

Just Mist It

**By Reg P. Wydeven
December 29, 2013**

At some point in December each year, our family watches ‘It’s a Wonderful Life.’ The story of George Bailey and the glimpse of life in Bedford Falls had he never lived is a classic. One thing I noticed on this year’s screening is the number of smokers in it.

Like many movies from the 1940s, ‘It’s a Wonderful Life’ has plenty of smoking. Jimmy Stewart can be seen smoking both a cigarette and a cigar. Today, smoking is not quite as acceptable.

Over the last month, I’ve written about the ordinance passed by San Rafael, California, that makes it illegal for people to smoke in their own homes if they share a common wall with another dwelling, such as apartments and condominiums.

I also wrote about a report released by the U.S. Centers for Disease Control revealing an increased use of e-cigarettes, cigars and hookahs. The U.S. Food and Drug Administration does not currently regulate these tobacco products, but intends to soon. Without such regulation, the CDC believes consumers, especially kids, have a misconception that they’re safer than cigarettes.

New York City is also jumping on the anti-smoking bandwagon. During the City’s last legislative session of the year, more than two dozen resolutions were passed, including one that seeks to ban electronic cigarettes.

Passed by a council vote of 43 to 8, the bill banning e-cigarettes is expected to be signed by Mayor Michael Bloomberg before he leaves office on December 31. If passed, the law will take effect in May. The measure will prohibit the use of electronic cigarettes in public places like restaurants, bars and city parks, where smoking is already banned.

City Council Speaker Christine Quinn claimed New York does not want to take “a step backward” by allowing e-cigarettes in places where smoking is banned. She fears allowing e-cigarettes will undermine the public perception that smoking is not acceptable in public.

E-cigarettes work by heating a solution containing nicotine which emits a puff of vapor. Manufacturers of e-cigarettes claim the vapor is harmless. While the scientific community concedes that the vapor is less dangerous to others compared to second-hand smoke from traditional cigarettes, they are also quick to point out that e-cigarettes are still highly addictive and dangerous for the smoker (or vaper?).

Several states have already extended their bans on indoor smoking to include e-cigarettes, including Arkansas, New Jersey, North Dakota and Utah.

Because no one disputes that tobacco and nicotine are deadly, the government at all levels is trying to protect us from these harmful substances. After all, as Clarence the guardian angel would say, we all could have a wonderful life – can’t we see what a mistake it would be to just throw it away?

I wish you all a happy and blessed New Year.

This article originally appeared in the Appleton Post-Crescent newspaper and is reprinted with the permission of Gannett Co., Inc. ©2013 McCarty Law LLP. All rights reserved.