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WISCONSIN STATE
LEGISLATURE ...
PUBLIC HEARING
COMMITTEE RECORDS

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

Committee on
Public Health, Senior
Issues, Long Term
Care and Privacy

(SC-PHSILTCP)

(FORM UPDATED: 07/02/2010)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL ...

- Appointments ... **Appt**
 - ☞ **Name:**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
 - (**ab** = Assembly Bill)
 - (**ar** = Assm. Resolution) (**ajr** = Assm. Joint Resolution)
 - (**sb** = Senate Bill)
 - (**sr** = Sen. Resolution) (**sjr** = Sen. Joint Resolution)
- Miscellaneous ... **Misc**
 - ☞ **Details:**

2007 SB 150

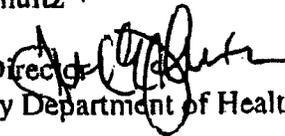
Dated Multi-Page Testimonies
(May 21-31, 2007)



St. Croix County Health and Human Services

MEMORANDUM

TO: Members of the Committee on Public Health,
Senior Issues, Long Term Care and Privacy
Senator Spencer Coggs
Senator Robert Cowles
Senator Tim Carpenter
Senator Pat Krietlow
Senator Dale Schultz

FROM: Fred Johnson, Director 
St. Croix County Department of Health and Human Services

DATE: May 21, 2007

RE: 2007 Senate Bill 150

The St. Croix County Health and Human Services Board met on May 16, 2007 and discussed the above noted Senate Bill. The committee passed a motion which indicates they support Senate Bill 150, also known as Breathe Free Wisconsin Act, with the following considerations:

- Support a uniform Wisconsin Statute change to ban smoking to include all indoor places but to exclude private passenger vehicles and any private residences.
- Smoking ban to exclude outdoor areas except as currently defined in Statute.
- That fines and penalties should not be increased.

Please contact me at 715/246-8223 if you have any questions.

CC:

Senator Fred Risser
Senator Alberta Darling
Representative Jon Richards
Representative Frank Boyle
Representative Spencer Black
Representative Alvin Ott
Representative Sheldon Wasserman
Representative Sandy Pope-Roberts
Senator Carol Roessler
Representative John Murtha
Governor Jim Doyle

Senator Mark Miller
Representative Steve Wieckert
Representative Mark Gottlieb
Representative Joseph Parisi
Representative Chuck Benedict
Representative Terese Berceau
Representative Leon Young
Representative Barbara Toles
Senator Sheila Harsdorf
Representative Ann Hraychuck
Representative Kitty Rhoades

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**RESOLUTION TO REDUCE YOUTH SMOKING AND SUSTAIN FUNDING FOR
WISCONSIN'S COMPREHENSIVE TOBACCO CONTROL PROGRAM**

Resolution No. 12(2007)

St. Croix County, Wisconsin

WHEREAS, every year over 16,400 Wisconsin children become addicted to tobacco, of whom more than one-third will die prematurely because of this addiction; and

WHEREAS, significantly increasing Wisconsin's excise tax on cigarettes would drastically reduce the number of children who become addicted to tobacco, save over a billion dollars in health care costs, and provide hundreds of millions of dollars per year in additional state revenues; and

WHEREAS, the St. Croix County Health and Human Services Board passed a similar resolution entitled "Wisconsin Children's Initiative - Resolution to Reduce Youth Smoking" dated May 13, 2005; and

WHEREAS, fully funding the State's Tobacco Prevention and Control Program would effectively reduce smoking rates through public education efforts, counter-marketing, community and school-based programs, and provide services to help persons quit smoking; and,

WHEREAS, tobacco used in St. Croix County costs \$51 million in health care costs and loss productivity.

THEREFORE, BE IT RESOLVED that, in an effort to effectively reduce the number of Wisconsin children who become addicted to tobacco, the St. Croix County Board of Supervisors supports:

1. Increasing the Wisconsin excise tax on cigarettes by at least \$1.25 per pack with the revenue generated being directed to fund the Medical Assistance Program and Wisconsin's Tobacco Prevention and Control Program.
2. In order to most effectively reduce the burden of tobacco, assuring that Wisconsin's comprehensive Tobacco Prevention and Control Program is funded at \$31 million per year, which is equal to the Centers for Disease Control minimum funding recommendation.

STATE OF WISCONSIN
COUNTY OF ST. CROIX

I, Cindy Campbell, St. Croix
County Clerk, DO HEREBY CERTIFY that
the foregoing is a true and correct copy of
Resolution # 12(2007)
adopted by the County Board of Supervisors
at their meeting held May 15, 2007
Cindy Campbell / A.G.
Cindy Campbell, County Clerk



27536 State Hwy 27
Holcombe, WI 54745

Senator Pat Kreitlow & SB 150 Committee Members
State Capitol, Room 104, South
P.O. Box 7882
Madison, WI 53707

May 26, 2007

Dear Senator Kreitlow & Committee Members,

I am writing to encourage this committee to support Senate Bill 150 which would require all worksites to be tobacco-free. I hope that you each will consider the medical evidence and understand that this is one of the worst illnesses/diseases that our state and country faces. We have spent billions of dollars preparing for emergency preparedness, pandemic influenzas and worrying about the Avian flu, mumps and other communicable diseases. However, this state and the United States continue to ignore the pandemic of tobacco-related illness that affects our communities causing disease and death.

Each of you is sitting with one of the most important decisions you will make that will significantly impact the health of your Wisconsin Constituents. My 13 ½ year old daughter asks "Why would they vote against this; to have people die from tobacco and secondhand smoke?" This addiction kills more people than AIDS, drugs, motor vehicle accidents, alcohol, murders and suicide combined.

