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News Release

*For Immediate Release*

### **City's Smoking Ordinance Upheld in Court**

The Missouri Court of Appeals Southern District affirmed a trial court's earlier decision upholding the City's voter-enacted smoking ordinance.

Jean Doublin, owner of Ruthie's Bar on Commercial Street, filed a lawsuit in June 2011, challenging the voter-enacted City of Springfield's smoking ban and arguing that the ordinance violates state law that requires local ordinances to "conform" with state rules.

The trial court issued a [summary judgment](#) (pdf) siding with the City. Judge Jason Brown said he felt bound by earlier court decisions in Kansas City.

The appeal of the case was heard by a panel of judges, who issued a decision a week following arguments from both sides.

Assistant City Attorney Marianne Landers Banks argued that there is no conflict — the city simply regulates smoking to a greater extent than the state.

The Court agreed with the City's argument that the State law only granted the bar a right to be exempt from State law, not from all other regulations.

The Court stated that "The ICAA is not a statute that was enacted to permit smoking or to protect the right of smokers" and that the City's ordinance does not prohibit what the Indoor Clean Air Act permits.

"We are grateful the Court agreed with our interpretation," Banks said. "The State law doesn't give bars the right to opt out of local regulation."

Ruthie's Bar has the right to appeal to the Missouri Supreme Court if they so choose.

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