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Smoking ban on fast track after hearing

By [Stacy Forster](#) of the Journal Sentinel

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Madison - The threat of secondhand smoke poses a serious health hazard for Jeff Melby's daughter and has kept her from attending birthday parties and school outings at bowling alleys, he said.

Michaela, now 11, was born with a congenital heart condition that affected how her body circulates oxygen and makes smoke problematic for her, said Melby, of Portage. A statewide smoking ban would ease that problem.

"My daughter's hope is to be able to have a future that does not need to worry about heart dangers wherever she wants to be," he told lawmakers at a public hearing Tuesday.

But for Jeff Steinbock, who owns Uhle Tobacco Company in downtown Milwaukee, a ban on smoking in all workplaces could mean the end of his business.

"Nobody expects a smoke-free environment when they enter a smoke shop or a cigar bar," Steinbock testified to the state Senate's Health, Health Insurance, Privacy, Property Tax Relief and Revenue Committee. "The law is an unwarranted intrusion into my ability to earn a living."

A proposed smoking ban in all Wisconsin workplaces, including bars and restaurants, stalled in the last session of the Legislature, but now it's on a fast track, with a vote expected next week. The hearing was publicized just 24 hours before it started.

The Assembly's Committee on Health and Healthcare Reform will hold a hearing on the bill at 10 a.m. Wednesday.

The ban was part of Gov. Jim Doyle's budget proposal, but lawmakers felt the measure should be debated and passed separately.

Backers said the 37 Wisconsin communities with smoke-free ordinances have created a patchwork of rules.

"All workers will be protected from the effects of secondhand smoke and all businesses will be regulated equally," said Sen. Fred Risser (D-Madison), who is sponsoring the bill with Rep. Jon Richards (D-Milwaukee) and Rep. Al Ott (R-Forest Junction).

But opponents argued such a ban could be devastating for a host of businesses - not only taverns, but bowling alleys, jukebox vendors, and tobacco and cigar shops with smoking lounges. They said the decision to go

smoke-free should be left to business owners and the free market.

With the economy faltering and unemployment rising across Wisconsin, now is not the time to add to small businesses' troubles, said Rob Swearingen, president of the Tavern League of Wisconsin and owner of the Al-Gen Supper Club in Rhinelander.

"We are mom-and-pop businesses trying to pay our bills," Swearingen said.

Joette and Jeff Barta own the Nice Ash Cigar Bar in Waukesha and have invested tens of thousands of dollars in equipment to clean the air in their store and lounge. "Without an exemption, you're dooming us to failure," Joette Barta said.

But many testified that secondhand smoke prevents them or family members from eating out or going to other public places. Sandy Bernier, of North Fond du Lac, said she'd lost several family members to smoking and considers it a public health issue.

"I didn't quit smoking all those years ago to die from someone else's smoke," Bernier said.

The bill could see some changes. Swearingen said the Tavern League is talking with lawmakers, SmokeFree Wisconsin and the American Cancer Society to work out their differences. Tavern owners favor a phase-in period, for example, and some want a cigar bar exemption.

Maureen Busalacchi, executive director of SmokeFree Wisconsin, said there will be limits to what smoking ban advocates would support because of the need to protect workers from secondhand smoke.

About 60 people either testified or registered in support of the bill, while 11 were against it, according to committee records. Swearingen said many tavern owners couldn't attend on short notice but noted 1,000 attended the group's annual lobbying day earlier this year.

Sen. Mary Lazich (R-New Berlin) also argued for extending the ban to casinos. The ban's authors said there isn't a constitutional way to require the state's Indian tribes, which are sovereign nations, to implement it.



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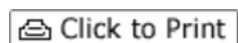
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