Tobacco companies spend over **\$1 million dollars an hour** to target vulnerable populations to smoke, get addicted, and remain addicted to die prematurely from health related illnesses. Tobacco companies continue to throw smoke screens toward policy makers by saying ventilation helps and that government shouldn't be involved in businesses. Well, we have public health laws that govern the safety and protect the health of people in many businesses including food safety, communicable disease control and pool inspections to name a few. We also have building codes, fires codes and electrical codes these private businesses must conform to. These are all safety measures or should they have the right to not have their building wired safely or not have fire safety alarms or appropriate exits? Isn't that a private business decision? It is no different when you look at the safety of people who are working in smoke-filled environments. Workers have a right to be employed in a safe environment rather than being exposed to a Class A Carcinogen. (This is the most dangerous level that a cancer causing agent can be classified!) Their lungs are exposed to one of the most deadliest cancer forming agents, tobacco smoke.

It is a little ironic also that the business / tavern owner saying that government doesn't have any business telling them they need to have clean indoor air, but expects to have affordable health insurance and coverage for themselves and family are not recognizing that tobacco is a drug addiction and significantly impacts the cost of health care. A pack

of cigarettes is like 200 hits of an addictive drug. The pathophysiology involved with nicotine is the same as what is found in any type of drug addiction and dependency. The millions of dollars that are spent treating tobacco-related illnesses is devastating to our health system in regard to the costs of affordable health care. If you are serious about health care, you have to be serious about making our workplaces tobacco-free.

Tobacco companies hired white coat scientists to provide inconclusive data and inaccurate research in reports to raise issues such as a "right to smoke." There is not constitutional amendment that it is a right for anyone to smoke and harm the health of someone else. We should have universal health coverage, but our most significantly addicted patients are those who do not have adequate health insurance to treat tobacco-related illnesses/addictions and they are the ones who tobacco companies will target and keep addicted by fighting clean indoor air initiatives. These clean indoor initiatives help to change the social norm to identify that this behavior/addiction is unhealthy and provides an opportunity for people to quit and/or decrease their use of tobacco.

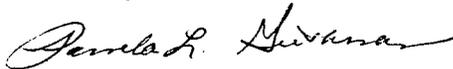
I am from a small rural township called Lake Holcombe. We need the clean indoor air state statute to cover all restaurants, bars, bowling alleys because families often bring their kids in bar/restaurant combinations. One of our family gatherings was at a local bar/restaurant combination for my sister-in-law (my husband and son did not attend and I went for 10 minutes because they have asthma), but during that time, there was a 6 month pregnant woman who didn't want to leave the family gathering for fear of being rude, but also was worried about the secondhand tobacco exposure to her unborn child and to herself. A study a few years ago documents the metabolite cotinine (from nicotine) in the urine of babies who are in homes where there are smokers. Our pregnant women have the right to be able to walk into worksites and indoor recreational sites without having to choose between being ousted from family functions versus the health of their unborn child and themselves, don't they?

Although taverns will say that they will lose business and how awful that government steps in for the health of the public, the reality is that tobacco addicts and it kills. Over 75% of the adult population does not smoke. Of the slightly less than 25% of adults that smoke, over 70% of them wish they could quit. If you are truly interested in health care and the costs of health care, you need to know that \$2.02 billion is spent in annual health care costs in Wisconsin directly. We lose \$1.64 billion in productivity losses due to smoking in Wisconsin while the tobacco company spends \$15.4 billion in marketing nationwide with \$298.2 million spent in Wisconsin alone. What a difference that would make if public health and tobacco-free initiatives had funding to even combat their advertising and treat medical conditions.

I recently returned from Appleton, WI and would like to tell you how nice it was to be able to go into a tavern and have a drink without secondhand smoke. The people I was with told me that an area tavern owner who fought against their tobacco ban, now has had to open a second tavern due to the increase in business he has with the worksites going tobacco-free. Again, the tobacco companies blew out of proportion that many of our local pubs would go out of business with a tobacco-ban.

I request that you spend some time researching reputable websites that have accurate information for you to reference. I would especially implore you to take some time in reading some of the testimony that was provided during the Tobacco Settlement when tobacco executives' testimonies and documents were produced indicating they knowingly target our young with sweet flavored tobacco products to appeal and addict our teens and how clean indoor air initiatives will decrease their sales revenues. One of the tobacco companies was quoted "We don't smoke that crap. We reserve that for the young, the black, the poor and the stupid." If that doesn't make you outraged, I don't know what else will. The fact that they knowingly addict the young, target minorities, hook the lower-income person and pin point our less educated populations, speaks to every single concept that as an elected public official it is your duty to support legislation that makes our state a more healthier place and to show accountability for the millions of health care dollars spent in this state alone treating tobacco-related illnesses. Some of the websites I would encourage you to look at include: www.tobaccofreekids.org, www.smokefreewi.org, www.cdc.gov/tobacco, www.tobaccofreenurses.org, www.wisconsinmedicalsociety.org, www.ctri.wisc.edu, www.lungusa.org. If you have any questions or concerns, feel free to contact me. Thank you for your time and consideration and I am looking forward to seeing each of you to support the SB 150 as it is currently stated. There is no need to delay taverns instituting such a public health safety measure by granting them extra time to conform.

Sincerely,



Pamela L. Guthman



May 30, 2007

SB 150 ?

Freedom = ability to choose

Choice = business owners & Wisconsin consumers

Economics = no sales = no revenue

I am John Cummins the owner of Jack's Tobacco, the president of the Milwaukee Cigar Society and a member of the newly formed Cigar Store Alliance of WI.

