

# 05hr\_SC-JCEDCA\_sb0202\_pt01



(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

### 2005-06

(session year)

### Senate

(Assembly, Senate or Joint)

### Committee on ... Job Creation, Economic Development and Consumer Affairs (SC-JCEDCA)

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
  - (**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)
  - (**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Mike Barman (LRB) (August/2012)

## Senate

### Record of Committee Proceedings

#### **Committee on Job Creation, Economic Development and Consumer Affairs**

##### **Senate Bill 202**

Relating to: smoking in restaurants and bowling centers and the regulation of smoking by counties, cities, villages, and towns.

By Senators S. Fitzgerald, Breske, A. Lasee, Kanavas, Kedzie and Grothman; cosponsored by Representatives J. Fitzgerald, Colon, Hundertmark, Krawczyk, Van Roy, Musser, Meyer, Ott, Stone, F. Lasee, Ainsworth, Albers, Bies, Honadel, Kleefisch, Lamb, Suder and Wood.

May 10, 2005            Referred to Committee on Job Creation, Economic Development and Consumer Affairs.

June 22, 2005            **PUBLIC HEARING HELD**

Present:    (5)    Senators Kanavas, Zien, Reynolds, Lassa and Decker.

Absent:     (0)    None.

##### Appearances For

- Mr. Brian Pleva — Office of Representative Jeff Fitzgerald
- Mr. Mike Prentiss — Office of Senator Scott Fitzgerald
- Roger Breske — Senator
- Mr. Steve Davis, Oshkosh — Wisconsin Restaurant Association
- Mr. Ed Lump, Madison — Wisconsin Restaurant Association
- Mr. John Kavanaugh, Madison — The Esquire Club
- Mr. Phil Levine, Oshkosh
- Mr. Bob Wolf, Oshkosh — The Roxy
- Mr. Wally Wagner, Oshkosh — Robbins Restaurant
- Mr. Dennis Sweet, Sparta — Bowling Center Association of Wisconsin
- Mr. Gary Hartel — Bowling Center Association of Wisconsin
- Ms. Barbara Mercer, Monona — Dane County Tavern League
- Mr. David Wiganowsky — Town of Burke
- Robin Goldberg
- Ms. Patricia Telvick
- Mr. Dan Schwoegler
- Mr. Rob Swearingen — Tavern League of Wisconsin
- Mr. Pete Madland — Tavern League of Wisconsin

##### Appearances Against

- Mayor Tim Hanna — City of Appleton
- Carol Roessler, Madison — Senator
- Mr. Russ Hinz — American Cancer Society

- Ms. Dona Wininsky — America Lung Association
- Ms. Margaret Brahm, Brookfield — Smoke Free Wisconsin
- Mr. Nate Altfeather, Madison
- Mr. Mario Mendoza — City of Madison
- Dr. Kathryn Vedda — City of Madison
- Ms. Laura Reissmann, Middleton — American Cancer Society
- Ms. Patricia McManus, Milwaukee — Smoke Free Milwaukee Project
- Ms. Donna Daniels, Appleton — Parents Corps
- Ms. Connie Olson, Appleton
- Dr. Pat Remington
- Ms. Jody Omernik, Wausau

#### Appearances for Information Only

- Ms. Joyce Mann — Fond du Lac Tobacco Control Coalition

#### Registrations For

- Terry Musser — Representative
- Glenn Grothman, Madison — Senator
- Ms. Kathi Kilgore, Madison — Wisconsin Innkeepers Association
- Mr. Daryl Schelkun, Summit — Breezy Point Bar and Grill
- Mr. Dain Spindler — The Ashwaubenon Bowling Alley
- Mr. Steve Richter — Bardon Bowling Center
- Mr. David Bardon — Bardon Bowling Centers
- Carey Emerson — Bowling Centers
- Mr. William Poundey, Madison — Bowling Centers
- Mr. Pete Vanderkam, Green Bay — Willow Creek Lanes
- Ms. Nancy Schulz, Salem — Tavern League of Wisconsin
- Ms. Karen Anderson, Cadott — Tavern League of Wisconsin
- Mr. Gerald Gadzinski, Arcadia — Tavern League of Wisconsin
- Chris Gibbons, Madison
- Mr. Don Basseux — Bowl-A-Vard Lanes
- Mr. Gordon Lauder, Madison
- Mr. Howard Lee, Hudson
- Ms. Sue Bonte, Hudson
- Mr. Kevin Carey, McFarland — Village Lanes
- Ms. Mona Peirce, McFarland — Village Lanes
- Ms. Laura Slinde, Monona — Badger Bowl
- Mr. Tony Driesen — Bowling Center Association of Wisconsin
- Karl Van Roy — Representative
- Mr. Marvin Duerr, Marshfield — Tavern League of Wisconsin
- Ms. Marylou Duerr, Marshfield — Tavern League of Wisconsin

#### Registrations Against

- Mr. Ryan Sheahas, Madison
- Mr. Robert Phillips, Marshfield — Marshfield Clinic
- Ms. Shelly Greller, Madison

- Ms. Jill Ness, Madison
- Ms. Kim Neuschel, Madison
- Ms. Laura Berger, Madison
- Ms. Tana Feiner, Madison
- Ms. Elizabeth Sanger, Wauwatosa
- Ms. Jill Smith, Madison
- Ms. Sandy Bernier — FDL Tobacco Control Coalition
- Mr. Patrick Remmington, Madison
- Mr. Luke Witkowski
- Ms. Theresa Ryan, Waunakee
- Mr. David Carlson — Dane County
- Ms. Maureen Busalacchi, Madison — Smoke Free Wisconsin
- Ms. Alison Prange, Madison — American Cancer Society
- Mr. Jeremy Levin — Wisconsin Medical Society
- Ms. Mara Brooks, Madison — Wisconsin Dental Association
- Mr. Jack O'Meara, Madison — Wisconsin Association of School Nurses
- Ms. Dawn Berney, Madison
- Mr. Ron Hermes, Madison — Wisconsin Department of Health and Family Services
- Ms. Dianna Forrester, Jackson
- Ms. Cindy Anderson, Shorewood
- Mr. Jerry Washicheck, Big Bend — American Cancer Society
- Ms. Lisa Davidson, Beaver Dam — American Cancer Society
- Dr. Michael Lischak
- Ms. Patricia Faurbeck
- Mr. Curt Witynski — League of Wisconsin Municipalities
- Ms. Sue Marten, Cedarburg
- Ms. Judy Spring, Baraboo — Sauk County Tobacco Free Coalition
- Mr. Michael Welsh, Madison — Wisconsin Public Health Association
- Ms. Elizabeth Moore — Winnebago County Tobacco Free Coalition
- Mr. Ed Huck, Madison — Wisconsin Alliance of Cities

June 24, 2005

#### **EXECUTIVE SESSION HELD**

Present: (5) Senators Kanavas, Zien, Reynolds, Lassa and Decker.  
 Absent: (0) None.

Moved by Senator Kanavas that **Senate Substitute Amendment 1** be recommended for introduction and adoption.

Ayes: (5) Senators Kanavas, Zien, Reynolds, Lassa and Decker.  
 Noes: (0) None.

INTRODUCTION AND ADOPTION OF SENATE SUBSTITUTE AMENDMENT  
1 RECOMMENDED, Ayes 5, Noes 0

Moved by Senator Kanavas that **Senate Bill 202** be recommended for passage as amended.

Ayes: (3) Senators Kanavas, Zien and Decker.  
Noes: (2) Senators Reynolds and Lassa.

PASSAGE AS AMENDED RECOMMENDED, Ayes 3, Noes 2

Jeremy Shepherd  
Committee Clerk

**SENATE BILL 202 (LRB -0963)**

An Act to repeal 101.123 (2) (c); to renumber 101.123 (1) (a); to amend 101.123 (1) (f), 101.123 (1) (g) and 101.123 (4) (a) 1.; and to create 101.123 (1) (ab), 101.123 (2) (d), 101.123 (3) (e), 101.123 (3) (h), 101.123 (3m) and 101.123 (4) (a) 2m. of the statutes; relating to: smoking in restaurants and bowling centers and the regulation of smoking by counties, cities, villages, and towns.

