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Smoking ban would take effect in July 2010

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

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Madison - A statewide workplace smoking ban that includes restaurants and taverns will start July 5, 2010, according to a deal reached Wednesday in the Legislature.

The measure is expected to pass next week and be signed into law by Gov. Jim Doyle.

All workplaces would be smoke-free under the bill before the Legislature. Legislative leaders, smoking ban advocates and the Tavern League of Wisconsin agreed to the changes to the proposal, which is now on a fast track.

With little opposition remaining, the bill is set for a vote Wednesday in both houses of the Legislature.

Supporters, who called the ban a major public health protection, had been pushing for an earlier start date. But owners of taverns and other businesses said they needed more time to prepare for the change.

"As soon as this bill takes effect, it will start saving lives of our citizens and saving money for our taxpayers," said Sen. Fred Risser (D-Madison), who sponsored the ban with Reps. Jon Richards (D-Milwaukee) and Al Ott (R-Forest Junction).

Under the proposal:

- Taverns, restaurants, hotels and other businesses would have more than a year to prepare for a ban. Existing cigar bars and tobacco shops would be exempt. Casinos run by the state's Indian tribes wouldn't be covered.
- Individuals caught smoking in workplaces would face fines ranging from \$100 to \$250. Business owners wouldn't be penalized if they attempt to stop people from smoking or commit a first violation but would see \$100 fines for subsequent offenses.
- Local governments would not be allowed to pass ordinances stricter than the state law except on government-owned properties.
- Taverns, restaurants and other businesses would be allowed to create outdoor smoking areas.

Supporters have said a statewide ban is necessary to eliminate the patchwork of local ordinances; 37 Wisconsin communities, including Madison, Appleton and Eau Claire, have smoking bans. Those would

remain in place until the statewide ban goes into effect.

Deal hammered out

The Tavern League of Wisconsin had opposed the bill but worked to reach a compromise with lawmakers and smoking ban advocates brought together by Sen. Jon Erpenbach (D-Waunakee). League President Rob Swearingen, owner of the Al-Gen Supper Club in Rhineland, said the implementation delay was important because it would allow tavern owners time to prepare for the change, as well as give the economy time to improve.

"We're hoping they will make that adjustment, get their customers ready, get themselves ready," he said, adding that the league represents 5,000 "mom-and-pop" taverns. "I hope there's not going to be any hardship on our people."

Advocates had been pushing for an earlier start date but said the deal was a workable one.

"In a perfect world, there would be no exceptions and no delays," said Maureen Busalacchi, executive director of SmokeFree Wisconsin. "But that said, our priority is to protect employees and their right to breathe smoke free air at work."

The ban has the support of the Wisconsin Restaurant Association, which said it will provide a level playing field for restaurants and taverns.

"It appears we finally have Wisconsin's business community united in support of smoke-free air," Ed Lump, president and chief executive officer of the Wisconsin Restaurant Association, said in a statement.

If the bill becomes law, Wisconsin would join its neighbors Minnesota, Iowa and Illinois in having statewide smoking bans.

"This agreement will protect Wisconsin workers and the public from the proven health hazards of secondhand smoke," said Jari Johnston-Allen, chief executive officer of the American Cancer Society's Midwest division.

The smoking ban proposal was included in Doyle's budget, but lawmakers said it was important to debate and pass it separately. Doyle said in a statement Wednesday that he was pleased with the agreement but didn't specifically say he'd sign it.

"I wish the ban would be implemented sooner, but today we are one step closer to a statewide smoking ban that is fair and equitable," Doyle's statement says.

Senate Republican Leader Scott Fitzgerald (R-Juneau) didn't have a comment on the deal but said in a statement that Senate Republicans would offer amendments when the bill is debated on the floor next week.

During public hearings on the measure, legislators raised concerns that casinos wouldn't be covered by the ban, but Risser said the state doesn't have the constitutional authority to require them to comply.

"They're independent nations," he said. "We do not have the ability by law to outlaw smoking in casinos."

An earlier version of the bill would have permitted hotels to allow smoking in some rooms. That provision was removed during negotiations.

Lawmakers heard testimony on the bill in public hearings Tuesday and Wednesday. Dozens of people called for passage of the bill, saying secondhand smoke presented a serious health hazard. Many cigar bar and tobacco shop owners had argued for an exemption, saying their businesses would probably not survive a ban

that covered them.



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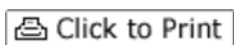
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