

REACTION MIXED OVER SMOKING BAN

A freshman senator from Norfolk will carry governor's plan to ban smoking in eateries and bars.

By Kimball Payne

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Gov. Timothy M. Kaine's push to ban smoking in restaurants and bars got a cloudy reaction Monday at Peninsula eateries.

Joshua Rodrigues and his wife won't take their grandchildren to eateries where the meal is served with the aroma of cigarettes, and the couple recently stopped going to one of their favorite haunts because the smoke outweighed the food.

"We are totally for the ban," Rodrigues said.

But at Goody's Deli and Pub in Hampton, manager Valerie Todd said she's against outlawing smoking because she doesn't like it when lawmakers start infringing on individual rights.

"Personally, I feel like it's getting out of hand," Todd said. "It's almost like Prohibition."

So it went after Kaine resumed his push to have smoking banned in all Virginia bars and restaurants. Kaine rewrote a bill last year in an effort to halt smoking, but lawmakers in the House of Delegates rejected the legislation by a 59 - 40 margin.

Kaine said he was encouraged because the ban didn't lose by a larger vote in a statehouse that has pictures of tobacco leaves on the ceilings and in a state where tobacco behemoth Phillip Morris USA is a major employer and campaign donor.

"I was pleasantly surprised last year," Kaine said Monday to a packed house inside the Hot Tuna Bar & Grill in Virginia Beach. "If you're not persistent in this life, you won't accomplish anything."

The major change in this year's legislation, Kaine said, is that it allows restaurant and bar owners to establish outdoor smoking areas on patios and decks.

Kaine said he made the announcement in Virginia Beach because of recent efforts by city councils and county boards to ban smoking in Hampton Roads communities. Newport News officials voted in early December to ask for the General Assembly's permission to ban smoking and Virginia Beach and Norfolk have both voted to ban smoking in bars.

Officials in Suffolk, Williamsburg and Chesapeake have also discussed banning smoking in restaurants, but the York County Board of Supervisors decided in mid-December not to ask lawmakers for a ban.

Kaine said he chose Hot Tuna because the bar is among the hundreds of restaurants across the state that have opted to ban smoking without a state mandate. Kaine said 28 states have banned smoking in restaurants and his initiative quickly picked up support from the American Lung Association, American Cancer Society and the American Heart Association.

A spokesman for Phillip Morris said the company agrees that people should be able to avoid smoke in places where they have to go, but that businesses shouldn't be forced into the decision.

"We think that complete bans go too far," Bill Phelps said. "Bar and restaurant owners should have the flexibility to determine their own smoking policy."

Hampton businessman Carlyle Bland was at Hot Tuna to support the governor's announcement. Bland owns Marker 20 in downtown Hampton and he backed Kaine's effort last year just as he was quitting his own 20-year smoking habit. Bland is still smoke-free, and he says he is behind a statewide ban because it would keep the playing field level.

"I have people who say right now that they don't come in because I allow smoking," Bland said. "But if I banned smoking on my own I'd lose a whole chunk of business right down the street."

On Monday, Kaine was flanked by Sen.-elect Ralph Northam, D-Norfolk, who is sponsoring Kaine's bill. Northam, a pediatric neurologist, said that too often medical experts react to diseases and illnesses instead of trying to get out on the front end to prevent problems. Northam said he is expecting a vigorous debate.

"I really think it's time for the state to step in on this," Northam said. "I'm sure there will be some healthy discussions in the committees."

Fran Butterfoss is a professor at Eastern Virginia Medical School and the founder of the Consortium for Infant and Child Health, an advocacy group supporting the ban. Butterfoss said she understands that the ban faces an uphill battle but she is optimistic because the message is coming from the governor, local officials and bar owners who have taken the initiative on their own.

"This is a ground-up and top-down effort," Butterfoss said. "Those have the best chance of succeeding."

Let them know what you think

Want to tell the governor and your lawmaker what you think of the proposed ban? You can leave feedback at www.governor.virginia.gov/smokefreerestaurants