**2005**

- 05-10. S. Introduced by Senators **S. Fitzgerald, Breske, A. Lasee, Kanavas and Kedzie**; cosponsored by Representatives **J. Fitzgerald, Colon, Hundertmark, Krawczyk, Van Roy, Musser, Meyer, Ott, Stone, F. Lasee, Ainsworth, Albers, Bies, Honadel, Kleefisch, Lamb, Suder and Wood.**
- 05-10. S. Read first time and referred to committee on Job Creation, Economic Development and Consumer Affairs ..... 202
- 05-12. S. Senator Grothman withdrawn as a coauthor ..... 217
- 06-22. S. Public hearing held.
- 06-24. S. Executive action taken.
- 06-28. S. Report introduction and adoption of Senate Substitute Amendment 1 recommended by committee on Job Creation, Economic Development and Consumer Affairs, Ayes 5, Noes 0 (**LRB s0149**) ..... 276
- 06-28. S. Report passage as amended recommended by committee on Job Creation, Economic Development and Consumer Affairs, Ayes 3, Noes 2 ..... 276
- 06-28. S. Available for scheduling.
- 09-22. S. Senator Grothman added as a coauthor ..... 362

**2006**

- 05-11. S. Failed to pass pursuant to Senate Joint Resolution 1 ..... 853





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## WISCONSIN LEGISLATIVE COUNCIL

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*Terry C. Anderson, Director*  
*Laura D. Rose, Deputy Director*

TO: SENATOR TED KANAVAS

FROM: Anne Sappenfield, Senior Staff Attorney

RE: Senate Substitute Amendment \_\_ (LRBs0149/1) to 2005 Senate Bill 202, Relating to Smoking in Restaurants and Bowling Centers and the Regulation of Smoking by Counties and Municipalities

DATE: June 21, 2005

This memorandum, prepared at your request, describes Senate Substitute Amendment \_\_ (LRBs0149/1) to 2005 Senate Bill 202, relating to smoking in restaurants and bowling centers and the regulation of smoking by counties, cities, villages, and towns.

### **CURRENT LAW**

#### **Smoking in Restaurants**

Under current law, no person may smoke in a restaurant with a seating capacity of more than 50 persons. "Restaurant" is defined as any building, room, or place where meals are prepared or served or sold to transients or the general public, and all places used in connection with it. Soft drinks, ice cream, milk, milk drinks, ices, and confections are not "meals" under the definition of "restaurant." In addition, "restaurant" does not include a tavern that serves free lunches consisting of popcorn, cheese, crackers, pretzels, cold sausage, cured fish, or bread and butter.

The smoking prohibition in restaurants does not apply to a restaurant holding a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license if the sale of intoxicating liquors or fermented malt beverages or both accounts for more than 50% of the restaurant's receipts. In addition, the smoking prohibition does not apply to entire rooms or halls used for private functions, if the arrangements for the function are under the control of the sponsor of the function.

A person in charge of a restaurant or his or her agent may designate smoking areas in a restaurant unless a fire marshal, law, ordinance, or resolution prohibits smoking.

### **Smoking in Retail Establishments; Taverns and Bowling Centers Excluded**

Smoking is also prohibited in retail establishments under current law. The definition of "retail establishment" is any store or shop in which retail sales is the principal business conducted, *except*: (a) a tavern operating under a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license; and (b) bowling centers. Therefore, smoking is *not* prohibited in taverns that do not meet the definition of "restaurant" and in bowling centers.

### **Local Ordinances Regulating Smoking**

Under current law, a county, city, village, or town may enact ordinances that protect the health and comfort of the public if they comply with the purpose of state laws regulating smoking.

### **ASSEMBLY SUBSTITUTE AMENDMENT 1**

#### **Smoking in Restaurants**

The substitute amendment repeals the exception to the prohibition against smoking in a restaurant holding a "Class B" intoxicating liquor license or Class "B" fermented malt beverages license if the sale of intoxicating liquors or fermented malt beverages or both accounts for more than 50% of the restaurant's receipts. Therefore, these restaurants are not exempt from smoking regulations under the substitute amendment.

The substitute amendment provides, however, that the prohibition against smoking in a restaurant does not apply to:

- A separate room in a restaurant if the room has an independent ventilation system that is entirely separate from the rest of the restaurant.
- The bar area of a restaurant where alcohol beverages are sold for consumption on the premises if the bar area includes a counter with seating for customers and food is served in that area only incidental to the serving of alcohol beverages.

Under the substitute amendment, a person in charge or his or her agent may *not* designate an area of a restaurant as a smoking area unless the area meets one of the exceptions to smoking regulation, as described above (i.e., a room or hall being used for a private function, a room with an independent ventilation system, or the bar area of a restaurant).

The substitute amendment does not modify the definition of "restaurant," so that, under the substitute amendment, smoking is not regulated in a restaurant with a seating capacity of 50 or fewer persons.

#### **Bowling Centers**

The substitute amendment prohibits smoking in bowling centers, unless specified conditions are met. "Bowling center" is defined as premises on which one or more bowling lanes are located.

A bowling center is exempt from the smoking prohibition if all of the following apply:

- The bowling center is not primarily devoted to the sale of alcohol beverages.
- The bowling center prohibits smoking on each bowling lane, including the approach to each bowling lane, and in the concourse area of the bowling center, if any, during any time when the bowling center is holding league play for persons under 18 years of age.
- The ventilation system in the bowling center is adequate to ventilate the premises and to prevent effectively, to the maximum extent practicable, tobacco smoke from entering any area where smoking is prohibited.
- The bowling center establishes periods of time when smoking is prohibited sufficient to meet the reasonable customer demand for such periods.
- The bowling center provides to nonsmoking customers in a smoke-free area the same services that it provides to smoking customers.

In addition, the substitute amendment provides that a bowling center may: (1) designate an area, including an entire room, of the bowling center as a smoking area if the bowling center posts notice of the designation of a smoking area in or near the area designated; or (2) allow smoking in the entire bowling center, or an entire room of the bowling center, for a limited period of time during which the room or bowling center is being used exclusively for a private function.

#### **Local Ordinances Regulating Smoking**

The substitute amendment provides that a county, city, village, or town may **not** enact or enforce an ordinance or adopt or enforce a resolution regulating smoking unless the ordinance or resolution strictly conforms to state law regulating smoking.

If you have any questions, please feel free to contact me directly at the Legislative Council staff offices.

AS:ksm





1202 Northport Drive  
Madison, WI 53704  
608-242-6297

[www.tobaccofreedanecounty.org](http://www.tobaccofreedanecounty.org)

**Shelly Greller**  
*Chair*

ATODA Programs  
Consultant  
WI Department of Public  
Instruction

**Sandy Osborn**  
*Vice Chair*

Dane County Medical  
Society

**Ann Cook**  
*Secretary*

Guidance Counselor  
Stoughton High School

**Gareth Johnson**  
*Treasurer*

Division Administrator  
Dane County Division of  
Public Health

**Ron Biendseil**  
Dane County Youth  
Commission

**Jean MacCubbin**  
Former City of Madison  
Aldersperson

**Tommye Schneider**  
Director of  
Environmental Health &  
Laboratories  
Madison Department of  
Public Health

6/21/2005

To members on the Senate Job Creations Committee :

The Tobacco Free Dane County Coalition strongly urges the Job Creations Committee to oppose Senate Bill 202 - the so called Smoke-Free Dining Act. We urge the rejection of this bill for the following reasons:

- Studies have shown that there are no safe levels of carcinogens in secondhand smoke.
- This bill would eliminate the many effective local smoke free policies currently in place to protect the health of Wisconsin workers from secondhand smoke. In total, this Bill would negatively undermine local smoking ordinances in more than 1,000 communities statewide.
- The bill establishes a weak standard, allowing smoking in virtually ALL worksites.
- The bill will prevent any local Wisconsin community from enacting stronger legislation. This strategy of pre-emption, taking away local authority, is a common tactic of the tobacco industry and other special interest groups.

