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Thursday, January 22, 2009

Efforts to limit smoking ignite

The state assembly will be asked to weigh bills that push tax increases or location restrictions.

By [Mason Adams](#)

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RICHMOND -- It's one of the rare times a roomful of Virginians have applauded a proposed tax increase.

For 150 people who visited the Library of Virginia on Wednesday to rally for bills to ban smoking in restaurants and other places, David Englin's pitch to raise the cigarette tax by 89 cents per pack was a breath of fresh air.

The bill by Englin, D-Alexandria, would raise the tax on a pack of cigarettes from 30 cents per pack to \$1.19 -- 59 cents more than what Gov. Tim Kaine has proposed.

It's one of at least 15 bills filed in the General Assembly this year that, if passed, would hit smokers in the pocketbook or restrict the number of places they can light up.

Englin's tax bill likely won't be passed -- Republicans and even Democrats from tobacco-producing areas have said they'll vote against Kaine's more modest cigarette tax increase -- but it does reflect the increasing number of lawmakers willing to take on an industry that's one of Virginia's most powerful and historic.

Anti-smoking legislation has been filed for years but received an extra boost in 2006 when then-Sen. Brandon Bell of Roanoke County successfully shepherded a ban on indoor smoking in public places through the Senate.

Bell's bill, however, was killed in a House General Laws subcommittee after opponents argued that government intervention is unnecessary because the free market is already pushing restaurants to go smoke-free.

Still, Bell's temporary success sparked a swell of publicity and activity from an anti-smoking lobby spearheaded by a coalition of health groups called Virginians for a Healthy Future, and lawmakers have in the past few years filed a slew of bills that seek to either ban smoking from all indoor areas open to the public, ban smoking from restaurants or give the governing bodies of localities the option to ban smoking themselves.

All were killed in the same subcommittee.

So what makes these activists think this year will be any different?

They're hoping that public opinion will sway lawmakers, citing a poll conducted this month by the Mellman Group showing that three-quarters of Virginians favor a statewide law to ban smoking in public places.

"The good news is that this is hugely popular with the people of Virginia," said Englin as he gave anti-smoking activists advice on how best to persuade lawmakers. "The legislators standing in the way are going to get bowled over by the will of the people."

Too, those behind Virginians for a Healthy Future think that Kaine's support for a smoking ban will work in their favor. In 2006 he issued an executive order to ban smoking in state-owned buildings, and the following year he tinkered with a General Assembly-passed smoking bill to make it a restaurant ban.

"Obviously the governor is very supportive of this effort," said Keenan Caldwell, director of government relations for the American Cancer Society. "There's probably a lot more pressure put on the House to do something."

Caldwell and his allies are also banking that new House General Laws Committee chairman Del. Chris Jones, R-Suffolk, will ensure the bills get heard in the full 21-member committee, rather than just a subcommittee of six.

But Jones committed only to making sure each bill gets "a full and a fair public hearing."

When asked if a full and fair public hearing could take place in a subcommittee, Jones said yes, pointing to rule changes in the House this year that mean subcommittee votes will be recorded, which they haven't been the past few years.

Jones said he personally supports "further restrictions on smoking in restaurants," but he declined to endorse any particular piece of legislation.

"We'll wait and see all the bills that will be introduced by Friday, and we'll see what is referred to the committee for action," Jones said.

Legislators have introduced a number of potential restrictions on smoking.

Most are patterned on past bills, seeking to ban smoking from all indoor public areas, including restaurants and workplaces; ban smoking from only restaurants and bars; or allow localities to pass their own smoking bans.

At least three bills take different approaches, however.

Senate Bill 1382 would allow smoking only in "designated bar areas" of restaurants with ABC licenses built before July 1, 2009. It would also allow smoking in restaurants that allow those only 18 years and older, and it offers exemptions for cigar bars, private clubs and a few other places.

House Bill 1703 would require new restaurants to prohibit smoking unless they provide a separately ventilated smoking room. It would also require consent from employees to work in such a smoking room.

House Bill 2483 would prohibit minors from any restaurant that allows smoking.

Those three bills are all opposed by Virginians for a Healthy Future and its affiliated organizations.

Another bill, Senate Bill 1106, which would make it unlawful to smoke in a motor vehicle in which a minor is present, is set to be considered in a Senate committee today.

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