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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 ...

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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

○ Information Submitted (#1)





Thomas Schlenker, MD, MPH
Director of Public Health
Madison and Dane County



DANE COUNTY DIVISION OF PUBLIC HEALTH

MADISON DEPARTMENT OF PUBLIC HEALTH

May 31, 2007

Senate Committee on Public Health
Room 411 State Capitol

Senate Bill 150-Comprehensive State-wide Ban on Smoking in All Public Places

1. Air Quality Sampling of Madison, Taverns and Bar-Restaurants, Aherns and Remington, UW Comprehensive Cancer Center, September, 2005
 - a. pre-ban: 8 of 10 exceed, 2-5 X, EPA daily standard (.065mgPM2.5/m)
 - b. post-ban: 90% decrease
2. Health Effects of Smoke-Free Bars in Wisconsin, Palmersheim, Wegner, Remington, UW Comprehensive Cancer Center, April 2007
 - a. 1528 bartenders in Madison and Appleton exposure to second hand smoke drops from 21 hours per week to less than 2 hours post ban
 - b. statistically significant drop in wheezing, shortness of breath, cough, sore throat and irritated eyes
3. History of Smoke-Free Ordinances in Madison, May and Schneider, 2005; Evaluation of Smoking Restriction Ordinances in Madison Restaurants and Taverns, Schneider, 2007
 - a. 5 progressively more stringent, partial smoking ban ordinances 1975-2004 judged to be insufficiently protective and difficult to enforce
 - b. 2002 ordinance banning smoking in restaurants but not taverns (>50% alcohol sales) proved unworkable
 - i. arbitrary: 11 establishments reported exactly 50%
 - ii. incentive to game system: 5 switched back and forth
 - iii. unable to verify
 - iv. full service bar area smoking
 - v. customers can't tell difference: Nitty Gritty, Pedro's, Weary Traveler
4. Smoke-Free Madison 22 months later: partially successful
 - c. after July 1, 2005 comprehensive ban: employment up 3.8%
 - d. 42 new liquor licenses issued
 - e. total class B combination liquor licenses up 8.1% (332 to 359)
 - f. of 13 taverns closed, 10 re-opened under new management
 - g. municipal ordinances = uneven and unfair playing field
5. "The restaurant and tavern industries are thriving in Madison post comprehensive smoking ban. The large majority of establishments have adapted well to new environment. Workers and patrons are healthier and happier."



University of Wisconsin
Comprehensive Cancer Center

**Air Quality in Madison, Wisconsin Taverns and Bar-
Restaurants, June 2005 and August 2005**

**David Ahrens, MS
Patrick Remington, MD, MPH**

University of Wisconsin
Comprehensive Cancer Center
Tobacco Surveillance and Evaluation Program

September, 2005

A Comprehensive Cancer Center Designated by the National Cancer Institute

Outreach and Tobacco Control

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On July 1, 2005 bars and taverns in Madison, Wisconsin became smoke-free. While there is a general understanding that smoking cigarettes results in indoor air pollution, the actual level of air pollutants in Madison establishments resulting from smoking is unknown. The purpose of this study is to document the extent of indoor air pollution as a result of cigarette smoking in Madison's bars and taverns, prior to July 1, 2005 and following the implementation of the ordinance in September, 2005.

Methods:

A list of the establishments with tavern and bar licenses in Madison was obtained from the City Clerk and divided into two groups: bars that serve food and those whose food service is incidental to their bar business. Twelve establishments were randomly selected from each list. Establishments that were no longer in business were eliminated from the list.

Between June 3, 2005 and June 18, 2005 indoor air quality was assessed in 19 bars and taverns in the City of Madison (10 bars and nine bar-restaurants). Most air samples were taken on Friday and Saturday nights between 8:30 PM and 12 AM. In addition to the samples obtained in the taverns and bar-restaurants, an air sample was taken outdoors at 5 PM at John Nolen Drive and Blair St., a heavily trafficked area.

Between September 8, 2005 and September 18, 2005 a follow-up study was conducted of 18 of the taverns and bar-restaurants in the initial survey. Similar to the July survey, most samples were taken on Friday and Saturday nights between 8:30 and 12 A.M.

The average time spent in each establishment was approximately 35 minutes. The number of people inside the venue and the number of cigarettes burning were recorded every 15 minutes during sampling.

A TSI SidePak AM510 Personal Aerosol Monitor was used to sample and record the level of respiratory particles that are smaller than 2.5 microns per cubic meter (PM_{2.5}). Particles of this size are released from burning cigarettes and are trapped in the lungs. The SidePak was zero-calibrated prior to each use by attaching a HEPA filter.

While other air pollutants in the atmosphere and particles from cooking may contribute to air pollution, smoking is the basis of most indoor air pollution.ⁱ The air monitoring device used is particularly sensitive to small particles, known as polycyclic aromatic hydrocarbons (PAH) that are associated with known carcinogens in cigarette smoke.

The equipment makes a record of particulate levels at one minute intervals. The monitor was located in the central area of the main room of each establishment. All of the "single-minute" data points were averaged to provide an average PM_{2.5} concentration within each establishment.

Results:

Pre-ordinance samples: The air-quality varied between the 19 taverns and bar-restaurants sampled in this study. Bars and taverns (establishments with no or incidental food service) had an average concentration of 168 microns per cubic meter (m³). This ranged from a low of 30 microns per m³ to a high of 300 microns. (Figure 1)

Bar-restaurants had an average concentration of 58 micrograms per cubic meter. (Figure 2) The highest concentration observed in this group of establishments was 350 microns per cubic meter. This contrasts with another establishment, also randomly selected, that was smoke free and had an air concentration of 1 microgram per cubic meter. This low reading is similar to the measurement of 3 microns per cubic meter in outdoor air measured in Madison at the heavily-trafficked intersection of John Nolen Dr. and Blair St at 5 PM.