We oppose this bill because it is in direct contradiction to Wisconsin's long and cherished tradition of giving local communities the right to regulate conditions that affect the health and well-being of its citizens according to the wishes of the citizens in each community. We also oppose this bill because it promotes the agenda of a few special interest groups at the expense of the health of our citizens.

Sincerely,

Shelly Greller  
Chair





## Dane County Department of Human Services Division of Public Health

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KATHLEEN FALK  
DANE COUNTY EXECUTIVE

Director – Lynn Green  
Division Administrator – Gareth R. Johnson  
1202 Northport Drive, Madison, WI 53704-2092  
PHONE: (608) 242-6200 FAX: (608) 242-6293

### MEMORANDUM

Date: June 21, 2005

To: Honorable Members of the Senate Committee on Job Creation, Economic Development and Consumer Affairs

Cc: Dane County Legislative Delegation

From: Gareth Johnson, Dane County Public Health Officer, (608) 242-6511 

RE: **Opposition to Senate Bill 202**

As you consider SB 202, I'd like you to understand clearly the negative impacts this proposed legislation would have on public health and the significant efforts that have been made in Dane County and across the state to enhance public health for customers and employees in the hospitality industry by reducing and/or eliminating exposure to second hand smoke (environmental tobacco smoke).

The exemptions this bill would represent a dangerous step backwards in the efforts to create healthy environments in restaurants and other establishments.

The attached resolution, which was passed last week by the Dane County Board of Supervisors, outlines further our opposition to this legislation. Please vote against this legislation and for protection of the ability of local governments to create and preserve safeguards from second hand smoke.

RESOLUTION \_\_\_\_\_, 2005-2006

Opposing any bills in the Wisconsin Legislature that result in pre-empting local communities from regulating smoking and smoke-free environments

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease, and lung cancer.

The most effective way to protect the public from the hazards of secondhand smoke is to create smoke-free environments. Recently, on Tuesday, April 5<sup>th</sup>, the residents of Appleton, Wisconsin voted YES to a referendum for 100% smoke free workplaces (including restaurants and bars). Citizens in local communities believe they should have the power to protect themselves and their families from secondhand smoke and protect children from tobacco. State pre-emption language prevents local governments from passing stronger, more comprehensive regulations concerning clean indoor air. The Wisconsin Legislature should not act to deprive local governments of the authority to protect people from the harmful effect of secondhand smoke.

NOW, THEREFORE, BE IT RESOLVED, That the County of Dane urges the State Legislature to preserve the rights of local government to enact and enforce tobacco-related laws.

BE IT FURTHER RESOLVED, That the County of Dane urge the Wisconsin Legislature not to pass the Smoke Free Dining Act as long as it pre-empts local government from enacting and enforcing laws to protect people from the harmful effects of tobacco.

AND BE IT FURTHER RESOLVED, That a copy of this resolution be promptly distributed to Sen. Fitzgerald, to Rep. Fitzgerald, to the members of the Dane County legislative delegation and to Governor Jim Doyle.

Primary Sponsor

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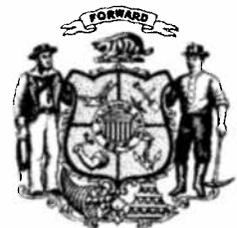
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# WISCONSIN STATE LEGISLATURE



**FAX COVER LETTER**

TO Sen. Carol Roesler's office FAX# (608) 266-0423  
Attn: Jennifer

FROM: Joyce Mann, RN

DATE: 6/22/05

NUMBER OF PAGES (including cover letter): 4

Jennifer/Sen. Roesler:

Attached is a copy of the resolution  
re: smokefree workplace legislation, adopted  
by the FDL Co. Board last night - 32-2!  
Context will be incorporated into my  
verbal + written testimony for the public  
hearing today.

Thanks for your continued leadership -  
we appreciate it!

Joyce Mann RN  
cell (920) 919-2008

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If you do not receive all of the pages, please call (920) 929-3085

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FOND DU LAC COUNTY HEALTH DEPARTMENT  
FOND DU LAC COUNTY TOBACCO CONTROL COALITION  
160 S. MACY STREET  
FOND DU LAC WI 54935  
FAX# (920) 929-3102



**RESOLUTION NO. 34-05****RESOLUTION SUPPORTING 100%  
SMOKE FREE WORKPLACE ENVIRONMENTS**

**WHEREAS**, the Environmental Protection Agency identifies secondhand smoke as a Group A carcinogen with no known safe level of exposure, and

**WHEREAS**, secondhand smoke is the third leading cause of death, causing 3,000 deaths from lung cancer and 35,000 to 62,000 deaths from heart disease in the United States each year, and

**WHEREAS**, separately ventilated smoking areas and designated smoking areas are not effective methods of eliminating exposure to secondhand smoke, and

**WHEREAS**, all citizens deserve to be protected from exposure to secondhand smoke in workplaces and environments open to the public, and

**WHEREAS**, the Protection of Persons and Property Committee and governmental bodies have a responsibility to protect the health of the communities they serve.

**NOW, THEREFORE, BE IT RESOLVED** that the Fond du Lac County Board of Supervisors supports 100% smoke free workplace environments.

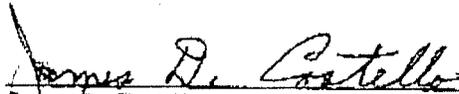
**BE IT FURTHER RESOLVED** that the Fond du Lac County Board of Supervisors supports:

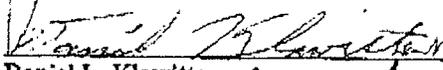
- 1) Legislation that preserves the right of local government to enact and enforce smoke free ordinances.
- 2) Legislation that eliminates exposure to secondhand smoke through the use of smoke free building and vehicle policies. Such legislation shall not permit use of designated smoking areas or separately ventilated smoking rooms as a means of addressing exposure to secondhand smoke in workplaces and settings open to the public.

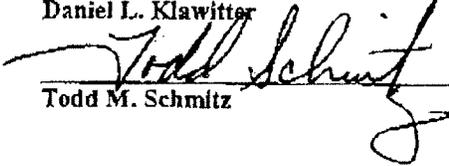
**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Wisconsin Counties Association for consideration and action at their annual conference.

Dated June 21, 2005

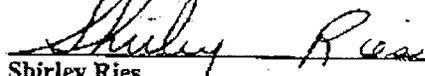
**SUBMITTED BY:  
LEGISLATIVE COMMITTEE**

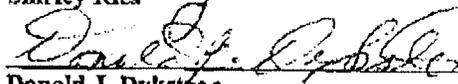
  
James D. Costello

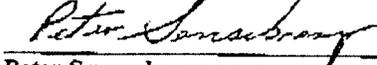
  
Daniel L. Klawitter

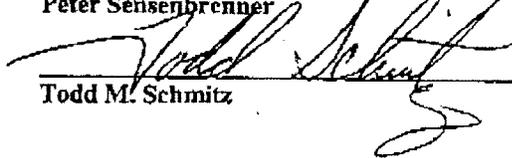
  
Todd M. Schmitz

**SUBMITTED BY:  
PROTECTION OF PERSONS  
AND PROPERTY COMMITTEE**

  
Shirley Ries

  
Donald J. Dykstra

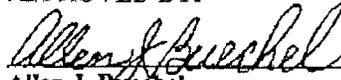
  
Peter Sensenbrenner

  
Todd M. Schmitz

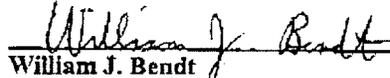
William R. Sawyer

**FISCAL NOTE:** This resolution does not require an appropriation from the County General Fund.

**APPROVED BY:**

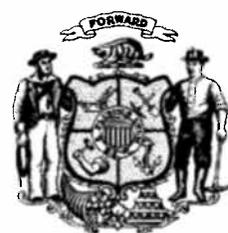
  
Allen J. Buechel  
COUNTY EXECUTIVE

**APPROVED BY:**

  
William J. Bendt  
CORPORATION COUNSEL



# WISCONSIN STATE LEGISLATURE





160 S. Macy St. • Fond du Lac, WI 54935 • (920) 929-3085 • Fax (920) 929-3102

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June 22, 2005

Members of the Senate Job Creation Committee:

On behalf of the Fond du Lac County Tobacco Control Coalition, thank you for the opportunity to comment on the public health implications of Senate Bill 202.