I have been in business for 15 years; I run a small retail cigar store which consists of cigars, cigarettes, chew, snuff, pipe tobacco, ryo tobacco and tobacco related accessories. I have had to make many decisions in my years in business, some have been good, and others have been bad. But, that being said good or bad, as the owner they are my decisions because they were my choice. I am opposed to the proposed statewide smoking ban. I feel as the owner of a small retail cigar shop and a member of the CSAW alliance that we are all in a small group of businesses that are geared towards and promote smoking and the enjoyment that people get from it. The smoking ban would have a great impact on my business in a very bad way. I would have a tough time staying open because half of my store is allocated towards a smoking lounge and no one would be able to use it, not even myself. I would have to close the lounge and maybe the entire shop, and with that I would lose my livelihood and the government of WI would lose the revenue I pay on a regular basis.

I have worked very many long hours to stay in business through the good times and the bad and I have a difficult time having the government of WI telling me whether I can or cannot smoke in my own business. My business is tobacco! How can the state rightly take away my choice as a privately owned business? In taking away that choice from me you also take it away from any individual that chooses to smoke in my shop. My store is open to any individual that is 18 or older who makes the decision to come in and buy tobacco products and knows that there will be smoking inside. The lounge half of my business is clearly marked and anyone over 18 has the choice outside whether to come in or not. I believe that is the way it should be. If they don't like the smoke they don't have to stay. My customers are the ones who generate the sales which generate the revenue that I in turn pay to you. My customers make the decision to come in, buy tobacco products and support me. The individual

consumer in WI should not be told that they have no choice. If the action is legal and they are of legal age isn't that their choice, and likewise the action of any other adult to make the choice not to.

The small business owners in WI should be the ones making the decisions regarding a smoking policy in their business. So if I make the decision to allow smoking my customers upon entering the store can then make their own decision whether they want to stay or not. The easiest way to accomplish this it would seem is for each business owner to have a sign, either smoker friendly or smoke free, right out front of their business. So when an adult comes to the door there will be no question about the smoking policy. They can decide for themselves as an adult to enter or not. I currently have a sign clearly placed on the front of my business just as businesses don't allow smoking, my sign says, "**we have made no provisions for non-smokers.**" How much easier can it be than that?

I hope you will consider my thoughts and opinions as this issue greatly affects me and the future of my business. I would hate to see the state of WI be able to take away my choice and the choice of the WI consumer. I would also like to take this opportunity to issue an invitation to meet any or all of you in person at your convenience. I would love to have the chance to express my position in greater detail and have you understand the passion I have about the business I am in. I as a representative of the CSAW and a registered voter and taxpayer, I would appreciate the time to talk to each and everyone of you.

Fighting for survival,



John Cummens
Jack's Tobacco
13640 W. Capitol Dr.
Brookfield, WI 53005
262-783-7473
Fax: 262-783-6480
Email; jacksmcs@sbcglobal.net
Website; jackstobaccowi.com
CSAW; CSAWI.org



SB150?

May 31, 2007

Honored Members of the Senate Public Health, Senior Issues, Long Term Care, and Privacy Committee:

Cooks, chefs, waiters, waitresses, busboys and busgirls, and bartenders have some of the worst exposure to toxins at their jobs – and it all comes from secondhand smoke. I'm here today to discuss with you an indoor air quality study that was conducted this year by seven counties in northern and central Wisconsin in partnership with the UW- Comprehensive Cancer Center. The study was designed to measure the indoor air quality inside:

- Smoking and non-smoking bars,
- Restaurants,
- supper clubs,
- bowling alleys and pool halls

After testing 92 establishments, it was found that the average level of fine particle indoor air pollution was 12 times higher in places that allowed smoking compared to places that were smoke-free and in comparison to rush hour traffic in Wausau.

The employees that work in these northern and central Wisconsin establishments that allow smoking have annual exposures to fine particle air pollution more than 2 times higher than safe annual levels established by the U.S. Environmental Protection Agency. This study also showed that the employees that work the busiest days and hours have the highest exposure.

I know that some special interests want to exempt bars from a statewide law. Our study demonstrated that bars, bowling alleys, and restaurants with bars, that allow smoking, had the highest amount of air pollution. The most dangerous workplace in this study was a bar in Iron County that had 67 times the pollution of facilities where no smoking was observed (736 micrograms per cubic meter). The owner of that establishment claimed that his ventilation system was taking care of the smoke. No one should be exposed to that level of indoor air pollution at work!

This is a health issue and decisions need to be made on that basis. If we're looking to protect the health of workers and citizens from the health effects of secondhand smoke, why would we consider exempting bars when they clearly have the highest levels of indoor air pollution caused from smoking?

This study confirms what numerous national studies have already shown; the air inside places that allow smoking is toxic to workers and the public. A comprehensive 100% smoke-free policy is the only way to protect all workers.

As I'm sure you're aware, the overwhelming majority of the hospitality industry recognizes the harm of secondhand smoke to their employees and the public- they support a comprehensive 100% smoke free ban. Now is the time for Wisconsin to move ahead to

provide clean air for all workers; bartenders and waiters/waitresses should no longer be looked at as exceptions to a healthy work environment.

For a complete report of the Indoor Air Quality study visit:
<http://www.tobwis.org/uploads/media/AirQualityStudy04-07.pdf>

Thank you,

Bobbi Bradley
3908 Lorraine Street
Stevens Point, WI 54481
(715) 544-0187



May 31, 2007

Dear Honorable Member of the Senate Public Health Committee,

As I cannot be with you personally at this hearing today, I am leaving this written statement via a colleague because I feel so passionately about smoke-free air.

Please vote YES on SB150 which proposes a Wisconsin state-wide ban on smoking in public places. I am a family practice physician in the Milwaukee area, and I can't tell you strongly enough how secondhand smoke affects both my patients and my family.

