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Prop. 206's language smoky

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Fred Mallaire sells air-purification systems, targeting his sales pitch to bar owners with the promise of a \$20 discount.

He's also an officer of a campaign that proposes an indoor smoking ban for most everywhere but bars. If passed, bars could continue to allow smoking as long as they are walled off from an adjoining restaurant and are separately ventilated.

Mallaire says his air-purification fans aren't ventilation systems, so he wouldn't benefit if Proposition 206 passes.

His opponents, who are backing the other smoking-ban measure on this fall's ballot, aren't so sure.

And the language in Proposition 206 is unclear about what "a separate ventilation system" means. It's not spelled out, and that could create a loophole big enough to let in a lot of smoke-filled air.

Mallaire, treasurer of the ballot proposition known as the Arizona Non-Smoker Protection Act, said his definition of separate ventilation is a far cry from the product he sells.

The Purifan, as it is called, uses a ceiling-fan motor to move air up into the five filters that are mounted around the motor. It then recirculates the filtered air.

The product's Web site, as well as the ad Mallaire runs in the Arizona Licensed Beverage Association's newsletter, includes glowing testimonials from customers, among them bar owners who say the fans sweep away cigarette smoke.

"They not only handle the smoke in the Cantinas but also eliminate lingering odors and dust particles in the dining areas," says Bill Riddle, president of Valley-based Valle Luna Mexican Restaurants and Cantinas, in a quote in an ad.

But despite their air-cleaning power, Mallaire said the fans won't cut it for bars that would want to allow smoking if Proposition 206 passes. Nor would other air-cleaning products, such as smoke-eaters or filtering devices sold by numerous vendors.

"A separate ventilation system would involve separate air-conditioning ventilation and return ducts," he said.

But Proposition 206's language doesn't make that clear.

Campaign spokeswoman Camilla Strongin said the intent is to follow the lead of Chandler, which has a smoking ban similar to Proposition 206. It allows smoking in bars as long as the area is walled off and separately ventilated from an adjoining

business.

Plus, she said, the reference to "separately ventilated" is identical to the language used by the Arizona Smoke-Free Act, which has its own smoking-ban proposal on the Nov. 7 ballot.

"I'm not sure they can throw a lot of stones at us, since it's in their own initiative," Strongin said.

Troy Corder, a spokesman for the Smoke-Free campaign, acknowledged that his group, just like the competing measure, lacks a clear definition of "separately ventilated."

But Corder noted that the "separately ventilated" language in Proposition 201 applies only to tobacco shops, whereas in Proposition 206 it appears to apply to all bars.

And, Corder said, the lack of a definition in his group's measure would be ironed out when rules are made for the Arizona Department of Health Services to enforce the smoking ban.

Proposition 206 does not spell out any enforcement agency, leaving it to local police, who probably wouldn't enforce the law evenly, much less write rules, he said.

These are just a few examples of the fuzziness in the competing ballot measure, he said.

"It's the typical language in their initiative that leaves it open to interpretation," Corder said.

Proposition 201 would ban indoor workplace smoking statewide, including bars, but allow exemptions for tobacco shops, private clubs and a percentage of hotel rooms. It is being backed by a coalition of health groups, including the American Lung Association of Arizona, American Heart Association and American Cancer Society.

Proposition 206 also proposes a statewide ban but most significantly would exempt bars. It is being bankrolled primarily by R.J. Reynolds, a tobacco company, and the liquor providers' statewide organization, the Arizona Licensed Beverage Association.

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