

Published in the Indianapolis Star on 6/2/12

Supporters celebrate, foes litigate as Indy's expanded smoking ban takes effect

Standing on Monument Circle, City-County Councilman John Barth and advocates who helped expand Indianapolis' smoking ban portrayed the new law that took effect Friday as a sea change.

Smoking had long been forbidden at restaurants, but now the city's ban covers bars.

"Now people don't expect smoky environments" in public places, the at-large Democrat said. "They expect smoke-free air. We have flipped the dynamic."

Some of those gathered at the news conference vowed to continue working to expand the ban to places that have retained exemptions -- including cigar and hookah bars and nonprofit private clubs and veterans halls.

Bars were set for the first real test Friday night. During the day, officials with city Code Enforcement and the Marion County Health Department said complaints were nonexistent.

The agencies said they planned to go light on enforcement the first few days.

Downtown bars appeared to be complying with little fuss, said Lindsay Grace, spokeswoman for anti-smoking advocacy coalition Smoke Free Indy.

But the city still faces legal challenges in U.S. District Court from more than a dozen bars, all outside Downtown and all expressing worry that their regulars, many of them smokers, will stay away.

Courts in Indiana and elsewhere typically have upheld smoking bans with varying exemptions, and one judge this week denied a request to halt enforcement of the law.

The bar owners filed the suits separately without the aid of lawyers, but this week they hired Indianapolis attorney Mark Small to represent them. One plaintiff, Wanda Goodpaster, said the owners are getting calls of encouragement from out of state.

She said business was lighter than usual Friday at her bar, Road Dog Saloon, 4861 Southeastern Ave.

"It's definitely down -- and it will continue to be," Goodpaster predicted. "There is no getting around that. . . . I'm pretty upset."

The new rules ban smoking at bars; restaurants that skirted the old ban by admitting only patrons 18 or older; bowling alleys; hotel and motel rooms; and nursing homes.

The ordinance doesn't apply to Speedway, Lawrence, Beech Grove and Southport, which regulate smoking separately. Lawrence officials are considering expanding that city's ban to bars.

The bar owners' lawsuits claim the law violates their constitutional rights, in part by exempting some places and because it doesn't apply in those four smaller Marion County cities.

At Friday's event on the Circle, Barth was joined by fellow council Democrats Leroy Robinson and Zach Adamson and Republican Jeff Miller, as well as Smoke Free Indy's Grace. Council President Maggie Lewis, another supporter, watched from afar.

Another speaker was Mara Hoberty, whose mother, Alice Curry, died last year at age 66 from lung cancer. The Columbus resident was a nonsmoker, but doctors believed exposure to second-hand smoke might have been the primary cause.

"As of today, the citizens of Marion County can breathe a lot easier," Hoberty said, with more workers protected from smoke and less likelihood of exposure for children in public places.

To pass the new smoking ban, the Democrat-led council compromised with Indianapolis Mayor Greg Ballard, a Republican, who stipulated some exemptions, particularly for private clubs.

Echoing other speakers, Hoberty said: "We look forward to another celebration in the future, when the remaining exemptions are eliminated and all workers can breathe smoke-free air."

On July 1, a new state law will ban smoking statewide, but it exempts bars, casinos and private clubs. The law will have minimal impact in Indianapolis and other places with tougher measures on the books.

But private clubs in Indianapolis have to comply with provisions in both the state and local laws. That includes having a membership vote on whether to allow smoking by July 1, as state law requires, even though the Indianapolis ordinance doesn't require such a vote until Sept. 1.

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