Post ordinance samples: The air-quality continue to vary between the 18 taverns and bar-restaurants but to a much less extent then prior to the ordinance. Bar-restaurants had an air quality of 37 microns per cubic meter. Excluding a single restaurant with a sample of 200 microns due to an open kitchen, the average air quality was 10 microns per cubic yard. Bars and taverns had an average concentration of 15 microns per cubic meter. Air concentrations ranged from 6 microns to 45 microns. The later establishment also used an open grill.

Discussion:

The National Ambient Air Quality Standards of the Environmental Protection Agency are the appropriate standards for analysis.ⁱⁱ The pollutants measured as part of these standards are considered harmful to public health and the environment.ⁱⁱⁱ The standard for small particulate matter (PM_{2.5}) is called a primary standard. Primary standards set limits to protect public health, including the health of sensitive populations such as asthmatics, children and the elderly. Secondary standards set limits to protect public welfare, including protection against decreased visibility, damage to animals, crops, vegetation and buildings. The primary and secondary standards for small particulate matter are the same. The standard for annual exposure, that is the average of the different rates of exposure over one year, is 15 microns per cubic meter. The standard for daily exposure, the greatest exposure allowable in a single 24-hour period, is 65 microns per cubic meter

Our air quality sampling data indicates that prior to the implementation of the smoke-free ordinance seven out of nine bar-restaurants were at or exceeded the EPA standard for annual exposure at 15 microns per cubic meter. One bar-restaurant recorded pollution concentration more than five times the daily exposure limit of 65 microns per cubic meter, with a reading of 350. As a result, an employee working in this establishment for one year would be exposed to 23 times the allowable limit.

Data for the taverns and bars indicate much higher levels of small particle pollutants than for bar-restaurants. With two exceptions, the bars and taverns had concentrations of small particle pollutants two to four times the maximum allowable standard for exposure in a single day.

Following implementation of the ordinance, average concentration of particulates in bars fell to 15 microns per cubic meter- the EPA standard. This is a decrease of over 90% in air contaminants. Reduction of particulates in bar-restaurants was not as dramatic because of a lower rate at the base and the single outlier with a rate of 200.

Study Limitations:

All of the samples were taken in June 2005 during warm weather. Testers documented that nearly all of the establishments used air-conditioning. In the few instances where air conditioning was not on, doors were open, and in some instances, fans directly exhausted smoke. In cold weather conditions, higher levels of small particulates may be present. Additionally, surveyors found relatively low numbers of patrons, particularly in the downtown bars surveyed. This would further reduce the level of smoking related particulates, compared to other times of the year when patronage is higher.

Conclusion:

It is well documented that secondhand smoke causes cancer, heart disease and other diseases. Even short-term exposure to secondhand smoke can trigger respiratory infections, asthma and death from heart attack. ^{iv}

The data presented in this report indicate that patrons and employees of taverns and bar-restaurants in Madison are typically exposed to levels of secondhand smoke that are at, or many times greater than, the nationally recognized safe levels of exposure. This exposure presented immediate and long-term health risks for patrons and employees. Implementation of the ordinance substantially reduced air contaminants in bars and further reduced contaminants in bar-

restaurants. Compliance with the new ordinance can eliminate these disease-causing toxins and their related health effects.

References:

ⁱ Repace JF. An air quality survey of respirable particles and particulate carcinogens in Delaware hospitality venues before and after a smoking ban. In Repace Associates, 2003

ⁱⁱ Hyland A, Travers M, Repace JF, 8 City Air Monitoring Study, March- April 2004. Roswell Park Cancer Institute, 2004.

ⁱⁱⁱ US Department of Health and Human Services. Second national report on human exposure to environmental chemicals. Atlanta, GA: US Department of Health and Human Services, Centers of Disease Control and Prevention, National Center for Environmental Health, 2003

^{iv} Centers of Disease Control. Annual smoking-attributable mortality, years of potential life lost, and economic costs- United States, 1995-1999; MMWR 2002;51(14): 300-320

Acknowledgements: The authors would like to acknowledge the assistance of Melissa Umland, Angela Kempf, Michael Fox and Paul Uebellher in the collection of the data and Mark Travers of the Roswell Park Cancer Institute, Buffalo N.Y. for his assistance in data analysis. We also acknowledge the assistance of the Tobacco Control Program, Bureau of Chronic Disease and Health Promotion, Division of Public Health, Wisconsin Department of Health and Family Services.

Suggested Citation: Ahrens D, Remington, P. Report on Air Quality in Madison, Wisconsin Taverns and Bar-Restaurants, June 2005. University of Wisconsin Comprehensive Cancer Center, July 2005.

Air Quality Data for Bars (N=10)

