



## Montgomery County officials would not fine smokers under ban

By: [Kate Jacobson](#) – February 9, 2013

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A proposed smoking ban on Montgomery County property would not be enforced by county officials, under the terms of the legislation.

Instead, the county would rely on residents and employees to tell smokers not to light up in areas where tobacco is banned.

"It would basically allow residents to say, 'Please move away, [smoking] is prohibited here,'" said County Councilwoman Nancy Floreen, D-at large, who introduced the legislation in November 2012. "There is a lot of self-enforcement going on."

Officials from the county's Department of Health and Human Services say they wouldn't enforce the ban because it would be nearly impossible to cite people breaking the law.

"We don't have a band of employees roving around the county trying to find people smoking on playgrounds," said department spokeswoman Mary Anderson.

Since it banned smoking on playgrounds and in housing complex common areas in July 2011, the county has received only five complaints, none of which has resulted in a fine, according to Anderson.

Under that legislation, residents are supposed to be fined \$200 after a second violation, \$500 after a third and \$1,000 for any subsequent violation.

But county employees don't actively enforce the ban. Residents can submit complaints to the health department, but issuing a ticket to someone would require an accuser to provide substantial evidence a violator smoked on property where it is prohibited.

The newest smoking ban proposal would ban smoking on county-owned land, including bus shelters, but not on public rights of way such as sidewalks. The ban, like the previous one, would not be enforced by the county.

Floreen said the new ban is not intended to increase civil infractions for smokers; it's supposed to change the perception of county residents and "empower" others to stop violators.

Experts say there is no strong correlation between smoking bans and quitting smoking, and that unenforced bans where incidents are reported after the fact or policed by private citizens are not effective.

Research shows outdoor smoking bans do little to curb smoking behavior, and without enforcement, the legislation becomes moot, they say.

A 2012 study released by the Federal Reserve Bank of St. Louis shows the connection between smoking bans and people quitting is not statistically significant. People who smoke will continue to smoke even in the presence of a ban, the study concluded.

Researcher Patrick Basham -- founder of D.C.-based think tank the Democracy Institute and adjunct scholar at the Cato Institute -- found similar results: In states that passed public, outdoor smoking bans, smoking either stayed fairly consistent or cigarette use increased.

Anderson said there are no data within the Department of Health and Human Services to determine whether the 2011 smoking ban has been effective in getting people to quit.