While more than 70% of Wisconsin residents support smokefree workplace bans, Senate Bill 202 is not a health solution for decreasing exposure to secondhand smoke. The mere separation of smokers and nonsmokers as proposed in this bill offers no protection from secondhand smoke. Prohibiting smoking in public buildings and workplaces through public policy is the best way to reduce exposure to secondhand smoke.

Our coalition has a strong history of working with local elected officials on a variety of policies that reduce exposure to secondhand smoke, including a smokefree county building policy (1992), a restaurant ordinance in the city of Fond du Lac (1999), and an ordinance limiting smoking to designated outdoor areas of county buildings in 2002. In each case, our community showed overwhelming support for the policies. We believe communities should continue to have the freedom to enact public health policies that are more stringent than state law. Senate Bill 202 is preemptive overturning decisions made by our local government.

The implications of this bill's preemptive language are deeply disturbing. It nullifies work done by our advocates, our local Board of Health, City Council, and County Board, and similar work done in more than 20 communities. It renders local Boards of Health and local government impotent on addressing the third leading cause of preventable death and disease: exposure to secondhand smoke.

Last night, by a vote of 32-2, the Fond du Lac County Board adopted a resolution supporting local control for smokefree public policies, and smokefree legislation that does not involve the use of designated smoking areas or separately ventilated areas. I am proud of the stand they are taking to put the health of our citizens first. Copies of the resolution and previous correspondence from the Fond du Lac County Board of Health are attached to my written testimony.

Our state motto is "Forward". Several other states have moved forward and implemented state smokefree laws consistent with public health principles. By comparison, this bill is a step backward.

*Joyce Mann RN*

Joyce Mann  
Program Coordinator



RESOLUTION NO. 34-05

**RESOLUTION SUPPORTING 100%  
SMOKE FREE WORKPLACE ENVIRONMENTS**

**WHEREAS**, the Environmental Protection Agency identifies secondhand smoke as a Group A carcinogen with no known safe level of exposure, and

**WHEREAS**, secondhand smoke is the third leading cause of death, causing 3,000 deaths from lung cancer and 35,000 to 62,000 deaths from heart disease in the United States each year, and

**WHEREAS**, separately ventilated smoking areas and designated smoking areas are not effective methods of eliminating exposure to secondhand smoke, and

**WHEREAS**, all citizens deserve to be protected from exposure to secondhand smoke in workplaces and environments open to the public, and

**WHEREAS**, the Protection of Persons and Property Committee and governmental bodies have a responsibility to protect the health of the communities they serve.

**NOW, THEREFORE, BE IT RESOLVED** that the Fond du Lac County Board of Supervisors supports 100% smoke free workplace environments.

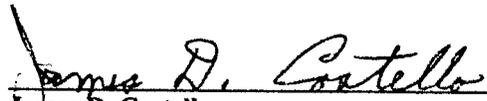
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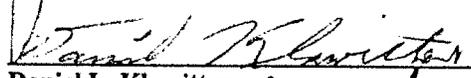
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- 2) Legislation that eliminates exposure to secondhand smoke through the use of smoke free building and vehicle policies. Such legislation shall not permit use of designated smoking areas or separately ventilated smoking rooms as a means of addressing exposure to secondhand smoke in workplaces and settings open to the public.

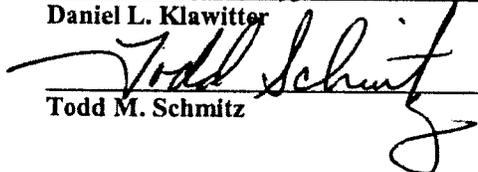
**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Wisconsin Counties Association for consideration and action at their annual conference.

Dated June 21, 2005

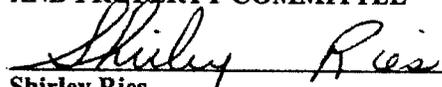
**SUBMITTED BY:  
LEGISLATIVE COMMITTEE**

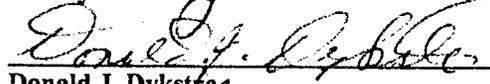
  
James D. Costello

  
Daniel L. Klawitter

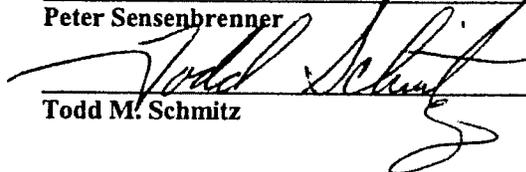
  
Todd M. Schmitz

**SUBMITTED BY:  
PROTECTION OF PERSONS  
AND PROPERTY COMMITTEE**

  
Shirley Ries

  
Donald J. Dykstra

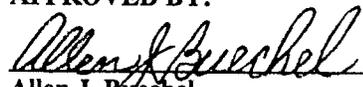
  
Peter Sensenbrenner

  
Todd M. Schmitz

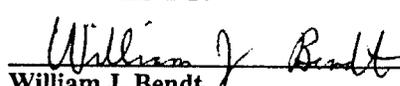
William R. Sawyer

**FISCAL NOTE:** This resolution does not require an appropriation from the County General Fund.

**APPROVED BY:**

  
Allen J. Buechel  
COUNTY EXECUTIVE

**APPROVED BY:**

  
William J. Bendt  
CORPORATION COUNSEL



# Fond du Lac County

HEALTH DEPARTMENT  
(920) 929-3085 1-800-547-3640  
FAX (920) 929-3102

City/County Government Center  
160 South Macy Street, Fond du Lac, WI 54935

May 11, 2005

Members of the Committee on State Affairs:

At our May 10<sup>th</sup> meeting, the Fond du Lac County Board of Health passed a unanimous motion stating our opposition to Assembly Bill 414, which addresses smoking in restaurants and bowling centers and the regulation of smoking by municipal governments. The provisions of AB 414 are not consistent with current public health principles for protecting residents from secondhand smoke.

Mere separation of smoking and nonsmoking customers thru the use of "designated areas" are not effective in addressing health risks associated with secondhand smoke. AB 414 castrates the ability of local boards of health and municipal governments to protect the health of their communities. This bill would also abolish existing municipal ordinances that are stronger than state statutes.

Reducing tobacco use and exposure is one of eleven health priorities identified in the state's public health plan, Healthiest Wisconsin 2010. Healthiest Wisconsin 2010 recognizes the importance of smokefree public environments and occupational settings as a key strategy to address this health risk.

At a local level, we have worked with our municipal government and community members to address smoking in restaurants, and county government buildings. Surveys of area residents show two thirds of residents prefer smokefree restaurants and favor a community ordinance prohibiting smoking. These trends are consistent statewide. Twenty communities with smokefree ordinances have now implemented such ordinances. Assembly Bill 414 prevents us from providing any additional public policies addressing secondhand smoke, and would eliminate the existing ordinances. At a time when many states are passing legislation that prohibits smoking in all workplaces, this is a huge step backward for the health of Wisconsin citizens.

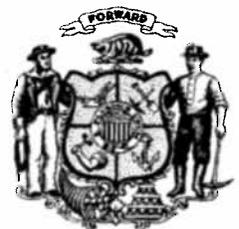
We urge you to oppose Assembly Bill 414. Thank you for the opportunity to present this testimony. Please address any follow-up correspondence to:

*Warren M Post, MD*

Warren Post, MD  
Chairperson,  
Fond du Lac County Board of Health  
160 S. Macy Street  
Fond du Lac, WI 54935



# WISCONSIN STATE LEGISLATURE





## **Testimony of Mr. Steve Davis, WRA Chairman of the Board, on SB 202**

### **June 22, 2005 – Senate Committee on Job Creation, Economic Development and Consumer Affairs**

Good morning, Mr. Chairman and members. My name is Steve Davis, and I'm the Chairman of the Board for the Wisconsin Restaurant Association. I'm also a co-owner of Ardy & Ed's Drive-In, a restaurant that has been an institution in Oshkosh for many years.