Figure 1

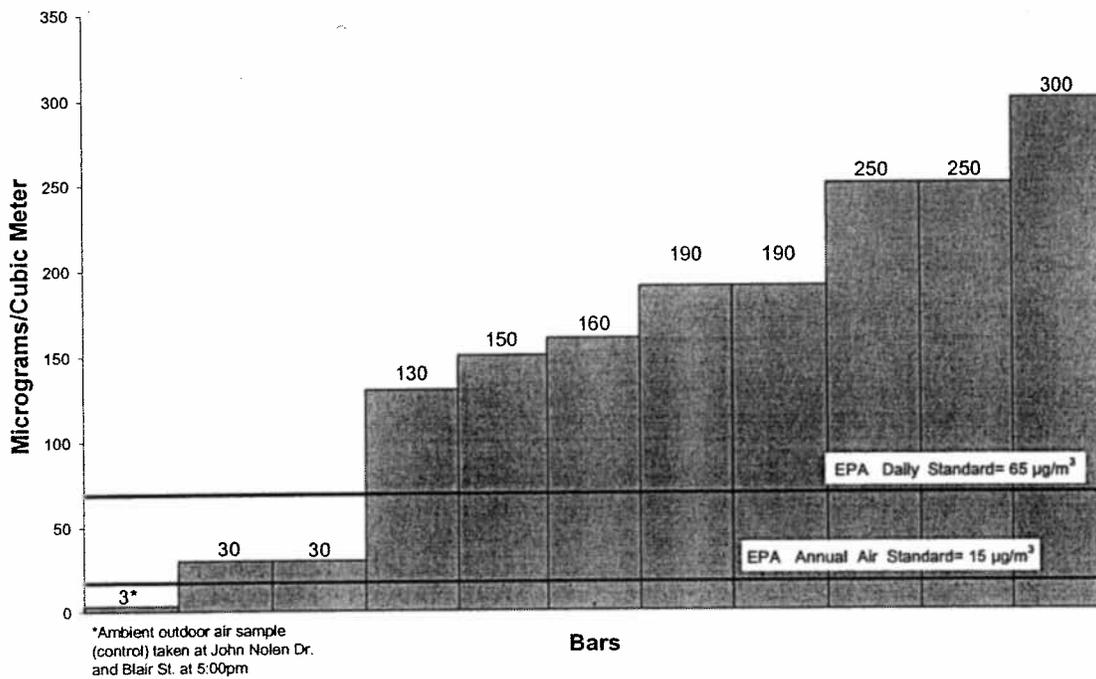
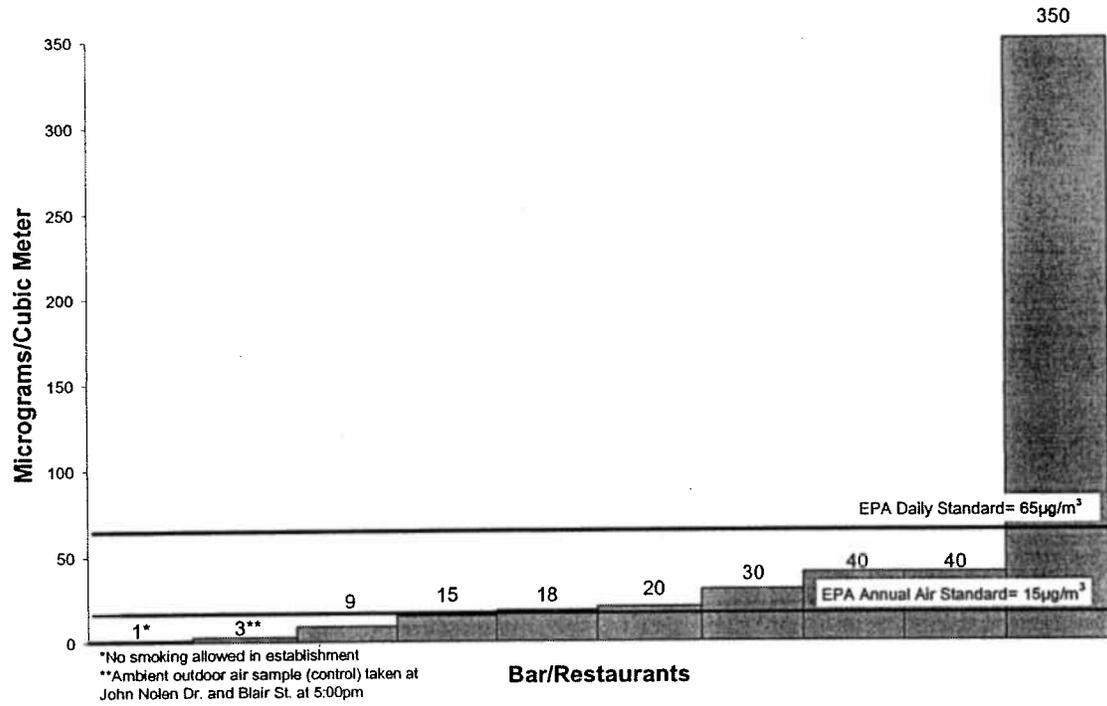


Figure 2

Air Quality Data from Bar/Restaurants (N=9)





HEALTH EFFECTS OF SMOKE-FREE BARS IN WISCONSIN

Karen Palmersheim PhD, Mark Wegner MD MPH, Patrick Remington MD MPH

INTRODUCTION

Exposure to secondhand smoke has increasingly become an issue of concern to the public health community. Indeed, a heightened awareness has followed the release of the 2006 report of the US Surgeon General,¹ which reviewed and critiqued numerous studies investigating the relationship of passive smoking with various disease processes. The report concluded that children and infants exposed to secondhand smoke are at increased risk of lower respiratory illnesses, middle ear disease, and sudden infant death syndrome (SIDS).¹ Exposure to secondhand smoke has also been associated with an increased risk for coronary heart disease among both men and women, and an increase in lung cancer risk among lifetime non-smokers.¹ Further, the Surgeon General concluded that nasal irritation is causally related to secondhand smoke exposure, and evidence is suggestive of a causal relationship between secondhand smoke and other acute respiratory symptoms including cough, wheeze, chest tightness, and difficulty breathing --- among both healthy persons and persons with asthma.¹

The number of workplaces that are smoke-free has been steadily increasing --- via the enactment of smoke-free laws and by the voluntary implementation of smoke-free policies by employers and businesses. However, individuals working in the restaurant and hospitality industry (e.g., wait staff, bartenders) are among those least likely to work in smoke-free environments,^{1,2} and previous research has found mean serum cotinine levels (a measure of secondhand smoke exposure) highest among people working in these settings.² These findings suggest that individuals employed in these types of occupations would be at an increased risk of developing conditions associated with secondhand smoke, and accordingly, would benefit most from the elimination of such exposure.