I have a patient with asthma, let's call her Jane. Jane works in a bar in the Milwaukee area, and because she is a student putting herself through school, she needs to make the maximum money for the least amount of flexible work hours. Working in a bar provides her with both, but with one BIG CATCH. For her 6-8 hour shift, she must inhale large quantities of secondhand smoke. Jane's health is being affected in several ways. First of all, a worker who spends 8 hours in a smoke-filled room is exposed to the same amount of carcinogens as actively smoking one pack of cigarettes. Second, Jane's asthma is much worse after inhaling all of that smoke, and she has to be on expensive extra asthma medicines that she would not have to be on were she working in a smoke-free bar. And, when she gets a respiratory infection, forget it-she is out of work for a week until her lungs can calm down sufficiently to tolerate the added irritant of secondhand smoke.

My family enjoys going out to restaurants, some with bars, in the greater Milwaukee area. My husband and I have started to walk out of smoke-filled bars and restaurants. If my children are with me, I ask them to hold their breath until we are outside again. My two sons both have asthma, and the smoke really bothers their asthma. The CDC has issued a warning that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking. I don't know the state of my coronary arteries, do you? Why risk it?

We would go out MORE OFTEN if we did not have to face the secondhand smoke. Profits in bars and restaurants in smoke-free New York City have actually GONE UP since NYC became smoke-free. And forget no smoking sections and ventilation systems-they don't work. As the "Helena Hear Study" co-author Dr. Richard Sargent likes to say, "It's like swimming in the non-peeing section of the pool. Would you really want to?"

There are now reams of scientific evidence that back up my stories. The Surgeon General's report released in June 2006, The Health Consequences of Involuntary Exposure to Tobacco Smoke, demonstrated through scientific evidence that no amount of secondhand smoke is safe, and the only way to protect nonsmokers from secondhand smoke is to ensure smoke free indoor spaces. In addition, in 2005 the American Society of Heating, Refrigerating and Air Conditioning Engineers stated in a position paper that no ventilation system can adequately clean the air of secondhand smoke in order to protect non-smokers, and the ONLY way to eliminate the ill effects of secondhand smoke is to make indoor areas 100% smoke-free.

Senators, the public is with you on this ban. Polls have shown that two thirds of Wisconsin voters are in favor of the ban. PLEASE DO NOT let a very loud minority of bar and tavern owners fueled by money and scare tactics from the tobacco industry influence your decision on this crucial issue.

Please vote to APPROVE SB150 and send it to the full Senate for their approval as well.

These words come from the bottom of my heart,
Thank you for your attention.



Barbara Moser, MD
5365 N. Lake Drive
Whitefish Bay, WI 53217
Home: 414-332-4744
barbaramwfb@aol.com



 **MINISTRY HEALTH CARE**

**Testimony of Joe Rohling
In Support of Senate Bill 150
Thursday, May 31, 2007**

**Senate Committee on Public Health, Senior Issues, Long-term Care and
Privacy**

Good afternoon, Chairman Carpenter and members of the Committee. It is a pleasure to be with you today, and I thank you for giving me the opportunity to testify in support of Senate Bill 150.

My name is Joe Rohling, and I am the Manager for Respiratory Therapy Services at Saint Clare's Hospital in Weston which is part of the Ministry Health Care system.

In my daily role as a Respiratory Therapy Manager, my duties not only include management but also direct patient care. My career spans over 26 years which started right here in Madison at the University of Wisconsin Hospital and Clinics. Over this time I have seen firsthand the deadly effects caused by smoking, including its effects on nonsmokers. Disease from smoking is insidious as it sneaks up on a person. The damage is not detected until it is too late. Over 53,000 people die per year from second-hand smoke. This is like having 176 jumbo jets with 300 passengers crash each year. It's time for Wisconsin to adopt statewide smoke-free legislation.

In my profession, we witness the ill effects of cigarettes on those who chose to smoke and those who are exposed involuntarily. While people don't choose to become sick, they **do** choose to smoke. And when they smoke, they cost **all** of us in healthcare dollars.

According to Ministry Health Care OB-Gyn Dr. Dorothy Skye, *"For my pregnant patients who smoked there were sometimes very negative outcomes for the baby, including low birth weight and even fetal death. My pediatric colleagues verify that children who survive the toxic effects of tobacco during pregnancy, but are exposed to second hand smoke after birth, are at greater risk of sudden infant death, ear and lung infections and asthma."*

According to the Burden of Tobacco report, in Marathon County, where my hospital is located, health care costs attributed to smoking were a stunning \$50.5 million in 2003. In response, two years ago (July 20, 2005), restaurants in Wausau went smoke-free, after a public advisory referendum favored this approach. Now, we are working to create additional smoke-free environments in Marathon County. However, the county-by-county, municipality-by-municipality approach is only a

patchwork, and the most favorable health outcomes will occur after a statewide smoke-free plan is adopted.

Recently, Mary Krueger, the President of Saint Clare's Hospital, wrote a letter that included a powerful statement. Prior to her administrative career, Ms. Krueger was a longtime oncology nurse, where she painfully witnessed the deaths of non-smokers due to smoking related-illnesses. As she wrote, *"Smoking is as bad as someone poking you in the eye, only worse. People survive being accidentally poked in the eye. People inevitably suffer and die from smoking. Last year, one state resident died from eating E. coli-infected spinach. In response, the government banned spinach until assurances could be made that this vegetable supply was safe. However, thousands of people died in Wisconsin last year from smoking-related illnesses - more than from traffic accidents - yet there is no statewide ban on smoking (in public places). The time has come. No more patchwork quilt of local ordinances that confuse the question of whether smoking in public is OK. Let's get it done before one more Wisconsin person has to die from smoking-related illness."*

I would like to end with a quote from Dr. C. Everett Koop, former Surgeon General, who said, "The right of the smoker to smoke **ends** when their behavior affects the health and well-being of others: furthermore it is the smokers' **responsibility** to ensure that they do not expose nonsmokers to the harmful effects of tobacco smoke."