I'm here today to explain WRA's position on Senate Bill 202, known as the "Smoke Free Dining Act." Our board of directors voted overwhelmingly to oppose this bill – as originally drafted – at a special meeting on May 3<sup>rd</sup>. They cited concerns that the bill could cause economic hardship for a large segment of our membership, predominantly those in small towns that don't have liquor licenses but do have a lot of smoking customers.

In addition, the board felt that the bill created a competitive advantage for taverns by banning smoking only in restaurants.

Shortly after committee action on the companion bill in the Assembly in early June, some amendments to address WRA's concerns were proposed by Representatives Krawczyk and Van Roy, and tentatively agreed to by the bill's author, Representative Jeff Fitzgerald. It is our understanding that these changes have been drafted as a substitute amendment to SB-202 that will be introduced and discussed here today.

We believe that three changes will be accomplished with the substitute amendment:

1. Restaurants with 50 seats or less will maintain their current-law exemption.
2. Separately-ventilated rooms will be exempted from the ban.
3. The ban will apply to dining areas in restaurants and taverns equally.

At their regularly scheduled June meeting last week, the WRA Board took a look at the proposed changes and decided that they would successfully address most of our concerns with the bill. That's not to say that all of our concerns are fixed by the proposed substitute amendment, but we feel that it is a reasonable compromise.

The WRA Board believes that, as amended, the bill would contain more positive provisions for the foodservice industry than negative provisions. They voted to change WRA's position on this bill from "oppose" to "support" based on the changes in the "sub."

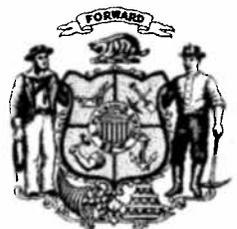
As amended, SB-202 represents the first significant expansion of the Clean Indoor Air Act in nearly two decades. It will promote smoke-free dining areas more evenly across the state, eliminating a hodgepodge of local smoking bans that have resulted in an uneven playing field for our members from one municipality to the next.

On behalf of Wisconsin's foodservice industry, I would like to respectfully encourage members of this committee to support the Krawczyk-Van Roy-Fitzgerald substitute amendment, and then recommend SB-202 for passage by the full Senate.

Thank you for the opportunity to speak to you today.



# WISCONSIN STATE LEGISLATURE





*Preserving the right to live and breathe tobacco free*

To: Chair, Senator Ted Kanavas  
Members, Committee on Job Creation, Economic Development and  
Consumer Affairs

From: Margaret MacLeod Brahm, CEO American Lung Association of Wisconsin  
On behalf of SmokeFree Wisconsin's Board of Directors

RE: SB202, "Smoke Free dining"

Date: June 22, 2005

Thank you for hearing testimony on SB202.

SmokeFree Wisconsin opposes SB202 for several reasons. The major and fundamental reason for our opposition is that this bill ultimately does not protect the public from secondhand smoke. Indeed, it reduces such protection by eliminating hundreds of local smoke free ordinances that are stronger and more comprehensive than what is contained in this bill. Further, it will prohibit communities in the future from providing protection from second hand smoke to all those who work in those communities.

The bill's stated attempt is to keep smoking out of the physical dining areas of restaurants. But it erroneously assumes that diners can somehow be protected from secondhand smoke when someone in another part of that facility is smoking. When one person smokes, all workers and patrons are exposed to the cancer causing agents in secondhand smoke. When a bar area is in the middle of, or even adjacent to the restaurant, there is no way to stop exposure to everyone. While smokers may abide by designated smoking and non-smoking areas, their secondhand smoke does not.

Secondhand smoke is the third leading cause of preventable death in Wisconsin. This is a dangerous substance and all workers need to be protected from it. We know that restaurant and bar workers suffer 4 – 6 times higher cancer rates than employees in other occupations. With health insurance premiums continuing to rise and Medicaid costs ever increasing, we should be moving in the direction of public health policies that protect against exposure to substances that cause strokes, cancer and low birth-weight babies and contribute to chronic, costly and life-threatening conditions such as asthma. Wisconsin should not move backwards by exposing even more people to secondhand smoke.

SmokeFree Wisconsin also does not support preempting the authority and ability of local governments to protect workers from secondhand smoke. SmokeFree Wisconsin wants to ensure that even more workers are protected, and we enthusiastically support local governments' rights to protect all workers. Many communities are moving in the direction of greater protection and this should be encouraged, not prevented. While we do not object to a strong, statewide standard – in fact, we welcome it – we believe any statewide standard should set the floor, not the ceiling, for local communities to establish stronger policies if they choose.

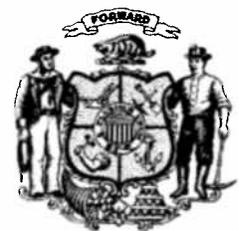
The entire section on bowling alleys is an egregious attempt to satisfy the tobacco industry. In no way does it protect workers or patrons. Once there is smoking in a building, the cancer causing agents are not removed with ventilation. While ventilation may reduce the smell, it does not remove the toxins. And having smoking and non-smoking hours does not in any way protect workers, as all the dangerous substances are still present. If the bowling alleys were truly concerned about attracting children and their families, they would prohibit smoking always in all parts of the building, period.

This bill is NOT an attempt to protect workers from secondhand smoke. Rather, it is a thinly veiled attempt to ensure smoking is allowed in nearly every establishment that has even a small percentage of alcohol sales. It rolls back the progress that has been made in protecting workers in our state from a proven health hazard, and it reduces the rights of local communities to provide protection to those who live and work there.

We can and must serve and protect the people of our state in far more effective ways than this bill provides. Therefore, there is no part of this bill that SmokeFree Wisconsin can support. We urge the committee to reject this bill and not move it forward.



# WISCONSIN STATE LEGISLATURE





# WASN

Wisconsin Association of School Nurses

## **Testimony to the Senate Committee on Job Creation, Economic Development and Consumer Affairs in Opposition to Senate Bill 202, the "Smokefree Dining Act"**

June 22, 2005

The Wisconsin Association of School Nurses (WASN) is quite concerned about the potential impact of SB 202. It is not strong public health policy and will do little to improve the status of clean indoor air in Wisconsin, and in fact will worsen the status of indoor air in many communities. It would eliminate existing local smoke free restaurant ordinances in 21 communities; local laws in two communities that prohibit smoking in all workplaces including taverns; and would repeal existing local smoke free municipal building ordinances in place in over 1,000 communities across the state. Many of these were voted on by local residents.

Secondhand smoke isn't just annoying. It's scientifically proven to cause lung cancer, heart disease, and serious respiratory illnesses and is responsible nationally for thousands of deaths each year. In Wisconsin, approximately 1,200 people die each year from exposure to secondhand smoke. The Centers for Disease Control recently released a warning that persons with heart disease should avoid indoor settings where smoking is allowed because of the risk that even short-term exposure to secondhand smoke can trigger heart attacks.

The latest alarming research, published January 2005 in the peer-reviewed journal Environmental Health Perspectives, found that exposure to secondhand smoke harms children's mental development, reducing kids' scores on math, reading and spatial skills tests. We also know that exposure increases the chances that the children will suffer from smoke-caused coughs and wheezing, bronchitis, asthma, pneumonia, potentially fatal lower respiratory tract infections, eye and ear problems, and other health problems. Nationally each year, 280 children actually die from respiratory illness caused by secondhand smoke; there are over 500,000 physician visits for asthma; and millions more visits for coughs, pneumonia, and ear infection. As school nurses, this is very concerning.

Restaurant and bar workers are exposed to three to six times as much secondhand smoke as workers in other industries. Who works in restaurants and bars? Our youth. Many teens and young adults work in these environments that are least protected from secondhand smoke. These are your children and our children—the children of Wisconsin. Why would we want laws that protect some employees and not all, particularly young people?

The Smoke Free Dining Act establishes a weak statewide standard, allowing smoking in virtually all worksites. It would prevent local Wisconsin communities from enacting any legislation in the future that is stronger than state statutes. Historically, states set the minimum standard not the maximum. Republican leadership has always supported the rights of local communities to govern themselves. This bill would be in direct opposition to that philosophy.