The purpose of this research was to assess change in mean level of exposure to secondhand smoke among bartenders affected by the establishment of smoke-free ordinances in two Wisconsin cities. In addition, upper respiratory tract symptoms were assessed prior to, and approximately one year after, the implementation of the smoke-free ordinances. These findings were then used to estimate the potential impact of smoke-free policies on bartenders statewide.

METHODS

The University of Wisconsin Tobacco Surveillance and Evaluation Program, in collaboration with the Wisconsin Tobacco Prevention and Control Program, conducted two cross-sectional studies to assess secondhand smoke exposure and upper respiratory symptoms among bartenders working in two Wisconsin cities that implemented smoke-free workplace ordinances on July 1, 2005. The first study was conducted two months prior to the ordinance, and the second study was conducted approximately one year after its establishment, during May through July of 2006.

Details of data collection, inclusion criteria, and analytic methods for the full study can be found at <http://www.medsch.wisc.edu/mep/>.

Overall, 1,528 bartenders were included in the current study, 793 in the pre-ordinance group, and 735 in the post-ordinance group. However, the samples were stratified by bartender smoking status to control for the effects of active smoking. In the current report, findings presented for upper respiratory health symptoms were limited to bartenders that reported being non-smokers, because exposure at work is

likely to be their main source of inhaled cigarette smoke. Independent-samples t-tests were employed to compare pre-ordinance scores to post-ordinance scores on measures

Summary

Objective – To assess the impact of a smoke-free workplace ordinance on bartenders' exposure to secondhand smoke and upper respiratory tract symptoms.

Methods – Data were collected from bartenders working in Appleton and Madison, Wisconsin employing a cross-sectional research design. Pre-ordinance data were collected 2 months before the July 1, 2005 ordinance; post-ordinance data were collected approximately one year later. Findings were extrapolated to the statewide population of bartenders.

Findings – Bartenders' mean level of exposure to secondhand smoke at work decreased from 20.7 hours during pre-ordinance to 1.6 hours during post-ordinance; exposure in other places decreased from 8.2 hours to 4.1 hours; home exposure decreased from 3.9 hours to 2.8 hours. The prevalence of eight upper respiratory symptoms was significantly lower during the post-ordinance period among non-smoking bartenders. Smokers reported a significant reduction of two symptoms.

Implications – A smoke-free workplace ordinance was associated with reduced exposure to secondhand smoke and fewer related upper respiratory symptoms among bartenders. Statewide, smoke-free establishments could lead to similar health improvements among many more employees and bar patrons.

of secondhand smoke exposure. Pearson Chi-square analyses were used to test levels of upper respiratory symptoms. These findings were then extrapolated to the estimated number of non-smoking bartenders working in Wisconsin as follows. According to the Wisconsin Department of Workforce Development, approximately 23,000 individuals are employed as bartenders in the state of Wisconsin.³ Calculating an average across the two study samples suggests that approximately 45% of bartenders currently smoke. Thus, an estimated 12,650 bartenders would be non-smokers (55% of 23,000). The estimated number of non-smoking bartenders was then applied to the absolute percent difference in each symptom, pre- to post-ordinance, to predict the number whose physical symptoms might be improved if all bars in the state were smoke-free.

RESULTS

Sample characteristics of bartenders who participated in the pre-ordinance and post-ordinance studies are presented in Table 1. Table 2 displays the mean estimates of exposure to secondhand smoke in the home, at work, and other places, during pre-ordinance and at post-ordinance. Exposure was self-reported as the number of hours exposed during the past 7 days. Mean exposure to secondhand smoke in the home decreased from 3.9 hours at pre-ordinance to 2.8 hours at post-ordinance. Exposure to secondhand smoke at work decreased from 20.7 hours at pre-ordinance to 1.6 hours at post-ordinance, and mean exposure in other places decreased from 8.2 hours to 4.1 hours. T-test analyses revealed the mean reported decreases in exposure were statistically significant for all three areas assessed.

Study participants were also asked to report how often they experienced a number of upper respiratory symptoms over the past 4 weeks. Data were dichotomized (collapsed into yes/no categories) for the current analyses. Table 3 presents the percentage of non-smoking bartenders that reported experiencing the eight upper respiratory symptoms before and after the establishment of the smoke-free ordinance. The second column designates the percentage of bartenders

that reported having experienced each of the eight symptoms during the pre-ordinance study, and the third column shows the prevalence at post-ordinance. For example, 31% of non-smoking bartenders reported 'wheezing or whistling in chest' during the pre-ordinance study, whereas 16% reported this symptom at post-ordinance. This represents an absolute percent decrease of 15%. The fourth column, presenting the results from the Chi-square analysis which compares the sample proportions, shows that the change was statistically significant. The final column shows the estimated number of non-smoking bartenders statewide who could see improvement in the reported symptom were a smoke-free policy extended to all Wisconsin bars. For example, we could expect approximately 1,900 fewer non-smoking bartenders to experience wheezing or whistling in the chest.

COMMENTS

The findings from this study reveal that the establishment of a smoke-free workplace ordinance can reduce exposure to secondhand smoke among bartenders – both at work and in other places. These latter findings suggest that when bartenders are not at work, they may be spending more of their time in establishments that have also become smoke-free. The lower level of exposure to secondhand smoke in the home reported in the post-ordinance study may reflect, in part, the lower percentage of smokers in the post-ordinance sample, as smokers are more likely to live with other smokers. Or, the impact of the smoke-free workplace ordinances may have carried over into the home environment.

Analyses suggest that the reduced level of exposure to secondhand smoke corresponds with a reduction in the prevalence of upper respiratory symptoms among these workers. In particular, among non-smoking bartenders, the prevalence of all eight symptoms was significantly lower after the establishment of the smoke-free ordinances compared to that reported prior to the ordinances. These findings suggest that an improvement in upper respiratory health symptoms could be experienced by a significant number of non-smoking bartenders in Wisconsin if all bar work environments in the

state were smoke-free. In addition, even bartenders that were current smokers reported a significantly lower prevalence of two symptoms one year post-ordinance (data not shown), and thus could be expected to see a tangible improvement in health. Finally, although this study examined only the health effects of these policies on bartenders, others who work or recreate in bars might also see similar improvements in health.