On behalf of Ministry Health Care, I am pleased to provide these comments in support of SB 150. Senators, I thank you for your consideration of this legislation, which gives you an opportunity to save and improve lives and to reduce health care expenses. I urge you to vote yes. At this time, I would be pleased to answer any questions you might have. Thank you.

*The following hospitals are included in the Ministry Health Care system:

Saint Joseph's (Marshfield)

Saint Michael's (Stevens Point)

Saint Clare's (Weston)

Our Lady of Victory (Stanley)

Door County Memorial (Sturgeon Bay)

Good Samaritan (Merrill)

Sacred Heart (Tomahawk)

Saint Mary's (Rhineland)

Howard Young (Woodruff)

Eagle River Memorial (Eagle River)

Flambeau (Park Falls) *In partnership with Marshfield Clinic*

Saint Elizabeth's Medical Center (Wabasha, MN)

Affinity Health System:

Saint Elizabeth's (Appleton)

Mercy Medical Center (Oshkosh)

Calumet Medical Center (Chilton)





Wisconsin Medical Society *Alliance*

TO: Members, Committee on Public Health, Senior Issues, Long Term Care and Privacy
Senator Tim Carpenter, Chairperson

FROM: Sherry Clarke, RN, BSN
Wisconsin Medical Society Alliance, President

DATE: May 31, 2007

RE: Support of Senate Bill 150—"Breathe Free Wisconsin Act"

As State President of the Wisconsin Medical Society Alliance—a physician's spouse organization and a partner of the Wisconsin Medical Society—a registered nurse and a concerned citizen, I am here to tell you that I endorse the statewide smoking ban as the right thing to do from a public health perspective, as well as addressing environmental concerns.

Statistics/data and scientific evidence regarding the detrimental health effects of secondhand smoke are plentiful. The Surgeon General's Report of 2006, released in September of last year, states there is NO safe amount of secondhand smoke. Secondhand smoke damages the lining of blood vessels, causes platelets to stick together and leads to increased risk of heart attacks. The irritants and poisons contribute to lung disease, allergies, asthma, nasal/sinus infections, ear infections in children and small birth weights in infants. These facts alone should be sufficient enough to support the ban.

As the cost of healthcare continues to climb, many people affected by secondhand smoke are uninsured or underinsured. The State's responsibilities in providing care to these populations have become increasingly more burdensome. My work in discharge planning leads me to see many patients who have smoked or been around smoke in their homes and work areas. These patients struggle with not only health issues, but also with finding funding for their care. It becomes increasingly difficult as a nurse to see the effects of smoking on my patients. Many are children and young adults that have never smoked, but live with and around family/friends that DO smoke. While I don't know if a statewide smoking ban will help current smokers quit, it does eliminate the unclean air that nonsmokers have to inhale in public areas.

I live outside of Appleton—where a citywide ban has been effect for over a year. I can tell you that as a frequent diner at many establishments in the Fox Valley, my husband and I have chosen Appleton—which is smoke-free—over the surrounding communities due to the smoking ban. The food tastes better without the smoke, we don't have to wash our clothes and hair when we return home, and it doesn't linger in our vehicles. Our voices are also not hoarse from the smoke in the bar areas when we leave. As an example, recently we had to attend a birthday party in a village outside of the city, which was filled with smokers. The air was gray. Within two hours our eyes burned, our clothes were beyond the "hang it outside to freshen up" stage, and we had both developed an irritating cough. I never realized until we were able to eat and drink at nonsmoking restaurants and bars how much smoke bothered us.

Additionally, we take the responsibility of keeping our environments clean and free from pollutants—we aren't allowed to dump into our lakes or streams, and we regulate pollutants getting into our environment from industry. Why should cigarette smoke not be viewed the same way? With over 4000 chemicals—250 of which are proven harmful to our health, why would we not regulate smoking in public places to keep those who choose not to smoke safe from the ill effects?

A statewide smoking ban to keep Wisconsin's air clean and healthy is, in my opinion, a "yes!"



05/31/2007

Honorable members of the Senate Public Health, Senior Issues, Long Term Care and Privacy Committee:

I am here today to share my story and strongly urge you to support SB 150.

My story begins in 1988 at a Little Suamico Elementary school assembly where I was named a part of the Smoke-free Class of 2000, meaning that I was to become a symbolic ambassador for a smoke free society. A partnership between the American Cancer Society, American Heart Association, and the American Lung Association developed this program to combat the increasing number of youth smokers. As you may or may not know, big tobacco is still targeting the youth of today and children are smoking and getting addicted to cigarettes at increasing rates. By supporting this bill, you will be helping to deter those youth from starting smoking, protect youth who are working in restaurants and other workplaces that currently allow smoking and protect all who patronize establishments.

1994. My grandmother, Rosella Ebert, loses her battle to lung cancer. A lifetime smoker, given 6 months to live when first diagnosed, battled lung cancer for 2 years. Because my mother was the primary caregiver for her, I saw first hand, what someone going through such a horrible disease has to live with. Loss of appetite, everything tasting like metal, and total body weakness were just some of the things that my grandmother had to endure. If SB 150 became law, my grandmother may have quit smoking or not have smoked as much if she were not allowed to smoke at her workplace.

