## **Kentucky Tobacco Ban Goes Up in Smoke**

By Rudy Takala

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A proposed statewide ban on smoking in private workplaces and public indoor spaces has been halted indefinitely, after the Kentucky Senate Veterans, Military Affairs and Public Protection Committee declined to accept the bill for consideration.

Bridgewater State University Professor of Philosophy Aeon Skoble says smoking bans like the one being proposed are unfair to property owners, like bar or restaurant owners.

“Not only is that not fair, it fundamentally overrides their property rights and their rights to determine how to run a business. It's not just a matter of having a right to run a business, it's also a matter of local knowledge,” he said.

### **What’s Best for Customers**

Skoble says business owners know what their customers want, and have incentives to please their customers.

“The individual proprietors of these establishments are in a better position to determine whether it's better for their customers to allow smoking, ban smoking, or have separate areas. Legislators and bureaucrats can't just know a priori what the one-size-fits-all solution is,” he said.

Increasing business owners’ power to set policies for the use of their property is more efficient than setting statewide policies, Skoble says.

“The trick is to let the individual proprietors figure out for themselves which is best for their businesses, which will resonate with their clientele,” he said. “What I'd expect to see, without any laws on this matter, would be some of each kind.”

### **‘They’re a Hypocrite’**

Cato Institute Center for Constitutional Studies research fellow Trevor Burrus says supporters of smoking bans may unwittingly hold contradictory views.

“If they've ever smoked, drank, or eaten fast food, then they're a hypocrite. If they've had a mocha Frappuccino from Starbucks, they're a hypocrite,” he said.

Burrus says public health bans are often politically motivated.

“All ‘public health’ bans end up grandfathering in politically-connected exceptions or exempting large numbers of equally harmful things,” he said. “These bans are also often class-based: for example, banning big sodas in New York City—something, increasingly, that mostly lower class people drink—while exempting Starbucks concoctions and other ‘high class’ consumables.”

Burrus says allowing people to make decisions for themselves is the best solution.

“The simple rule that property owners get to decide whether smoking is allowed does not suffer from those problems,” he said. “Adults are not children.”