These findings are similar to those reported by Eisner et al.⁴ in a cohort study of bartenders in San Francisco, and a second study conducted by Menzies et al.⁵ in Scotland. However, due to relatively smaller sample sizes, results in the previous two studies were reported as groups of symptoms. In addition, the Menzies study only included non-smokers. The current study had ample power by which to analyze each symptom independently, in addition to stratifying the sample by smoking status.

Moreover, the current study extends the findings from a previously reported longitudinal study of bartenders in Madison and Appleton.⁶ That study involved comparing baseline data, collected 2 months before the July 1, 2005 ordinance, to follow-up data collected only 3-5 months post-ordinance. Within the cohort of 403 bartenders studied, mean level of exposure to secondhand smoke decreased significantly at work and in other places. In addition, the prevalence of all eight upper respiratory symptoms decreased significantly from baseline to follow-up among non-smoking bartenders, and smokers reported a significant reduction of two symptoms. The strength of the current study is that similar findings have now been found in two much larger cross-sectional samples.

PROGRAM/POLICY IMPLICATIONS

This study revealed a significant reduction in exposure to secondhand smoke in the workplace, as well as in other places, one year after the implementation of a smoke-free workplace ordinance in two Wisconsin cities. In addition, bartenders working in establishments impacted by the ordinances reported significantly fewer upper respiratory tract symptoms. Thus,

it appears the elimination of smoking in workplaces such as bars and restaurants can have beneficial effects on the acute respiratory health of those who work in such settings. These acute symptoms may serve as the warning signs of impending, more serious chronic conditions such as emphysema, lung cancer, and heart disease. Hence, in addition to reducing the immediate, short-term consequences associated with exposure to the chemicals present in secondhand smoke, smoke-free environments should contribute to a reduced risk of more serious long-term conditions.

REFERENCES

1. U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.
2. Wortley PM, Caraballo RS, Pederson LL, Pechacek TF. Exposure to secondhand smoke in the workplace: serum cotinine by occupation. *Journal of Occupational & Environmental Medicine*. 2002; 44(6):503-509.
3. http://worknet.wisconsin.gov/worknet/jsocscrch_results.aspx?menuselection=js&occ=353011&ocname=Bartenders&area=SW
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5. Menzies D, Nair A, Williamson P, et al. Respiratory symptoms, pulmonary function, and markers of inflammation among bar workers before and after a legislative ban on smoking in public places. *JAMA*. 2006; 296:1742-1748.
6. Palmersheim KA, Remington PL, Gundersen DF. The impact of a smoke-free ordinance on the health and attitudes of bartenders. Tobacco Surveillance and Evaluation Program, University of Wisconsin Comprehensive Center, Madison, WI: February, 2006. Available at: <http://www.medsch.wisc.edu/mep/>.

Suggested Citation: Palmersheim, et al. Health Effects of Smoke-Free Bars in Wisconsin. Surveillance Brief. UW Paul P. Carbone Comprehensive Cancer Center. 2007; 3-1.

TABLE 1. Sample Characteristics – Pre-Ordinance and Post-Ordinance

	Pre-Ordinance (n=793)	Post-Ordinance (n=735)
City (n)		
Madison	621	510
Appleton	172	225
Age (years)		
Range	19-80	19-76
Mean	35	35
Median	32	31
Gender (%)		
Female	52	54
Race/Ethnicity (%)*		
White	95	96
Other	6	5
Hispanic	2	3
Education (%)		
Less than high school	2	1
High school diploma	18	16
Some college (no degree yet)	38	39
Associate's degree	12	12
Bachelor's degree	24	26
Graduate or Professional degree	5	5
Months bartending at current bar (#)		
Mean	64	61
Median	36	35
Hours working in current bar per week (#)		
Mean	24	23
Median	22	20
Current smoker (%)	48	41
Cigarettes smoked per day (#)		
Mean	13	11
Median	10	10

* Because respondents could check more than one race, totals may not add to 100.

TABLE 2. Level of Exposure to Secondhand Smoke at Home, Work and Other Places – Pre-Ordinance and Post-Ordinance

Place of Exposure	Pre-Ordinance (mean hours/past 7 days)	Post-Ordinance (mean hours/past 7 days)
Home*	3.9	2.8
Work***	20.7	1.6
Other***	8.2	4.1

Independent-samples t-test, 2-tailed; *p<.05, **p<.01, ***p<.001.

TABLE 3. Percent Reporting Upper Respiratory Symptoms – Pre-Ordinance and Post-Ordinance (Non-Smokers)

Upper Respiratory Symptoms (past 4 weeks)	Percent Reporting Symptom			Number of Non-Smoking Bartenders Potentially Affected by Statewide Smoke-Free Policy ^b
	Pre-Ordinance (n=409)	Post-Ordinance (N=433)	p-value ^a	
Wheezing or whistling in chest	31	16	.000	1,900
Shortness of breath	40	27	.000	1,600
Cough first thing in the morning	44	24	.000	2,500
Cough during the rest of the day/night	50	29	.000	2,700
Cough up any phlegm	50	32	.000	2,300
Red or irritated eyes	72	41	.000	3,900
Runny nose/irritation, sneezing	76	53	.000	2,900
Sore or scratchy throat	62	38	.000	3,000

a Comparison of Pre-Ordinance to Post-Ordinance; Pearson Chi-square Analyses, 2-tailed

b Calculated as (percent with symptom pre-ordinance – percent with symptom post-ordinance) x 12,650 (rounded to the nearest hundred)



SB 150?
Date?