2005. I am getting married to the love of my life. However, most of his family are heavy smokers, and I do not tolerate cigarette smoke well. I even requested a room off our main banquet room reserved just for "those" smokers. The only hard part about knowing his family is the danger that they are putting themselves and their children and other family members in. Josh, my husband, lived in a chain smoker's home for 20 years of his life. Everyday I worry about what is to come of his health because of that. I believe that supporting SB 150 would help decrease the amount of smoke that a "non-smoker" is exposed to everyday and passing this bill may help Josh's family and others quit smoking and better their lives for the future.

Present day. I am the oldest of three. Both of my younger brothers use tobacco products, one smokes, and one chews, and both started when they were minors. It kills me to see them slowing killing themselves- especially that they know what our grandmother went through a few years back. My father has also been known to occasionally light one up, but he claims that he is safe because he "doesn't inhale" which everyone knows is untrue. I am also currently trying with my husband to get pregnant. Knowing what I know about what smoke and second-hand smoke can do to your unborn

child, I will be eating a lot of take out, and will not be going to places that allow smoking, unless SB 150 is passed.

I strongly believe that workplaces in the state of Wisconsin should be smoke-free to prevent these terrible things from happening to someone else's grandmother, father, brothers, and families. If all workplaces are smoke free, this would increase awareness about the dangers of secondhand smoke, while supporting ex smokers who have made the decision to quit.

Thank you for your time and consideration of these life-saving issues.

Sincerely,

A handwritten signature in black ink, appearing to read "Jen Thompson". The signature is fluid and cursive, with the first name "Jen" being more prominent and larger than the last name "Thompson".

Jen Thompson
6529 Reim Road
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Prepared Comments of Dennis K. Reischl

Testimony before the Senate Committee on Public Health, Senior Issues, Long-Term Care and Privacy

May 31, 2007
Madison, Wisconsin

From: Dennis K. Reischl
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SB 150 ?

cc: Representative Stone, Senator Lazich

I appreciate the opportunity to speak here today.

But I am amazed—and frankly rather appalled—to find that this matter is even up for debate.

What is being considered, as I understand it, is the continued exposure of not only workers, but also members of the public—including children—to the hazards of second-hand tobacco smoke.

How, as someone once said, did it ever get this crazy?

We certainly are not considering letting this go on because we're not sure whether second-hand smoke presents a hazard.

Some want to quibble about how great that hazard might be.

But not even the tobacco industry tries anymore to pretend that no hazard exists—as they did for decades with primary tobacco exposure.

Nor is there any doubt that workers employed in places that allow smoking are faced with a cruel choice: Either take your chances of contracting a terrible, often terminal disease, or leave your job.

That simply is not a reasonable—or necessary—choice to force upon our fellow citizens.

Nor does it reflect the manner in which we have dealt with other airborne health hazards in the workplace.

Take asbestos, for example.

When we became fully aware of its lethal potential—which, by the way, is far less than that of tobacco smoke—we did not go to employers and ask whether they would find it convenient to remove it from their places of business.

Or whether they thought that cleaning up their act might be less profitable.

We didn't ask workers if they would mind trading the risk of lung cancer for the sake of a paycheck.

Nor did we sidetrack our attention to a debate on just how deadly asbestos might be at various levels—and then try to decide what level of workplace exposure to lung cancer might be “acceptable.”

Instead, we did the right thing. We outlawed a known killer from the workplace.

Now is the time to kick another known killer out of the workplaces of Wisconsin.

And an opportunity for us to affirm that even those who work in the lowest paid service jobs, should not have to trade their lives for a chance to earn a living.

Thank you.

Dennis K. Reischl
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cc: Representative Stone, Senator Mary Lazich

I am one of the “invisible” people bar owners don’t see. I’d like to go to a bar sometimes. But they’re usually way too smoky.

Secondhand smoke annoys me. However, the 2006 Surgeon General’s report has proven that it is also a significant health hazard. Even a brief exposure is harmful. There are serious immediate and long term consequences. Such as heart disease and cancer. The scientific evidence is massive and conclusive and the only way to protect people is to eliminate their exposure. So I avoid exposure by avoiding restaurants, bars, and public places where smoking is allowed.

I am not the only one who does this. I belong to the majority of Wisconsin residents—the 80% who don’t smoke and who don’t like to breathe secondhand smoke. Many of us vote with our feet and avoid smoky places—especially bars.

I have experienced a different way. My sons live in New York City and Denver, and my grandchildren live in Madison. When I visit these places, it is a pleasure to go out to restaurants and bars. I stay longer and spend more.

20 states, Washington D.C. and Puerto Rico have passed comprehensive smoke free laws, covering bars, restaurants, and workplaces. Studies in these states have shown that business didn't decline. Don't let Wisconsin be the last state willing to protect citizens and workers.

In Greendale, I work with youth. We encourage youth not to smoke and to avoid exposure to secondhand smoke because of the health consequences. However, when high school students go to get jobs, many of them find themselves working in restaurants or the hospitality industry where they are exposed to secondhand smoke. Food service workers have a significantly greater risk of lung cancer than the general public, due in part to their exposure to secondhand smoke at work.

We can protect our children, all workers, and Wisconsin citizens by passing the smoke free workplace bill. We can protect the 850 Wisconsin residents who currently die each year from diseases caused by secondhand smoke exposure.

It's time for Wisconsin to enact a comprehensive statewide smoke-free law. That's not just my opinion—64% of Wisconsin voters support a law that makes all workplaces and public places--including restaurants, bars, and bowling alleys--smoke-free. (The Mellman Group and Public Opinion Strategies. Smoke Free Laws in Wisconsin, February 2007)

It's time to breathe free!!

It's time Wisconsin!!



Testimony of State Representative Steve Wieckert

Senate Bill 150 – Statewide Smoking Ban *Senate Committee on Public Health, Senior Issues, Long Term Care, & Privacy 411 South – May 31, 2007*

Good afternoon Chairman Tim Carpenter and committee members. I want to thank you for holding a hearing and allowing me to testify in support of Senate Bill 150, the Breathe Free Wisconsin Act, which will enact a statewide standard prohibiting smoking in all public places. I am the lead Assembly author of this bill.

