

Case 12

Happy Trails is an adult residential community (neither a hospital nor a nursing home). As in any community, residents need to accommodate mutually exclusive needs in a fair manner. Smokers living at the Happy Trails Retirement and Assisted Care Community insist they have the right to light up when and where they please in their home, which they equate with the community. Non-smokers, however, demand the right to live in a healthy, smoke free environment. One smoking resident noted that she, like many other residents, purchased her unit in this particular community in part because it promised "all the comforts of home." A facility that forbids smoking in most areas, she contends, does not offer all the comforts of home. Conversely, one non-smoking resident stated that he, like many other residents, purchased his unit in part because this particular community was affiliated with a health care system, and promised a "healthy environment." A smoke-filled environment is not healthy, he says.

Years ago when some residents purchased their units, they were free to smoke in the dining room, the library, the game room, the lobby, and the hallways. Over time, with increased awareness of the danger of second hand smoke imposed on others (especially the elderly who are at greater risk for respiratory disease), more restrictions were imposed. Smoking is now limited to inside the residents' private units and any out of doors areas on the property of Happy Trails. However, non-smokers want to breathe fresh air in the garden and on the front porch, and are demanding further restrictions that impose greater limitations on the least ambulatory residents who are increasingly limited in their physical environment.

During a community meeting, residents presented many arguments, and asserted many claims, on both sides of the issue, including the following:

- Additional costs of insurance (cigarettes are the number one cause of fire deaths in the U.S.) and maintenance (more frequent cleaning of carpets, draperies, and furniture) are borne by all residents, smokers and non-smokers alike, which is unfair to non-smokers.
- Some residents, non-smokers as well as smokers, engage in behavior that others find offensive, such as speaking loudly and using profanity. If smokers are restricted then shouldn't people who engage in the above kinds of behaviors be restricted as well?
- Smoking is not a choice, but an addiction.
- Smoking is a chosen behavior. People can choose to start and choose to quit.
- Many residents who are adamant about their right to live in a healthy environment and who are critical of those who choose to smoke, nonetheless eat unhealthy diets, do not exercise, and are overweight -- all choices. Shouldn't they be similarly restricted?
- Although a monthly surcharge is assessed upon those who smoke in their units, several residents don't pay this, saying they only smoke outside. Yet they "cheat" and smoke in their units, especially in inclement weather.

(Case 12 Cont.)

- Non-smokers are free to move to other places where the air is not "offensive."
After all smokers have had to remove themselves entirely from some areas.
- Happy Trails does not have the resources to support separate smoking and non-smoking public areas.

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