**CHAPTER IV
HEALTH**

4.01 ADMINISTRATOR OF HEALTH

Administrator of Health, Health Department Administrator, or similar term when used in this Chapter or anywhere in the Code of General, Charter or Zoning Ordinances shall mean the Director of the Kenosha County Health Department, or designee(s) thereof, acting as the City enforcing agent under the provisions of a contract between the City and County of Kenosha.

4.02 MANURE

No manure shall be stored in the City, except in a fly proof and impervious container or covered with 6 inches of earth, except in the A-1 and A-2 Zoning Districts where manure may be stored in the open, conditioned upon it being intended for use as a fertilizer upon the land upon which stored, it being stored for no more than six (6) months, and it being stored in such manner so as to not constitute a public nuisance or a health hazard.

4.03 MOBILE HOMES AND PARKS

A. Additional Regulations on Mobile Homes and Mobile Home Parks. Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a Mobile Home Park or upon any premises in the City. The Inspector shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Inspector so determines, he shall notify the licensee or landowners and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time.

B. Enforcement Of COMM 95. Section COMM 95 of the Wisconsin Administrative Code shall be enforced by the Kenosha County Health Department under authority of Chapter 16 of the Kenosha County Environmental Health/Food Ordinance.

4.05 SMOKING REGULATED IN RESTAURANTS AND GROCERY STORES

A. Purpose. This Ordinance is adopted for the purpose of regulating smoking in restaurants and grocery stores to protect the health, safety, and welfare of the public.

B. Finding By Kenosha County Board of Health. The Kenosha County Board of Health, at a duly noticed and convened meeting held on the 2nd day of March, 2000, recommended the adoption of this Ordinance to the Common Council of the City.

C. Findings of Common Council. The Common Council of the City finds that secondhand smoke from the smoking of tobacco affects frequenters and employees of grocery stores and restaurants as follows:

1. It is a health hazard.
2. It is a public nuisance, annoyance, inconvenience and discomfort.

D. Definitions. For purposes of this Ordinance, the following words and phrases shall have the meanings provided.

1. **"Full Service Bar"** shall mean a counterlike object with accessory seating for customers, over which fermented malt beverages or intoxicating liquors are sold for consumption on the premises. A service bar without accessory seating for customers shall not be considered a full service bar.

2. **"Full Service Bar Customer Seating Area"** shall mean the Customer Seating Area at the Full Service Bar in which the service of food is incidental to the consumption of fermented malt beverages or intoxicating liquors.

3. **"Grocery Store"** means a retail store whose primary business is the sale of food and a retail store that sells gasoline and oil in addition to food.

4. **"Restaurant"** means any building or room where, as the establishment's primary business, meals are prepared, or served or sold to transients or the general public, and all places used in connection with it, and includes any public or private school lunchroom. **"Restaurant"** also means a separate dining facility meeting the foregoing criteria located within an establishment, such as, but not limited to, a hotel, motel, hospital, retail store, or office building, whose primary business is not food service. **"Transient"** means a person who travels from place to place away from his/her permanent residence for vacation, pleasure, recreation, culture, business or employment.

5. **"Smoking"** means to smoke, carry, possess or control any lighted tobacco, including, but not limited to, cigars, cigarettes or pipes.

6. **"Separately ventilated"** means that the area

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is ventilated to a standard specified in the State Building Code, Wisconsin Administrative Code, § Comm. 64.05, and that there is a ventilation system for the smoking area which is separate and distinct from the ventilation system for the nonsmoking area or areas so that there is no mixing of air from the smoking and nonsmoking areas.

7. "**Tavern**" means any establishment having a full service bar in which fermented malt beverages and/or intoxicating liquors are sold for consumption upon said premises and whose sale accounts for more than fifty (50%) percent of the establishment's gross receipts during the past City license year, verified under oath in a statement provided by an accountant or bookkeeper, filed with the City Clerk/Treasurer at the time of license renewal. New licensees shall estimate gross receipts for the first license year at the time of license application.

E. Prohibited Conduct.

1. No person shall engage in smoking within the enclosed indoor area of any grocery store or restaurant. These prohibitions also apply to restaurants within a mall, and include adjacent seating areas. These prohibitions do not apply to a room or hall in a restaurant or grocery store that is separately ventilated and separated by a total physical barrier, such as, but not limited to, a full wall without openings other than doors. The door to this room or hall may be opened and closed only for ingress and egress and shall be and remain closed at all other times. No person under the age of eighteen (18) years shall be permitted in such room or hall, unless a customer accompanied by their parent or legal guardian, or unless an employee having the written permission of their parent or legal guardian to work in a room or hall where smoking is permitted. These prohibitions do not apply to restaurants holding a "Class B" Intoxicating Liquor or Class "B" Fermented Malt Beverage License if the sale of intoxicating liquors and/or fermented malt beverages accounted for between thirty-three (33%) percent and fifty (50%) percent of the establishment's gross receipts during the past City license year, verified under oath in a statement provided by an accountant or bookkeeper, filed with the City Clerk/Treasurer at the time of license renewal, and having a Full Service Bar. New licensees shall estimate gross receipts for the first license year at the time of license application. The exemption shall not be in effect until this statement is filed. This exemption only applies to the Full Service Bar Customer Seating Area and not to the general seating area of the establishment.

These prohibitions do not apply to private functions within restaurants conducted in a separate

room or hall which is not open to the general public and where the sponsor of the event has elected to permit smoking and has notified invitees that smoking at the event will be permitted.

These prohibitions also do not apply to taverns where the licensee has filed the required verified statement of the establishment's gross receipts with the City Clerk/Treasurer.

2. No proprietor or other person in charge of a grocery store or restaurant shall place, provide or make available any ashtray or similar device used to facilitate smoking in an area where smoking is prohibited.

3. No proprietor or other person in charge of a grocery store or restaurant shall fail to display signs required by this Ordinance.

