

# LR ordinance on smoking doesn't really clear the air

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A family of nonsmokers, including three children, is eating dinner at a west Little Rock restaurant when a party of four is seated at the adjoining table. All four light cigarettes.

One family member complains because the group had requested a nonsmoking table. The waiter retorts: "Well, you're not smoking, are you?"

The imaginary "line" between smokers and nonsmokers falls between those tables, the family is told.

Little Rock City Ordinance No. 17,513, which took effect Jan. 1, was supposed to remedy such conflicts. Instead, the law's wording, approved by the city Board of Directors, raises more questions about how Little Rock's 380 restaurants are to protect nonsmokers from secondhand smoke.

Smoking in public areas exposes nonsmokers to secondhand smoke — smoke from the burning end of a cigarette or smoke that smokers blow into the air.

Section 4C of the ordinance says, "It shall be unlawful for any restaurant owner or operator of a restaurant that is open to minors to fail to prominently identify any area of the restaurant available only to nonsmokers."

The law also regulates tobacco advertisements near schools or playgrounds, vending machines sales and self-service tobacco sales.

In a random check of about 15 local restaurants last week, only one had such a sign, while two others displayed door signs that the restaurants (both fast-food)

were smoke-free. Some restaurants without signs did have a host to steer customers to smoking or nonsmoking areas, but others don't provide that service.

"You have to have the area and have a sign that's in plain view that this is the area for nonsmokers," said Richard Brown, Jr., the city's Tobacco Control coordinator. "In other words, the sign has to be visible for the public to see."

However, Bill Mann, chief deputy city attorney, interprets the language as only requiring the patron to be alerted to which areas are nonsmoking, such as by a hostess, instead of placed signs. The ordinance's language may need to clarify its intent, he added.

Also, while the city sent notification letters to retail outlets about other aspects of the law, it didn't notify restaurants of what's required of them, Brown said.

"They have not sent us anything," said Christina Armstrong, manager of Applebee's Neighborhood Grill and Bar, 12110 Chenal Parkway, echoing other restaurant managers.

The city must provide that notification, Mann acknowledged, especially if fines are ever levied against restaurants for noncompliance. But Mann said the ordinance is unclear about whether violations of the restaurant signs clause could result in fines.

Still, the city, Mann said, is working through its Environmental Municipal Court to draft such letters to local restaurants.

The federal Environmental Protection Agency has classified environmental tobacco smoke as a Class A carcinogen.