

PROPOSED SMOKING BAN DRAWS GOP IRE

By Jim Nolan

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Twenty-eight states have passed laws banning smoking in restaurants.

Virginia Gov. Timothy M. Kaine's effort to get a similar law passed in the legislative session that begins tomorrow is already igniting opposition among some House Republicans.

Kaine yesterday proposed a statewide ban on smoking in restaurants and dining establishments in public and private clubs.

"The scientific evidence on the health risks associated with exposure to secondhand smoke is clear and convincing," Kaine said outside an eatery in Virginia Beach.

"Recognizing the negative health effects and high public costs of secondhand smoke, Virginia must act to protect the workers and consumers in its restaurants."

Some House Republicans said the state should not dictate how a private business should be run and expressed concern that Kaine's proposed ban includes dining establishments in private clubs.

"The VFW in my district has a full-service restaurant," said Del. David B. Albo, R-Fairfax. "They have guys there who stormed the beaches of Okinawa. You gonna tell these guys they can't smoke in their own private club?"

Sen. Ralph S. Northam, D-Norfolk, a pediatrician and pediatric neurologist who will sponsor the bill in the Senate, joined Kaine yesterday in Virginia Beach.

"Every day we are learning more and more about the ill effects of secondhand smoke," Northam said.

"We all need to step up to the plate and on a state level do the right thing."

A statewide ban would be a seismic change in Virginia. Tobacco is so intertwined with its heritage that tobacco leaves are enshrined in the state seal.

While U.S. smoking is in decline, big tobacco remains a big player in the state. Philip Morris is headquartered just outside of Richmond.

Kaine's bid for a ban passed the state Senate in 2006, but failed in the House of Delegates. In October 2006, he signed an executive order banning smoking in all state buildings and vehicles.

Last year, the General Assembly passed legislation 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.

When 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.

This year Kaine has two new factors in his favor -- a Democratically controlled state Senate, and a groundswell by governments in Virginia Beach, Norfolk, Newport News, Arlington County and Alexandria to ban smoking in restaurants.

Kaine's new legislation clarifies the definition of a restaurant for purposes of the smoking ban. It refers to any food establishment including dining establishments of public and private clubs where food is available for sale and consumption by the public, and includes the areas of a restaurant where food is prepared, served or consumed.

Exterior dining areas would be excluded from the ban, unless the exterior area can be enclosed. Catered receptions also would be exempted.

Newly elected Del. G. Manoli Loupassi, R-Richmond, said his family's restaurant decided to go smoke-free on its own several years ago.

It's a "freedom of choice" decision that should be left to the private sector and the general public, without "the long arm of the government interfering," Loupassi said.

House Majority Leader H. Morgan Griffith, R-Salem, who pushed last year's vetoed House bill, said yesterday that he would have to "see the language" of a final bill before determining whether such legislation had a chance to be adopted by the Republican-controlled House.

"I am somewhat concerned about the private clubs," he said. "If someone wants to start the 'Smoking Club of Roanoke Valley' they should be allowed to smoke."

Albo said he would have liked to have seen legislation that suggested more compromise than a flat ban, such as allowing smoking in the bar of a restaurant but not in the dining room.

One key House Republican, Del. Phillip A. Hamilton of Newport News, chairman of the Committee on Health, Welfare and Institutions, says a smoking ban is the right thing to do from a public policy standpoint.

He said he will introduce a broader ban on where smoking should be prohibited.

"I'm not going to pass judgment on anyone who smokes," said Hamilton. "There is evidence and science out there that indicates the negative effects of secondhand smoke," added Hamilton, who was among the 40 delegates who supported last year's defeated bill.

"I don't have any great illusions that I'll have more success this year," Hamilton said. "But I don't put in legislation because I think it will pass. I believe the science . . . The public health considerations override other considerations."