4. No person shall remove, deface or destroy any sign required by this Ordinance, except for purposes of prompt sign replacement by a proprietor or other person in charge of a grocery store or restaurant.

F. Signs Required. Signs prohibiting smoking shall be posted conspicuously at every entrance used by members of the public by the proprietor or other person in charge of each grocery store and restaurant. The signs shall be no smaller than 8-1/2" by 5-1/2", legibly reading "**No Smoking By City Ordinance**".

G. Duties of Proprietors Or Other Person in Charge of a Grocery Store or Restaurant.

1. The proprietor or other person in charge of a grocery store or restaurant shall post and maintain signs required by this Ordinance.

2. The proprietor or other person in charge of a grocery store or restaurant shall make reasonable efforts to ensure compliance with this Ordinance by patrons and employees by approaching persons who fail to voluntarily comply with this Ordinance and request that they extinguish their smoking material and refrain from smoking upon witnessing the person smoking or upon complaint from a person who witnessed the person smoking.

3. The proprietor or other person in charge of a grocery store or restaurant shall refuse service to a person smoking.

H. Notice To Person Smoking. Any person smoking in violation of this Section shall immediately cease and desist from so doing upon the request of the proprietor or person in charge of the grocery store

CODE OF GENERAL ORDINANCES, 2006 - KENOSHA, WISCONSIN

or restaurant. Such person shall be subject to prosecution under this Ordinance upon failure to immediately cease and desist from smoking.

I. Hardship Exemption. Any grocery store or restaurant that proves the loss of gross receipts of more than ten (10%) percent as a result of compliance with this Ordinance for the period of December 14, 2000, through March 13, 2001, as compared to the period of December 14, 1999, through March 13, 2000, may apply to the Common Council for an exemption not to exceed two (2) years provided the application is filed with the office of the City Clerk/Treasurer on or before July 13, 2001. Any person seeking such exemption shall furnish to the City Clerk/Treasurer sufficient information to substantiate its request for an exception. If such exemption is granted, the proprietor or other person in charge of the grocery store or restaurant granted such exemption shall post conspicuously at every entrance used by members of the public, signs reading, "WARNING: SMOKING PERMITTED", which shall be at least 8-1/2" by 5-1/2".

J. Inspections. The County Health Department and City Departments of Neighborhood Services and Inspections, Police Department and Fire Department shall have the power to enter grocery stores and restaurants for inspection to ensure compliance with this Ordinance. The proprietor or other person in charge of the grocery store or restaurant shall cooperate with any such inspector/inspection.

K. Penalties. Any proprietor or person in charge of a restaurant or grocery store, or person smoking, or other person who violates any provision of this Ordinance shall, upon conviction, forfeit not less than Fifty (\$50.00) Dollars, nor more than Five Hundred (\$500.00) Dollars for the first violation, and not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars for the second and subsequent violations, plus the costs of prosecution and assessment. Each day of violation shall constitute a separate offense. In default of payment, the violator may be imprisoned in the County Jail for not more than sixty (60) days or until such forfeiture, plus costs and assessments, shall be paid.

4.06 RENDERING PLANTS

The provisions of Chapter ATCP, §57.09 of the Wisconsin Administrative Code are hereby adopted and made a part of this Chapter as if set forth in detail herein.

4.07 PENALTIES

Unless otherwise provided in this Chapter, any person, party, firm or corporation violating any provision of this Chapter shall, upon conviction thereof, be punished by payment of a forfeiture not less than Twenty-five (\$25.00) Dollars, nor more than Five Hundred (\$500.00) Dollars, and in default of such payment of forfeiture and costs, shall be committed to the County Jail for a period of not more than sixty (60) days.



Secondhand Smoke

is TOXIC

Cancer Causing Chemicals

All are extremely toxic

Can cause cancer
Can cause death
Can damage the brain and kidneys



Formaldehyde

Used to embalm dead bodies



Chromium

Used to make steel



Arsenic

Used in pesticides



Polonium-210

Radioactive and very toxic



Benzene

Found in gasoline

Secondhand smoke has more than 4,000 chemicals.

Many of these chemicals are toxic and cause cancer.

You breathe in these



Lead

Once used in paint



SB 150?
Date??

Many of these chemicals are toxic and cause cancer.

You breathe in these chemicals when you are around someone who is smoking.

Polonium-210
Radioactive and very toxic



Vinyl Chloride
Used to make pipes



Carbon Monoxide
Found in car exhaust



Hydrogen Cyanide
Used in chemical weapons



Butane
Used in lighter fluid



Ammonia
Used in household cleaners

Lead
Once used in paint



Cadmium
Used in making batteries



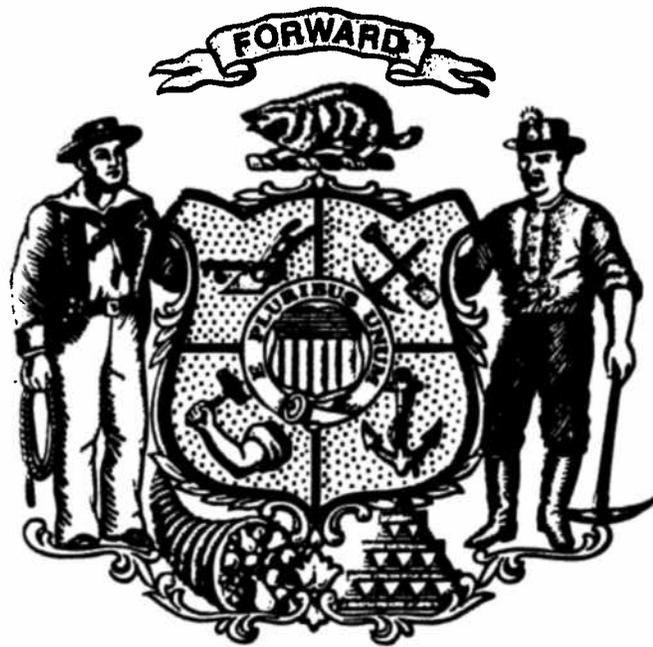
Toluene
Found in paint thinners

Can cause death
Can affect heart and respiratory functions
Can burn your throat, lungs, and eyes
Can cause unconsciousness

Secondhand smoke

It hurts you. It doesn't take much. It doesn't take long.