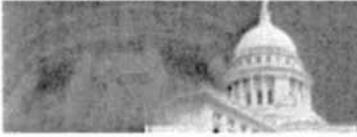
Lastly, this Act is supported by the Wisconsin Tavern League and the Bowling Alley Association, two organizations traditionally linked with the tobacco industry. Pre-emption is a common tobacco industry tactic, designed to take away local control and place it in the hands of state legislature where they have

more influence over the legislative process. This "Smoke Free Dining Act" is just one more example of the tobacco industry targeting children and young adults.

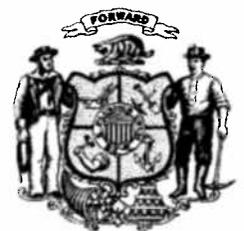
We would like to thank the committee for taking our concerns into consideration as it deliberates this bill. We respectfully request that the committee defeat this measure unless it is amended to address the above concerns.

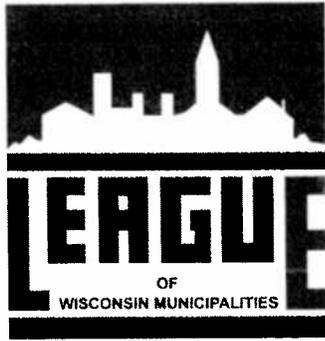
Cynthia Vandenberg, President  
Wisconsin Association of School Nurses  
217 E. Kimberly Avenue  
Kimberly, WI 54136

Ruth Tripp, Legislative Chair  
Wisconsin Association of School Nurses  
6921 Gordon Road  
Siren, WI 54872



# WISCONSIN STATE LEGISLATURE





202 State Street  
Suite 300  
Madison, Wisconsin 53703-2216

608/267-2380  
800/991-5502  
Fax: 608/267-0645

E-mail: [league@lwm-info.org](mailto:league@lwm-info.org)  
[www.lwm-info.org](http://www.lwm-info.org)

To: Senate Committee on Job Creation, Economic Development and Consumer Affairs  
From: Curt Witynski, Assistant Director, League of Wisconsin Municipalities  
Date: June 22, 2005  
Re: Opposition to SB 202

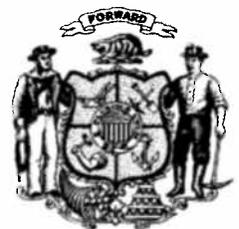
The League of Wisconsin Municipalities opposes section 6 of SB 202, prohibiting the adoption and enforcement of municipal ordinances that regulate smoking more stringently than state law. A core principle and goal of the League is to preserve local control. Wisconsin cities and villages have been granted extensive home rule powers to govern themselves in local matters without state interference. This bill interferes with local policy decisions to prohibit smoking in all places of employment.

The bill would repeal at least Madison's and Appleton's ordinances prohibiting smoking in bars and other places of employment that are set to take effect this summer. Citizens in Appleton initiated that city's no-smoking ordinance through direct legislation. Madison's ordinance evolved over time after much debate and discussion by interested parties and members of the common council. These ordinances are quintessential examples of local democracy at work. This legislation would overturn those local policy decisions.

We urge you to vote against recommending passage of SB 202. Thank you for considering our comments on this preemption legislation.



# WISCONSIN STATE LEGISLATURE





Serving the  
Lodging Industry  
for Over 100 Years

June 22, 2005

To: Senate Committee on Job Creation, Economic Development and  
Consumer Affairs  
Senator Ted Kanavas, Chairman

From: Trisha Pugal, CAE; President, CEO  
Kathi Kilgore, Lobbyist

RE: SB 202 Statewide Smoking Ban

On behalf of the over 1,100 hotels, motels, resorts, inns, and bed & breakfasts around the state that are members of the Wisconsin Innkeepers Association, we respectfully ask for your support of SB 202.

While in general we prefer to leave the choice whether to allow smoking in a restaurant or not to the owner/operator of the establishment, we support SB 202 primarily to eliminate the unequal local smoking bans and regulations around the state. By establishing the restriction at the state level, the competition for customers between establishments would not be a geographic concern that creates unfair disadvantages, which is what is occurring at this time.

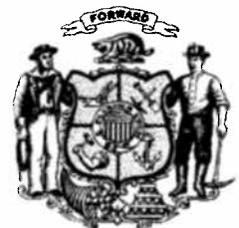
Please support SB 202.

1025 S. Moorland Road  
Suite 200  
Brookfield, WI 53005  
262/782-2851  
Fax # 262/782-0550  
wia@lodging-wi.com  
<http://www.lodging-wi.com>





# WISCONSIN STATE LEGISLATURE





**SCOTT FITZGERALD**  
WISCONSIN STATE SENATOR

**Statement of Senator Scott Fitzgerald**  
**Senate Bill 202 – June 22, 2005**

I'd like to thank Senator Kanavas and the members of this committee for holding today's public hearing on Senate Bill 202 and apologize for not being able to attend today's meeting in person.

SB 202 and its companion bill, AB 414 will set a consistent statewide standard for smoking in public places and create a level playing field for business owners in Wisconsin. These bills will greatly reduce the presence of smoking in bowling centers and allow owners of taverns to decide for themselves whether or not to allow their customers to smoke.

This bill is the result of several months of talking to business owners and consumers around the state about smoking. After hearing their views, Rep. Fitzgerald and I began to draft legislation that we feel strikes the right balance between restricting smoking where appropriate, yet also allowing small business owners the greatest degree of control over which legal activities they will allow in their establishment. It's important to remember that, while unpopular with many, smoking is still legal in Wisconsin.

In recent weeks, we have worked with restaurant owners on a substitute amendment the committee will consider which would give owners of smaller restaurants the same flexibility to control the presence of smoking in their business, and allow larger restaurants to offer smoking in separately ventilated rooms in their establishment.

In our current environment, small business owners don't know when they might be the next one affected by a draconian local smoking ban, pitting their business against a competitor across the street or in a neighboring town that is playing under a completely different set of rules.

This is not only unfair to the people who work hard to make a living in the restaurant and tavern industry, but it is bad for Wisconsin's economy.

A May 2004 study by Ridgewood Economic Associates found that the passage of a smoking ban in 2003 resulted in a dramatic loss in revenue and jobs in New York's bars, taverns, and clubs. Specifically, the study attributed the smoking ban to 2,000 lost jobs, \$28.5 million in lost wages and salary payments and a reduction of \$37 million in gross state product.

The patchwork of local smoking ordinances we currently have – and which is sure to continue to expand if unchecked – doesn't benefit anyone. Taverns affected by local

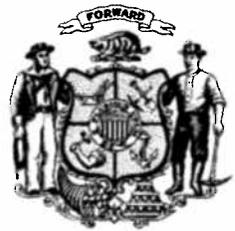
**smoking bans will simply lose smoking customers to taverns in neighboring communities that allow business owners to make their own business decisions.**

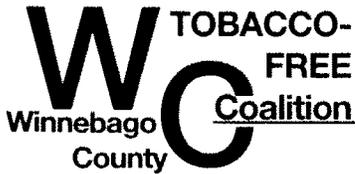
**The Smoke-Free Dining Act is not an attack on local governments or an attempt to subject more Wisconsin residents to smoky environments. It is instead an attempt to address legitimate statewide economic concerns by establishing a single, common-sense standard on how smoking is regulated in bars, restaurants and bowling centers and create a level playing field for business owners that will allow them to decide for themselves, based on their customers, their neighborhood and their own beliefs whether or not to allow smoking in their establishment.**

**Thank you again for hearing this bill today.**



# WISCONSIN STATE LEGISLATURE





725 Butler Avenue P.O. Box 68  
Winnebago, WI 54985-0068

(920) 232-3000  
(920) 727-2894  
Fax (920) 303-3023

June 22, 2005

Dear Members of the Committee on Job Creation, Economic Development and Consumer Affairs:

First of all, thank you for holding this public hearing today. Those of us working in tobacco control work day in and day out educating individuals and families about the dangers of secondhand smoke. It is a major public health issue and promoting good public health practices is what will move the health and safety of Wisconsin residents forward. The Smoke Free Dining Act (SB202) will move Wisconsin backwards in terms of protecting its citizens from the dangerous effects of secondhand smoke and in terms of promoting public health.

