

KAINE EYES BAN ON SMOKING IN EATERIES

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Virginia Gov. Tim Kaine said Tuesday he will try once again to ban smoking in state restaurants during this year's legislative session, an effort that has failed during previous years of his term.

"In my discussions with legislators of both parties, and especially with the public, I see that the momentum for this bill is really moving the right way," Mr. Kaine, a Democrat, said inside the Liberty Tavern, a smoke-free establishment on Wilson Boulevard, in Arlington.

Mr. Kaine's smoking cessation efforts continue a trend he started since taking office in 2006, when he signed an executive order banning smoking in state buildings and vehicles.

In 2007, lawmakers passed a bill that would have required restaurants that allow smoking to post a "Smoking Permitted" sign at the entrance. Mr. Kaine amended the bill to simply ban smoking in restaurants statewide, and the Republican-controlled House rejected his changes.

A House subcommittee last year also served as the burial ground for an attempt to ban smoking in restaurants.

Mr. Kaine's legislation will be primarily sponsored by Delegate David L. Englin, Alexandria Democrat, and Sen. Ralph S. Northam, Norfolk Democrat. The bill would ban smoking in restaurants and bars, including dining areas in public and private clubs.

The legislation also changes the definition of a restaurant to any food establishment in which food is available for sale and public consumption and includes areas where food is prepared, served or consumed. It excludes exterior dining areas unless the spots can be enclosed.

Mr. Kaine said House lawmakers' plans to take recorded votes in subcommittees - which he said will make them more accountable to the public - bodes well for his bill's chances, along with the Senate's passage of a smoking ban last year.

Thirty states and the District had smoke-free laws affecting restaurants as of June 2008, according to the National Conference of State Legislatures. The District's ban took effect two years ago, while Maryland enacted its law last year.

"I think it is time and maybe even past time for Virginia to join those states," Mr. Kaine said.

The proposal is again likely to face opposition. For one thing, tobacco giant Phillip Morris USA has its corporate headquarters in Richmond. Bill Phelps, a spokesman for Altria Group - the parent company of Phillip Morris - said the company is against the ban.

"We think that every restaurant is unique and a complete ban on smoking that treats every restaurant the same way doesn't make sense," Mr. Phelps said.

Delegate David B. Albo - Fairfax Republican and a member of the subcommittee that has killed smoking curbs in the past - also said he still objects to banning smoking in places that include private clubs and cigar bars.

"They don't even want to compromise," he said. "This is all about politics."

Delegate H. Morgan Griffith, Salem Republican and House Majority Leader, said he had not seen Mr. Kaine's proposal but noted the previous smoking-ban legislation never made it to the floor of his chamber last year. A similar measure this year likely would have the same result, he said.

"If it's the same bill that he put in last year, why would you expect a different result?" Mr. Griffith asked. "The body has not changed that much."

Tom Zapf, chairman of the Virginia Retail Merchants Association, characterized his group as neutral to the proposal. But he said he has concerns about passing a smoking ban during tough economic times.

"Now is not the time to be passing any legislation that is going to cause a single customer not to patronize your organization," Mr. Zapf said. "Right now everybody is scratching for every dollar so they can stay afloat."

Mr. Kaine, who was backed by state and county lawmakers when announcing his proposal Tuesday, said his bill won't be the only smoking-related one to be introduced after the 2009 General Assembly session begins Jan. 14. He expects some measures to come from Republicans.

The governor's ban also is the second measure from him that will come up this session and have an impact the tobacco industry. Mr. Kaine last month announced he will seek a 30-cent increase in Virginia's cigarette tax to help close a projected \$3 billion budget shortfall.