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## Madison's smoking ban hits 5-year anniversary

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These days, Steve Holtzman enters a Madison tavern and takes a breath of satisfaction.

Five years ago — April 20, 2004 — the former City Council member won a hard-fought battle he led to enact the state's first full smoking ban in bars, restaurants, bowling alleys and other workplaces.

Now, nearly four years after the ban went into effect in July 2005, smoke-free advocates say bar employees are healthier, bans are taking effect elsewhere in Dane County, the hospitality industry is doing fine and the Legislature is considering a state ban.

But some in the tavern industry say there have been business casualties.

Holtzman, who introduced the broad smoking ban to the council, built upon the efforts and worked with many others, including former Ald. Jean MacCubbin and the relentless advocacy of Ira Sharenow, who has moved out of state.

Holtzman said of the council's 15-5 vote five years ago today, "I'm very proud Madison led the way. It's become a standard."

### Effects of the ban

Although some establishments suffered or closed because of the ban, the number of liquor licenses in the city has increased 7 percent from 331 in July 2005 to 354 this month, city data shows.

"The dire claims of the opponents of the smoking ban did not happen," Mayor Dave Cieslewicz said. "It's overwhelmingly popular."

The same is true for Appleton, which enacted a ban about the same time as Madison, and for other cities that have done so, said Maureen Busalacchi, executive director of Smoke Free Wisconsin.

David and Jackie Arms, who bought the South Bay Lounge, 5404 Raywood Road, three years ago, took over a business that was hurt by the ban and whose former owner helped organize a bid to overturn the law, with the council sustaining it by a narrow 10-9 vote in September 2005.

The Arms remodeled and made investments, including an outdoor patio with seating where smoking is allowed.

"Business is pretty good," she said. "We don't want smoking inside the bar."

But some establishments didn't survive.

Dane County Tavern League President Barb Mercer said about 40 taverns have closed since the ban began.

"Some of them stayed closed," she said. "Some of them have sold two or three times."

There has been no independent study exploring how many bars went out of business because of the smoking ban.

Dave Wiganowsky, owner of Wiggle's, 1901 Aberg Ave., said his business declined 47 percent after the ban took effect and has nowhere near recovered.

"It's definitely taken its toll," he said.

The indoor health benefits of the ban are clear, Busalacchi said.

One year after bans were enacted in Madison and Appleton, bartenders in those cities showed a significant reduction in upper respiratory problems, according to a study by the Tobacco Surveillance and Evaluation Program at UW-Madison's Paul P. Carbone Comprehensive Cancer Center, which works with the state's Division of Public Health.

"We knew health would improve," Busalacchi said. "I don't think we knew the scope of that improvement."

### **Bans spreading**

Over the last few years, other jurisdictions have passed smoke-free laws — Dane County's begins in August — and some are stronger than Madison's, which has an exemption for a cigar bar and doesn't cover private clubs or outdoor areas.

Madison is unlikely to extend its ban.

"Not at this time," Cieslewicz said. "I don't see any pressure to do that. (But) it may happen at some point in the future."

Advocates are looking to the Legislature to close loopholes and finally snuff smoking across the state.

The Breathe Free Wisconsin Act, debated during the 2007-08 session, has been reintroduced in Gov. Jim Doyle's 2009-11 budget bill.

A state law may be inevitable, but it must be uniform for all municipalities, Mercer said.

Holtzman, five years after helping make history in Madison, is ready.

"I'm embarrassed at how slow the Legislature has been to do anything, especially when bordering states have enacted bans," he said. "I hope the Legislature cleans this up."

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