



D.A.B.E. v. Toledo-Lucas County Board of Health, 773 N.E.2d 536 (Ohio 2002)

Topics Covered: Anti-tobacco

Outcome: Very Unfavorable

Issue

The issue in this case was whether county boards of health in Ohio had the authority to prohibit smoking in public places.

AMA Interest

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

Case Summary

The Toledo-Lucas County Board of Health passed an ordinance to restrict smoking in commercial establishments, such as bars and restaurants.

The Ohio Supreme Court ruled that county boards of health in Ohio are not empowered to pass anti-smoking ordinances. The court noted the dangers of tobacco usage, including secondhand smoke, and the court also acknowledged that local boards of health may be better situated than the Ohio General Assembly to protect public health in this type of situation. Nevertheless, county boards of health can only derive their authority from specific legislative acts, and the Ohio legislature had not authorized a right to pass a county anti-smoking law.

Litigation Center Involvement

The Litigation Center and the Ohio State Medical Association, along with several other public interest groups filed an *amicus* brief in the Ohio Supreme Court. The brief argued that secondhand smoke is a public health hazard and therefore justifies its regulation by the Toledo-Lucas County Board of Health.

Ohio Supreme Court brief