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Statewide smoke ban means little in WL

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A ban on smoking throughout Indiana would likely have few effects on West Lafayette's own ban, says a city council member.

Earlier this week, the Indiana House of Representatives surprised Hoosiers by tucking a statewide smoking ban proposal into a health insurance measure.

The ban would prohibit smoking in most public places, including restaurants, sports arenas and indoor workplaces.

At the same time, the ban would not apply to tobacco stores, bars, public areas leased for private functions or businesses with no employees other than the owner.

Patti O'Callaghan is a West Lafayette City Council member who championed the city's new smoking ordinance.

She said she would not ask to have West Lafayette's smoking ordinance withdrawn if the state passes a ban. Her reason is that the West Lafayette ordinance, passed in April 2006, is stricter than the state's proposal.

The part of the West Lafayette ordinance she most wants to keep -- a prohibition on smoking in bars -- is not included in the state bill.

"In West Lafayette it is just critical to include the bars in our ordinance," O'Callaghan said. "Students are social smokers. And if they are not in an environment where smoking is allowed, they might not become addicted smokers."

Tom Herr, a local attorney, said he too doubts the state ban would affect the lawsuit he has filed on the behalf of Harry's Chocolate Shop and David Rollings, a bartender at the Wabash Yacht Club. The suit is an attempt to prevent the West Lafayette ordinance from taking effect, as is scheduled to happen on July 1.

Herr said it seems that the state's proposed ban would allow any local bans that are stricter than the state law to remain in effect. West Lafayette's ordinance would not be affected, and there would be no reason to withdraw the lawsuit, he said.

"The only way is if the West Lafayette City Council reviews this and modifies their ordinance," he said. "That seems unlikely, but that could happen."

State Rep. Tim Brown, R-Crawfordsville, said it's too early to tell if the state ban will pass.

"There are so many things with the budget coming up and property taxes -- I don't know whether people will think this is too controversial to tackle in the last two weeks," he said.

State Sen. Brandt Hershman, R-Wheatfield, agreed. He said he would prefer to continue allowing local governments to continue deciding if they want to ban smoking within their own jurisdictions.

"There are differences in the interests of West Lafayette and Lafayette," he said. "To put in a one-size-fits-all policy on this issue may be overreaching."

Kim Anderson says about 60 percent of the patrons who eat at Four Seasons Family Dining are smokers. With no smoking ordinance pending in Lafayette, the restaurant would be affected by a statewide ban.

"You never can come and our smoking section is not full," said Anderson, who is a manager at the restaurant at the corner of Indiana 26 and Sagamore Parkway.

For that reason, she said she dislikes the state's proposal to ban smoking in many public buildings throughout Indiana.