I believe that this is truly a landmark piece of legislation for the state of Wisconsin in helping to keep our citizens healthier, reduce health care costs, create a level playing field for all businesses throughout the state, and allowing all of the people in Wisconsin to work and associate in public places in a smoke free environment.

I am the State Representative whose district includes most of Appleton. In April 2005, there was a voter referendum to determine whether Appleton should go smoke free. The referendum passed with over 55% of the vote. Then, some people in Appleton believed that the new requirements of smoke free workplaces were too strict. Twice smoking advocates for bars and restaurants created addition referendums to allow smoking in some public places. Both times, these efforts were voted down. In November 2006, the third referendum in favor of smoke free workplaces passed by over 57%, with the largest number of voters ever supporting it.

Many people really appreciate Appleton's smoke free public environment. Appleton's smoking ban, for the most part, works well. The one concern I do have is for restaurants and entertainment businesses that lose customers, as in some cases people walk across the street to another municipality, which causes Appleton companies to lose business. A statewide smoking ban would level the playing field for everyone across the state. **By adopting a uniform statewide set of rules on smoking in public, businesses across the state would be treated fairly and the health of Wisconsin's citizens would improve.**

Second Hand Smoke – the Problem:

Research has shown that secondhand smoke, the smoke other people inhale from being around people who smoke cigarettes, is indeed a serious and widespread health problem to non-smokers.

Recent reports from the Center for Disease Control and the Surgeon General of the United States have reported that 126 million non-smokers have measurable levels of a nicotine type compound. This is unfair because they are not smokers.

The good news is that the amount of people affected has actually been declining over the last 10 years because of restrictions on smoking in public areas. This trend needs to continue.

The affects of cigarette smoke on non-smokers can be deadly too:

The Center for Disease Control reports that about 46,000 people die of heart disease caused by smoking in the United States every year. In addition, 3,000 people die of lung disease caused by secondhand smoke, and approximately 400 deaths of young children are attributed to secondhand smoke each year.

As Wisconsin is an average sized state, about 1,000 Wisconsin citizens die each year because of secondhand smoke.

Health care costs:

High health care costs are public enemy number 1 in Wisconsin and around the country. The cost of smoking to the Wisconsin budget is enormous. It is estimated that \$202 million of health care costs in the MA budget alone is used to treat smoking caused illnesses.

The cost is \$2 billion for medical treatments of Wisconsin citizens for illnesses caused by smoking each year. While this number also includes illnesses from people who directly smoke and those who only receive smoke secondhand, clearly taxpayers are footing the bill to pay for health care costs of smoking related illnesses for people who don't even smoke. If we want to address health care costs, providing a statewide smoking ban is a step in that direction.

A level playing field for small businesses – restaurants and taverns:

Cities such as Madison and Appleton have already enacted such ordinances. Other communities and counties are considering doing so as well. This makes it very difficult for these small businesses to retain their customers and hurts local economies. Creating a statewide ban would treat all such businesses equally and level the playing field for all to compete on a similar basis.

It is very difficult to administer this type of ordinance in a patchwork manner from municipality to municipality. A statewide standard makes much more sense. Wisconsin has 1,922 different units of government. If each one adopts a different type of smoking ordinance, it would result in a very complex, confusing situation for businesses to comply with and for the public to understand.

The Wisconsin Restaurant Association, which supports the ban, has stated, "We feel that [a statewide smoking ban] is the only way to create a fair competitive environment for all eating and drinking establishments in Wisconsin."

Many states already have statewide smoking bans:

These states have already enacted a smoking ban:

- Arizona
- California
- Colorado
- Connecticut
- Delaware
- Maine
- Massachusetts
- Minnesota
- New Jersey
- New York
- Rhode Island
- Utah
- Washington

In addition, our neighboring state of Illinois is now in the final stages of passing their statewide smoking ban.

Facts, figures, and accuracy:

I believe the facts, accurately told, will make a convincing case for a statewide smoking ban. Care has been taken to ensure the facts are accurate, up-to-date, and not exaggerated. In each case, I have tried to use information sources that are of high credibility, such as the Center for Disease Control, the U.S. Surgeon General's Office, Legislative Fiscal Bureau, etc.

This is a bipartisan initiative modeled after the local Appleton and Madison smoking bans which have worked well and are very popular in these local areas. It seems clear that this is the direction that the rest of the country, and indeed many other countries worldwide, are headed.

I thank you again for your consideration of this landmark legislation to make Wisconsin smoke free in public places. I would be happy to answer any additional questions of the committee at this time.





State of Wisconsin
Department of Health and Family Services

Jim Doyle, Governor
Kevin R. Hayden, Secretary

Thursday, May 31, 2007

TO: Senate Committee on Public Health, Senior Issues, Long Term Care and Privacy

FROM: Kevin Hayden, DHFS Secretary

RE: Senate Bill 150

Senator Carpenter and committee members, thank you for the opportunity to talk with you today about one of the most important health care and public health issues of our time – tobacco and secondhand smoke. I am pleased to represent Governor Doyle and the Department of Health and Family Services in support of Senate Bill 150.

I'd also like to introduce Dr. Mark Wegner who is with me today. Dr. Wegner is the Chronic Disease Medical Director in the Division of Public Health and is here to help answer questions you may have following my testimony.

I'm pleased to join many others here today to support efforts to make Wisconsin completely smoke free – a step that will save lives, save money in health care costs, and improve public health across the state.

