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Councilors pursue control of anti-smoking measures

City councilors climbed on board a movement to overturn state laws that prevent municipalities from passing anti-smoking measures stricter than those passed by the Oklahoma Legislature.

The council voted Monday to authorize the City of Muskogee Wellness Initiative Coalition to promote an initiative petition sponsored by Gov. Mary Fallin. The petition, if enough signatures are obtained, would allow voters a chance to weigh in on regulations to curb exposure to secondhand smoke.

If voters approve the ballot initiative, municipalities would have the authority to regulate smoking, an issue now reserved for state lawmakers. In an effort to standardize smoking restrictions across the state, legislators pre-empted municipalities from passing stricter ordinances.

City councilors, for example, adopted an ordinance in July 2011 that purported to ban smoking in Muskogee's public parks. However, an attorney general's opinion published in February found the ban unenforceable because it conflicts with state law.

In December, city councilors joined a growing number of elected officials in other municipalities trying to wrest control of anti-smoking measures from the state. Ward III Councilor Derrick Reed sponsored a resolution that states local governments "have the right and the duty to adopt laws that protect the health and safety" of citizens.

Dr. James Baker, the chairman of the Wellness Initiative Coalition, said the bill councilors supported never made it out of committee. Fallin launched her initiative petition drive after learning of the bill's demise and a couple of weeks after the attorney general's opinion was published during an event sponsored by the American Cancer Society.

"Oklahoma is one of the few states that have not reversed the pre-emption laws," Baker said, asking councilors for their consent to recruit voters to sign the governor's online registry. "At our annual meeting we want to give voters access to the registry" and make their names available for the initiative petition.

Doug Walton, the coordinator of the Muskogee County Turning Point Coalition's food and fitness initiative, presented statistics in support of the perceived need for local control of smoking restrictions. He said Muskogee County ranks fourth highest of Oklahoma's 77 counties in the number of adult smokers.

"It is important that people who don't want to be exposed to secondhand smoke be protected," Walton said. "Local communities must have the ability to make laws as they see fit."

In a related matter, city councilors renewed a professional services agreement with Lisa Raasch, the coordinator for the wellness initiative. The agreement—worth \$33,600 a year to Raasch, who does business as Empower Change, Inc.—was extended to June 30 and will renew automatically for another year beginning July 1, provided the City of Muskogee Foundation continues funding for the program.

City councilors created the coalition in September 2010 to be an advisory board on matters related to community health, wellness and well-being. Muskogee earned certification in 2012 as a healthy community for its support and promotion of healthy and active lifestyles.



Robin Perkins catches a smoke with a co-worker outside the Lakeland Plaza shopping center Wednesday afternoon. Muskogee city councilors voiced their support of Gov. Mary Fallin's proposal to allow cities to pass anti-smoking measures stricter than those passed by the Oklahoma Legislature.