Secondhand smoke contains over 4,000 chemicals of which 63 are cancer-causing. For every eight smokers who die of tobacco-related disease, one non-smoker also dies of a tobacco-related disease. Workers exposed to secondhand smoke on the job are 34 percent more likely to develop lung cancer. Restaurant and bar workers are exposed to three to six times as much secondhand smoke as workers in other industries.

The mission of the Winnebago County Tobacco-Free Coalition is to improve the health of county residents by reducing tobacco use among all age groups through prevention, education and community initiatives. We act on this mission by promoting clean indoor air environments in our community. We have recently partnered with all the major health care organizations in our county to share secondhand smoke information with families and to promote the importance of smoke-free environments. These are the health professionals who see firsthand the effects of secondhand smoke. The coalition also promotes Winnebago County establishments that offer 100% smoke-free dining.

Thank you for your time and for this opportunity.

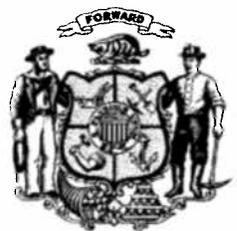
Sincerely,

A handwritten signature in cursive script that reads 'Elizabeth Moore'. The signature is written in black ink and is positioned above the printed name.

Elizabeth Moore  
Coordinator



# WISCONSIN STATE LEGISLATURE



Date ?

**June 22, 2005 Senate Testimony**

Good morning. My name is Donna Daniels. I am State Coordinator for the Parent Corps, a national initiative mobilizing parents in their schools and communities to become educated and support our children to make healthier choices and stay away from alcohol, tobacco and other drugs. I am here today to voice the concerns of many parents in Wisconsin on the smoke free workplace issue, and, specifically Senate Bill 202.

You are going to hear, and probably have heard that smoking is a person's protected right. I am here to say as a student majoring in Public Policy and Public Administration that no constitution, state or federal, protects life style choices. Smoking is a lifestyle choice. There are laws that make substances, like tobacco, legal for those to use at a certain age. I come here as a citizen who does not have the choice to smoke or not smoke. I have asthma. Asthma is a debilitating lung disease when the tubes in the lungs inflame, making it difficult to breath. One attack can kill a person. Because of this condition, I can not attend many of the events my family can attend because second hand smoke is a trigger to asthma attacks.

EPA estimates that secondhand smoke is responsible for about 3,000 lung cancer deaths each year among nonsmokers in the United States; of these, the estimate is 800 from exposure to secondhand smoke at home and 2,200 from exposure in work or social situations. (<http://www.epa.gov>). Secondhand smoke also causes 35,000 heart disease deaths in non-smokers each year, according to the American Lung Association.

In 2000, the National Institutes of Health formally listed secondhand smoke as a known human carcinogen in its 9th report on Carcinogens (NIH, 2000 <http://www.nih.gov/news/pr/may2000/niehs-15.htm>).

Secondhand smoke has also been linked to such cancers as cancer in the nasal sinus cavity, cervix, breast and bladder. In the role of secondhand smoke in the development of nasal sinus cancer has been investigated in three recent studies; all three showed a significant positive association between secondhand smoke exposure and the development of nasal sinus cancer in nonsmoking adults. ([http://cis.nci.nih.gov/fact/3\\_9.htm](http://cis.nci.nih.gov/fact/3_9.htm)).

Other diseases associated with secondhand smoke include, but is not limited to, asthma, bronchitis, and RSV in young children.

Nearly 5000 chemicals are present in tobacco smoke, including at least 50 carcinogens such as nitrosamines and polycyclic aromatic hydrocarbons. (American Cancer Society). Some of these compounds become carcinogenic only after they are activated by specific enzymes found in many tissues of the body. These activated compounds can then become part of DNA molecules and possibly interfere with the normal growth of cells. Tobacco also contains nicotine, a

chemical that causes physical addiction to smoking and makes it difficult for people to stop smoking.

In early 1993, EPA released a report (Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders; EPA/600/6-90/006 F) that evaluated the respiratory health effects from breathing secondhand smoke. In the report, EPA concluded that secondhand smoke causes lung cancer in adult nonsmokers and impairs the respiratory health of children. These findings are very similar to ones made previously by the National Academy of Sciences and the U.S. Surgeon General. (<http://www.epa.gov/smokefree/pubs/strsfs.html>).

On March 23, 2003, the U.S. District Court for the Middle District of North Carolina formally dismissed the tobacco industry's lawsuit challenging EPA's landmark 1993 risk assessment on the respiratory health effects of secondhand smoke. The dismissal followed a December ruling by the U.S. Court of Appeals for the 4th Circuit that the EPA risk assessment was a statutorily authorized scientific report and was not subject to judicial review. (<http://www.epa.gov/smokefree/healthrisks.html>).

The EPA report classified secondhand smoke as a Group A carcinogen, a designation which means that there is sufficient evidence that the substance causes cancer in humans. The Group A designation has been used by EPA for only 15 other pollutants, including asbestos, radon, and benzene. Only secondhand smoke has actually been shown in studies to cause cancer at typical environmental levels.

A recent high profile advertising and public relations campaign by the tobacco industry may confuse the American public about the risks of secondhand smoke. (<http://www.epa.gov/smokefree/pubs/strsts.html>). These confusing campaigns include the scare tactic of losing business and minimizing the dangerous effects of secondhand smoke.

The list of employer costs from secondhand smoke includes increased health insurance costs and claims, life insurance costs and claims, absenteeism, recruitment and training costs due to employee loss, workers compensations payments and occupational health awards, disability retirements, litigations costs; and, illness and discomfort among nonsmokers exposed to secondhand smoke. Absenteeism, accident and productivity loss costs business \$53 to \$109 per involuntary smoker, annually. Mortality costs from secondhand smoke are \$48 to \$87 billion, annually. Health care costs for treating lower respiratory tract infections, ear infections and asthma related to secondhand smoke is \$3.3 to \$8 billion, annually.

Some businesses do not offer health insurance and these costs are passed on to the tax payers. I am asking all of you to vote down Senate Bill 202. In its place, I am asking that all of you support the initiative established in 21 communities across the state and pass a bill making all work places smoke free.

## Parent Corps Membership Enrollment Form

1. Sign Parent Corps Pledge  
I promise to uphold the alcohol, tobacco, and drug laws of my country, state, and city, town, or county. I will do everything I can to prevent children from using drugs, to help those who have started stop, and to help those who can't stop because they have become addicted. recover. As a member of the Parent Corps, I will join other parents to make our homes, our schools, and our communities places where children can grow up free of alcohol, tobacco, and illegal drugs, healthy, and capable of reaching their full potential.

Your Signature \_\_\_\_\_

2. Fill in your contact information  
please print

Name \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_

County \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

E-mail Address \_\_\_\_\_

3. Give to your Parent Leader, below  
(or send or fax to)

National Families in Action  
2957 Clairmont Road • Suite 150  
Atlanta, GA 30329  
Phone 404-248-9676  
Fax 404-248-1312

Donna R. Daniels  
State Coordinator Parent Corps  
1470 W Prospect Avenue  
Appleton, WI 54914  
(920) 830-9425  
donna.daniels@parentcorps.org



The Parent Corps is a new, national effort dedicated to helping parents prevent their children from using alcohol, tobacco, and illegal drugs. Modeled on the same principles as the Peace Corps, it harnesses the power of parents working together to keep their children drug free.

The Parent Corps recruits, trains, certifies, and pays full-time salaries to Parent Leaders for two years of service. It institutionalizes the parent movement of the late 1970s into the early 1990s. That movement proved it could change social norms and get results cutting past-month drug use by two-thirds among adolescents and young adults.



www.parentcorps.org • www.nationalfamilies.org

Sponsored by



2957 Clairmont Road • Suite 150  
Atlanta, GA 30329  
404-248-9676 • Fax 404-248-1312

How can you help?  
Membership in the Parent Corps is free. It is easy to join. Here's how.

