

## **KAINE PROPOSES STATEWIDE RESTAURANT SMOKING BAN**

**By Dena Potter**

### **Associated Press Writer**

Richmond, VA - Gov. Timothy M. Kaine called for a statewide smoking ban in restaurants and bars Monday, but excluded outdoor eating areas in hopes that legislators won't again shoot down the proposal.

Kaine tried to implement a ban last year, but lawmakers rejected the measure because they said it was so broad it would have ended smoking at county fairs, hot dog stands and anywhere people pay for prepared food.

Kaine's new proposal would ban smoking in areas inside restaurants and public and private clubs where food is prepared, served or eaten but allows businesses to have a smoking section outdoors, unless the exterior can be enclosed.

Opponents argue that decision should be left up to businesses.

"I think that the restaurant community and the business community in general still remain opposed to the governor's proposal," said Tom Lisk, a lobbyist for the Virginia Retail Merchants Association and the Virginia Hospitality and Travel Association.

Kaine announced his proposed ban at a smoke-free Virginia Beach restaurant. He was joined at the Hot Tuna Bar & Grill by local elected officials, public health advocates and a group that represents restaurants in the city in calling for the ban as a means to protect workers and patrons from secondhand smoke.

"The scientific evidence about the health risks associated with exposure to secondhand smoke is clear and convincing," Kaine said.

Levels of secondhand smoke in restaurants and bars are two to five times higher than in residences with smokers and two to six times higher than in office workplaces, according to the American Lung Association.

Secondhand smoke is responsible for 1,700 deaths per year in Virginia, the state Department of Health estimates. Virginia also spends an estimated \$124.9 million a year on health care related to secondhand smoke exposure, according to the Campaign for Tobacco-Free Kids.

"Ultimately, we think it could be the first step on the road to making all public places and work places in Virginia smoke-free," said Peter Fisher, vice president for state issues for the Campaign for Tobacco-Free Kids.

Fisher commended Kaine for his efforts \_ the governor in 2006 used an executive order to ban smoking in all state buildings and vehicles \_ in a state where tobacco-leaf garlands adorn the rotunda ceiling in the Capitol, which is located just down the road from tobacco giant Philip Morris USA's headquarters.

Philip Morris spokesman Bill Phelps said restaurant owners, not the government, are most familiar with how to accommodate their patrons.

"We agree that people should be able to avoid being around secondhand smoke, especially in places where they must go ... but we maintain that complete bans go too far," Phelps said.

Del. Algie Howell, D-Norfolk, will sponsor Kaine's proposal in the House, and Sen.-elect Ralph Northam, D-Norfolk and a pediatric neurologist, will carry it in the Senate.

Del. David Englin, D-Alexandria, filed a bill last week that would allow localities to decide whether to ban smoking in restaurants.

Englin said he would love to see a statewide ban, but he wanted at the very least to allow communities to decide for themselves.

"I live in a community that has been trying to ban smoking in restaurants for a long time, but because of the way the state law works we don't have the power to do that, so at a minimum localities should be able to do that themselves," he said.

The General Assembly passed legislation last year that would have required restaurants that allow smoking to post a "Smoking Permitted" sign on the door, and in return they would no longer have to offer a nonsmoking section.

Kaine amended the bill to ban smoking in restaurants statewide. The House of Delegates voted 59-40 to reject the amendment, so Kaine vetoed the bill.