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## Va. Deal Beefs Up Smoking Measure

Kaine Negotiates With GOP Leader

By Tim Craig

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RICHMOND, Feb. 13 -- Virginia Gov. Timothy M. Kaine and House Speaker William J. Howell believe they have defused legislative efforts to dramatically weaken their plan to ban smoking in most bars and restaurants, according to legislative sources.

At a meeting Friday, Kaine (D) sat down with House and Senate leaders to restore elements of his smoking ban proposal so that it includes most bars, in addition to restaurants. In keeping with the initial compromise between Kaine and Howell, smoking would be allowed in enclosed rooms that are ventilated with fresh air from the outside, the sources said.

This latest agreement, which needs final approval by the General Assembly, is another sign that the state's two most powerful leaders have committed to enacting a law that protects workers and patrons from the risks of secondhand smoke.

On Feb. 5, Howell (R-Stafford) and Kaine said they had agreed on a smoking ban in all indoor bars and restaurants, but smoking would be permitted in private clubs. Public establishments would be given the chance to construct enclosed, ventilated smoking rooms for patrons.

But when the bill came up before the Republican-controlled House of Delegates last week, lawmakers amended the bill to allow smoking in rooms separated by doors, even if there is no separate ventilation system.

They also carved out exceptions allowing smoking in outdoor patio areas; at restaurants during private functions when the function takes up the entire restaurant; and at clubs or bars at times when under-age patrons are not admitted. They also delayed implementation of the bill until Jan. 1.

The House amendments occurred over the objections of Howell, demonstrating the continued influence of Richmond-based Philip Morris, one of the world's largest tobacco companies.

Kaine and anti-smoking advocates blasted the House effort to weaken the bill, noting it would allow smoking in most bars because they typically do not admit minors. Anti-smoking advocates also said the House amendments would subject employees to smoke-filled rooms -- negating one of the bill's chief objectives.

Sources say the latest agreement, which will be announced Monday, removes most of the House amendments. Smoking would be permitted in private clubs but not in restaurants that hold private functions. The ban would apply to bars, regardless of whether minors are admitted. The patio exception, however, will remain. Legislators have to agree on what constitutes an outdoor patio, according to sources.

Gordon Hickey, a Kaine spokesman, declined to comment except to confirm that the governor met with

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several legislators at his office Friday to discuss the issue.

"We're making progress," he said. "We're moving forward."

Del. S. Chris Jones (R-Suffolk), chairman of the House General Laws Committee, who helped Howell craft the initial deal with Kaine, also declined to comment on the meeting. But Jones said he believes the new agreement can be approved by the full House.

"I feel there will be enough support for a bill that will pass both chambers," Jones said.

Del. Terry G. Kilgore (R-Scott), who wrote many of the amendments added to the House measure, predicted a fierce floor fight.

"We'll have to see it if they have the votes," Kilgore said. "I guess they are willing to roll the dice."

*Staff writer Anita Kumar contributed to this report.*

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