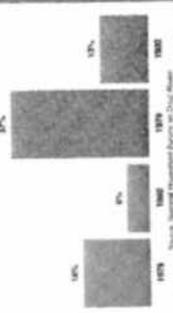
If there is a Parent Leader in your community:

- 1) Sign the Parent Corps Pledge,
- 2) fill in your contact information, and
- 3) give the Membership Enrollment Form to your Parent Leader.

If there is no Parent Leader in your community:

- 1) Sign the Parent Corps Pledge, 2) fill in your contact information, and 3) fax or send your Membership Enrollment Form to National Families in Action.

### Past Month Drug Use Adolescents, Young Adults



Unfortunately, the movement dissipated and drug use rose again to alarming levels.

The *Monitoring the Future Survey* shows that:

- 46 percent of children have used alcohol
- 28 percent have smoked cigarettes
- 23 percent have used illegal drugs

And by 12<sup>th</sup> grade:

- 77 percent have used alcohol
- 54 percent have smoked cigarettes
- 51 percent have used illegal drugs

Working in their children's schools, Parent Leaders provide parents with science-based drug prevention education, hands-on tools, and a peer network that supports parents in their mission to keep their children healthy and drug free. They form parent groups to support each other as they take action.

Drug prevention programs have been around for a long time. Some are aimed at parents, most are aimed at children. Nearly all provide short-term courses on the dangers of drugs and ways to avoid use.

The Parent Corps is an ongoing process that offers parents a strong peer support network grounded by a full-time, paid Parent Leader. Like the neighborhood of yesterday, where everyone looked after every child on the street, Parent Leaders alert parents to the marketing machine behind drugs and help them immunize

children against it. The vision is to have one full-time Parent Leader in every school in the country by 2014.

- contact all parents in the school
- educate them about how drugs affect children
- teach them about how children are at risk
- persuade them to believe research showing that they are the most powerful influences in their children's lives
- mobilize them into groups that stop the marketing of drugs to children
- create a support network that fosters the growth of healthy children capable of reaching their full potential

Until recently, it was thought that the most intense period of brain development occurs between birth and four years of age. New research shows that the brain undergoes a second intense period of development during adolescence. This puts teens at special risk if drug use occurs during adolescence.

Drug use can impair adolescents' academic, emotional, and social development. It can lead to addiction, unwanted pregnancies, sexually transmitted diseases, mental illness, accidents, and suicides.

It is not inevitable that children will experiment with drugs. Parents can keep them drug free. The Parent Corps shows them how.

National Families in Action, which conceived and developed the Parent Corps, operates the Parent Corps from its national office in Atlanta, Georgia. The organization employs and manages all Parent Corps personnel in collaboration with 9 State Partners.

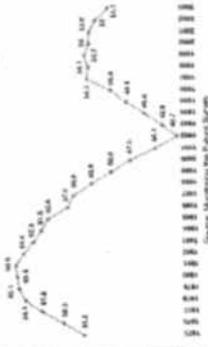
- National Asian Pacific American Families Against Substance Abuse (CA)

- Partnership for a Drug-Free Colorado
- Connecticut Communities for Drug-Free Youth
- Georgia Council on Substance Abuse
- Kansas Family Partnership
- Illinois Education Alliance
- Wilson Families in Action (NC)
- Greenville Family Partnership (SC)
- Wisconsin Families in Action

The Parent Corps is funded by initial seed money from Congress to begin in these 9 states via a grant from the Corporation for National and Community Service. The Corporation also awarded a contract to RTI International to evaluate the effectiveness of the Parent Corps. Additional funding from the National Institute on Drug Abuse financed research planning. A grant from the Substance Abuse and Mental Health Services Administration supported the development of the Parent Corps Basic Training for Parent Leaders.

National Families in Action will continue to work with Congress to expand funding for the Parent Corps. It is also raising funds from foundations and individuals and building corporate partnerships to help the Parent Corps achieve its vision.

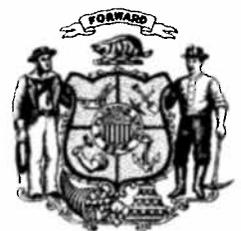
### % of High School Seniors Who Have Tried Drugs



Yes, National Families in Action will train and certify parents who wish to serve as volunteer Parent Leaders. These 5-day trainings are held in Atlanta and cost \$350 per day plus transportation to Atlanta, lodging, and meals. Visit [www.parentcorps.org](http://www.parentcorps.org) for the schedule of Parent Corps Basic Trainings, a list of nearby hotels, and other information. Call 404-248-9676 to register for training.



# WISCONSIN STATE LEGISLATURE



SB 202 ?

Date ?

Good afternoon ladies and gentlemen and thank you for hearing my testimony. My name is Jill Smith and I live at 2217 University Avenue here in Madison. I graduated from the UW and have made Madison my home for the past few years after graduation as well. While I was in college, I started working at a restaurant, Lombardino's. When I started there as a part-time employee, smoking was allowed in the bar area only. The wait-staff joked about the absurdity of this rule, as you could smell smoke in the entire restaurant, even though we had a great "smoke-eater". In any case, due to a city ordinance, we happily went smoke free a couple of years ago. During the time when Madison was creating the current ordinance, about to go into effect, I was approached as an employee who had previously worked in a smoking environment for my reaction to the change. While I knew that secondhand smoke was bad for you, it wasn't until this point that I began to learn just how badly it impacts service industry workers. I am not here today to give you all of the facts and statistics that convinced me to become involved in this public health issue, there are numerous experts who have told you those facts, or who will. I am here today to try to help you see that as much as an office worker deserves a healthy work environment, so does your waitress, your bartender or your local musician. In fact, we almost deserve it more.

Many arguments are made against my viewpoint; such as "if you don't like it, get another job" or "smoking and drinking go together". Such arguments strike me as oversimplistic and irrational. These arguments don't address the issue of the health risk involved to the employees, instead they argue that a personal desire should override the long-term health of the employees. Secondhand smoke is a hazard to workers. We have all acknowledged that much by even being here today to discuss what level of this hazard is allowable.

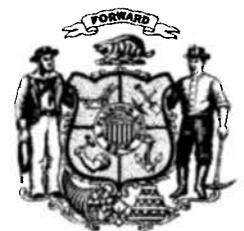
Most workers in the food service industry have limited health insurance options, why should we be put at a higher risk for severe health issues such as heart disease, emphysema and lung cancer than office workers whose compensation usually includes health care coverage? We are not trying to change your lifestyles, we are not passing judgment on those who smoke, we are just asking for the same protections that you have granted other public places of employment.

Sincerely,

Jill Smith



# WISCONSIN STATE LEGISLATURE



Written testimony of Jerome Washicheck *JW*  
S90 W22785 Milwaukee Avenue  
Big Bend, WI 53103

Date ?

Senator Kanavas, members of the committee, thank you for allowing me to present to you written comments on SB 202. I am writing today as an American Cancer Society volunteer and someone who cares about clean indoor air. I oppose Senate Bill 202 and I would like to share with you my personal reasons for being an advocate against tobacco use and smoking in public places. A few years ago, I lost my daughter, Lisa, after a long struggle with cancer that stemmed from years of smoking without my knowledge. It was devastating when we got her diagnosis, even more so when she continued to smoke.

Senate Bill 202 is a tremendous step backwards for our state. You and I may have a choice about which establishments to patronize with our money, but those who work in an establishment that allows smoking often don't have the luxury of changing jobs if they wish to work in a smoke-free environment. This includes students who are eager for spending money during the summer, the elderly looking for a way to supplement their retirement income and even single moms looking to support their children. There is a difficult choice, they cannot be picky about their employer. Strong public policies that restrict smoking in workplaces and public places have been proven to reduce the health risks associated with secondhand smoke exposure. This bill does nothing to protect the health of workers who are regularly exposed to secondhand smoke in restaurants and bars. If smoking is allowed in the bar area of a restaurant, it is very naïve to think that smoke will stay only in the bar area. Smoke is airborne and its drifts all over the enclosed area. This does not provide for a truly smoke free dining as the authors of this bill would have you believe.

Lastly, I would like to remind you that this bill will expose people to secondhand smoke who have already demonstrated through the democratic process that they desire a smoke free community. Why would you undermine local city councils and their constituents by passing this bill? I ask you to please oppose this bill. Thank you.