

KAINE TO TRY AGAIN TO PASS SMOKING BAN

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Virginia Gov. Timothy M. Kaine said yesterday that he will renew his push for a ban on smoking in bars and restaurants, a proposal that faces a stiff challenge in a state with a powerful tobacco lobby.

Speaking at a restaurant in Virginia Beach, Kaine (D) said he will introduce legislation during the session, which begins tomorrow, that would prohibit smoking in indoor establishments that serve food -- including private clubs.

"We all know the scientific evidence of the health risks of secondhand smoke is very clear," said Kaine, who added that the Virginia Department of Health estimates that secondhand smoke is responsible for 1,700 deaths in the state each year.

"This is about the health of restaurant patrons, but some of them can have a choice to go to another restaurant. But hundreds of thousands of Virginians' livelihoods depend on working in a bar and restaurant, and they don't have a choice," the governor said.

Other lawmakers are expected to introduce proposals for even tougher bans when the General Assembly convenes for a 60-day session to consider hundreds of bills and approve a two-year budget.

If the smoking ban is approved, Virginia would join the District and more than 20 states, including Maryland, that in recent years have prohibited smoking in public spaces because of health concerns.

The legislation in Virginia, as in some other states, is aimed in large part at protecting the health of restaurant workers, who are exposed to higher levels of smoke than people in homes or offices, studies show. But opponents say Kaine is unfairly singling out restaurants, most of which have banned smoking voluntarily.

Last spring, a similar effort by Kaine failed in the General Assembly. It was rejected primarily because of confusion over whether smoking would be allowed in outdoor spaces, said Gordon Hickey, a spokesman for Kaine's office. This year, Hickey said, Kaine clarified the proposal to apply only to indoor spaces.

"That was the biggest bone of contention," Hickey said. "Now that that's been cleared up, it has a very good chance."

In addition, awareness of the dangers of secondhand smoke is rising worldwide, said Cathleen Smith Grzesiek, Virginia director of public policy for the American Heart Association. The organization advocates a tougher prohibition that would apply to all public workplaces.

"The momentum is definitely building," she said. "As more and more states go smoke-free and more and more countries go smoke-free, people are seeing it as an important step in protecting public health."

Several GOP delegates and restaurant industry lobbyists, however, said Kaine's proposal still faces considerable obstacles.

The ban is opposed by many legislators from areas where tobacco farming and cigarette manufacturing were historically a major source of jobs, said Tom Lisk, a lawyer. Lisk represents the Virginia Hospitality and Travel Association and the Virginia Retail Merchants Association, two of the ban's leading opponents.

The proposal also has skeptics among those who frown on excessive government intervention, he said. Two-thirds of the state's restaurants already ban smoking, a fact that is resonating with conservative lawmakers in the House of Delegates, where the ban failed last year despite passing the Senate.

"Some legislators are saying, Why should government step in if so many restaurants are voluntarily going smoke-free?" Lisk said. "I think it's going to be a close battle in the House."

Polls show strong support for a smoking ban, especially in Democratic-leaning Northern Virginia. But the issue was largely overshadowed during the fall's state legislative contests.