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News Release

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State Supreme Court Decision Affirms I-901

BREMERTON – In a decision issued today, the Washington State Supreme Court affirmed that Initiative Measure 901 --- passed overwhelmingly by voters in 2005, and relating to the prohibition of smoking in public places and places of employment --- applies to all places of employment whether or not they are privately owned or open to the public. The decision concerned a case brought by American Legion Post #149 in Bremerton, Washington, against the Washington State Department of Health and the Kitsap County Health District. The Court also affirmed that the “place of employment” smoking prohibition did not violate any constitutional rights or privileges of the American Legion Post or its members.

Now incorporated into Washington State law, Initiative Measure 901 expanded the prohibition on smoking in public places by amending the definition of a "public place" to include facilities such as schools, bars, bowling alleys, and casinos. The initiative also added a prohibition against smoking "in any place of employment".

“We’re pleased with the decision and believe the Court’s ruling supports the intent of the voters to protect employees in their place of employment”, said Phil Bacus, Kitsap County Deputy Prosecuting Attorney and counsel for the Health District.

In May 2006, the Health District issued a notice that the Post was violating the District’s Clean Indoor Air Ordinance (which adopts the State law) by allowing individuals to smoke inside the Post. The Post refused and filed an action in the Thurston County Superior Court seeking a judgment precluding the Health District and the State Department of Health from prohibiting smoking in the Post. The trial court judge issued in favor of the Health District and State Department of Health. The case was subsequently appealed to the State Supreme Court.

The Post is a nonprofit, private fraternal organization that is open only to members and guests. The Post employs people to run the facility and smoking occurs in a lounge where employees are required to work.

“Since the passing of Initiative 901, our primary goal in this process has been to educate business owners and the public about the new law and the dangers of secondhand smoke”, said Health District Director Scott Lindquist, MD. “Smoke-free indoor air makes people healthier and saves lives.”

Secondhand smoke is the third leading cause of preventable death in the nation. Tobacco use is still the number one cause. Washington residents who want to quit smoking can call the toll-free Washington State Tobacco Quit Line 1-877-270-STOP (in Spanish 1-877-2NoFUME) for free counseling, referrals to local cessation programs, and “quit kits” with information and materials to support their efforts.

For a copy of the Court’s decision, go to the Washington Courts web site at <http://www.courts.wa.gov/opinions/?fa=opinions.recent>. For additional information, contact Scott Daniels, Health District Public Information Officer, at (360) 271-9230, or contact the Kitsap County Prosecuting Attorney’s Office, Civil Division, at (360) 337-4992.

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