This issue is not about parties and politics. It's not about smokers versus non-smokers. Tobacco is incredibly addictive and many people who smoke started in their teens. This bill will help protect our youth and *all* citizens of Wisconsin.

Having worked in health care for decades, I can recall no other single Legislative act that will have as profound, immediate and widespread an impact on public health as this proposed smoking ban.

Every person in this room knows somebody who has died from a tobacco-related disease. We know that 8,000 Wisconsin residents die each year from a tobacco-related illness. Tobacco is a major cause of the top five killer diseases in our country: heart disease, cancer, stroke, diabetes and chronic obstructive pulmonary diseases including emphysema and chronic bronchitis.

Tobacco use also costs billions in health care expenses and countless hours of lost productivity every year when people are sick.

Nobody should have to work or play in the presence of an EPA-classified "Group A carcinogen," a substance that contains more than 4,000 chemicals and almost 70 separate carcinogens.

Under SB 150, people in Wisconsin will never again be forced to risk their health to earn a paycheck or go out dinner.

Smoke-free workplaces and public places should be the right of all Wisconsinites, and bar and restaurant workers deserve the same protection from secondhand smoke that teachers, doctors, lawyers, and others already enjoy.

More than 50 percent of U.S. residents live in completely smoke-free communities. If the Legislature doesn't pass a statewide smoking ban now, we will be hearing about this issue for years to come, and municipal governments will be debating this often contentious and divisive issue community by community. A comprehensive statewide ban provides an equitable approach to address this crucial public health issue.

We all know the direction that history is going on this issue. It's only a matter of time before the whole country goes smoke free. Wisconsin should be leading the way, not following along with the pack.

As you know, Minnesota and Illinois states have already passed comprehensive statewide legislation, with Minnesota's law going into effect October 1st of this year. The time is now for Wisconsin to join the 22 states and commonwealths to protect the health of our residents through comprehensive smoke-free workplace laws that include all restaurants and taverns.

Every day we delay going smoke-free in Wisconsin is another day where more people are getting sick and more kids start smoking.

SB 150 will prevent non-smokers from getting sick from secondhand smoke, help smokers quit, and prevent kids from picking up the habit.

Last summer, the Surgeon General – the nation's top doctor – declared definitively that there is "no risk-free level of exposure to secondhand smoke." The Surgeon General's report (*The Health Consequences of Involuntary Exposure to Tobacco Smoke*) made it clear that secondhand smoke has long-term and immediate health impacts. This law will make sure nobody gets sick because of somebody else's decision or addiction.

Additionally, according to an Institute of Medicine report released just this week (*Ending the Tobacco Problem: A Blueprint for the Nation*) that smoke-free air laws help smokers quit, especially now that smoking levels have begun to level off.

However, not only will this law protect non-smokers from secondhand smoke and help current smokers quit, but SB 150 will also help change how our children view smoking.

Every child knows tobacco is bad for them – just ask any third grader and you’ll know our educational systems have done their job. Unfortunately, education alone isn’t enough.

We must assure our communities reflect what we teach our kids in school, which is that tobacco is deadly. When our children see smoking, they view it as an adult habit, and picking up a cigarette will continue to be what kids do to look and feel like adults. And once kids start, it’s difficult to stop – just ask any adult smoker.

SB 150 will change the stark inconsistency between what we say and what we do in Wisconsin, and as a result, this legislation will improve the health of families and kids for decades to come.

Tobacco use is a critical public health issue and secondhand smoke is an unnecessary health threat and economic burden on our health care systems.

By supporting SB 150, you have a chance to save thousands of lives and millions in future health care costs.

On behalf of Governor Doyle and DHFS, I ask for your swift action on comprehensive statewide smokefree legislation. Thank you again for the opportunity to testify before the committee.



Senate Bill 150 Hearing
May 31, 2007

My name is Robert Feulner. I am a retired physician and practiced Radiology at Waukesha Memorial Hospital and at the Medical College of Wisconsin for over 50 years. I know well the ravages of tobacco related cancer and other diseases, having practiced radiation oncology as well as diagnostic radiology.

In 1960 I began speaking about the dangers of tobacco usage at public schools and local service organizations. For years afterward, at chance encounters, I heard sincere expressions of gratitude from people who had quit smoking after having heard the message. I have chosen to speak today because I wish for you to be able to enjoy similar pleasurable experiences.

I strongly urge you to vote in favor of SB 150. By doing so you will hold the gratitude and esteem of those people whose lives otherwise would have been compromised by second-hand smoke. It will be a vote for which you will be proud and your constituents will be grateful.

I have assumed that members of this committee are fully aware of the hazards of tobacco usage and knowledgeable about the serious effects of second-hand smoke. Tobacco is the cause, not the issue. The issues before you today are those of tolerance. Tolerance is an estimable trait. But there is a time for intolerance. American intolerance for British taxation and rule resulted in the creation of this country. Intolerance of slavery is always justified. Intolerance of unhealthy living is not quite as easily justifiable. It becomes so when illness is thrust upon you by others through no fault of your own. It then becomes your right to be intolerant.

Second-hand tobacco causes lung cancer, and aggravates chronic obstructive pulmonary disease, atherosclerotic vascular disease and asthma. It is being thrust upon us by the shameless tobacco industry which lied to Congress about its addictiveness. Yesterday, a N.Y. Times editorial celebrated a 50% reduction in smoking from 42% in 1964 to 21% today. The editorial decried the 50,000 annual deaths from second hand smoke. Those deaths are inexcusable and should not be tolerated; nor should illnesses caused by second-hand smoke be tolerated.

I strongly urge you to join the admirable work of Senators Risser, Roessler, Coggs, Miller and Darling and their legislative cosponsors by voting favorably in support of Senate Bill 150.

Robert C. Feulner, M.D., FACR
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