



Tacoma-Pierce County Board of Health v. Entertainment Industry Coalition, 105 P.3d 985 (Wash. 2005)

Topics Covered: Anti-tobacco

Outcome: Very Favorable

Issue

This issue in this case was whether an ordinance banning smoking in most indoor public places was preempted by a state "clean indoor air" statute.

AMA Interest

The AMA, in keeping with its objective of protecting public health, supports a smoke-free America.

Case Summary

The Tacoma-Pierce County Board of Health and Tacoma-Pierce County Health Department (together, the "County") passed a resolution banning smoking in most indoor public places, including places of employment. The Entertainment Industry Coalition (EIC), challenged the anti-smoking resolution, claiming that it was preempted by Washington's Clean Indoor Air Act and was thus invalid. The trial court enjoined the County from enforcing the anti-smoking resolution, and the County appealed directly to the Washington Supreme Court.

The Washington Supreme Court affirmed, holding that the state law allows business proprietors to designate public smoking areas. The anti-smoking resolution, by purportedly denying such right, conflicted with state law and was therefore invalid.

Litigation Center Involvement

The Litigation Center, the Washington State Medical Association, and several other anti-tobacco organizations filed an amicus curiae brief supporting the anti-smoking resolution.

Washington Court of Appeals brief