SMOKING BANS

HURT BUSINESS



*"Don't allow our taverns to have smoking
but let them smoke in the casinos. How fair is that?"*

- Pete Olson - The Corner Bar - Black River Falls



SB150?

Economic Impact of

SMOKING BANS

Smoking ban proponents often point to studies purporting to show smoking bans have little to no economic impact. However, these studies are often contradicted by many business owners' personal experiences, as well as studies and experiences indicating smoking bans are bad for business. It is ironic that ban proponents often discredit the opposition's understanding of Environmental Tobacco Smoke (ETS) science, while professing to comprehend the potential economic impact better than those in the hospitality industry.

When looking at ban-supporters' economic claims, be aware that they will:

- Include fast-food and other locations that haven't allowed smoking for years;
- Exclude those places that have closed during the reporting period (partial-year licensees);
- Point to marginal economic growth while surrounding jurisdictions experience significantly increased business; and
- "Cherry-pick" data to support their assertions.

The bottom line for economic impact is simple: smoking bans most impact businesses that serve smokers as a significant portion of their customer-base. When government-mandated smoking bans are implemented, all restaurant and bar owners suffer a loss of freedom.



Below are excerpts from a few of the more prominent and recent studies regarding the economic impact of smoking bans:

Dallas Restaurant Association Study

In January 2003 the Dallas City Council passed a smoking ban in restaurants, hotels, bowling centers and other public places effective March 1, 2003. One year later, the Dallas Restaurant Association asked two professors of applied economics at the University of North Texas in Denton to examine the effects of

the smoking ban a year after implementation. The study found that the smoking ban:

- Contributed to an \$11.8 million decline in alcohol sales.
- Caused restaurants to experience drops in alcohol sales ranging from 9 percent to 50 percent.
- Caused at least four restaurant closings.

("The Dallas Smoking Ordinance One Year Later: A Report on the Impacts of the City of Dallas Smoking Ban on Alcoholic Beverage Sales", Terry L. Clower, Ph.D. & Bernard L. Weinstein, Ph.D., October 1, 2004)

New York Nightlife Association/Empire State Restaurant and Tavern Association Study

In July 2003 the state of New York banned smoking in all enclosed public places of employment. In May 2004 Ridgewood Economic Associates, Ltd. conducted a study on the impact of the ban on bars and restaurants. The study found that that ban had cost the bar and tavern industry:

- 2,000 jobs (10.7 percent of actual employment).
- \$28.5 million in wages and salary payments.
- \$37 million in gross state product.

("Economic Impact of the New York State Smoking Ban on New York's Bars", Ridgewood Economic Associates, Ltd. May 12, 2004)

National Restaurant Association Study

In 2004 the National Restaurant Association engaged Deloitte & Touche LLP to study the economic impact of smoking bans in thousands of restaurants. The study examined the impact of government-imposed smoking bans on the sales and profits of individual table service restaurants. The analysis used data from national samples of restaurants collected during five different years during the 1990 to 2000 period. The study included information on the features of the ordinances applicable to the restaurants and the economic and demographic characteristics of the communities where the restaurants were located. The research found:

- Non-smoking ordinances have a statistically significant impact on the sales and profits of individual restaurants in certain cases.

- A temporary negative impact on restaurant sales was found in cases where 100 percent smoking bans (excluding the bar area) were in effect at the county level. The estimated declines in annual sales ranged from roughly 49 to 55 percent at restaurants where such bans were enacted two to three years prior to the survey.
- Restaurant sales declined in areas where 100 percent smoking bans (excluding the bar area) had been enacted at the place-level. Annual sales declines were estimated at 36 percent at restaurants where these bans were enacted four or more years earlier.
- In cases where significant declines in sales were estimated, gross profit tended to decline by a somewhat greater percentage.
- A positive impact on total restaurant sales and gross profit was found in cases where place-level ordinances reserved the majority of seating for nonsmokers but allowed some smoking. In cases where these ordinances were enacted two to three years before the survey, sales were estimated to increase 36 percent and gross profit was up 37 percent. In cases where these ordinances went into effect four or more years ago, sales were up 43 percent and gross profit increased 42 percent.

("The Impact of Non-smoking Ordinances on Restaurant Financial Performance", Deloitte & Touche LLP, February 2004)

Restaurant Association of Maryland Study

In October 2003 Montgomery County passed a smoking ban in most enclosed public places, including bars and restaurants. In April 2004 Talbot County began enforcing a similar ban. The Restaurant Association of Maryland tracked tax data from the Maryland Office of the Comptroller and found:

As of April, 2005 the following went out of business in Appleton:

- JukeBox Johnny's
- Muldunes Pub
- Bourbon Street
- Vegas Lounge
- Polly's
- Raven's
- Mongo's
- Trim B's

"The smoking ban has devastate me and my family. I was a thriving business employing 6 people and making a living. The smoking ban turned my world upside down and nobody cared.

I wouldn't wish this on anyone."

- Dave Wiganowsky, Wiggies Food & Spirits (Madison)

In **Montgomery County** between April and December 2004:

- Sales tax receipts for restaurants with liquor licenses grew by only \$110,480, or .025 percent, while receipts in neighboring Frederick County grew 7 percent over the same period.
- The number of restaurants with liquor licenses fell to 402 by the end of December 2004 from a high of 526 in March 2003.
- The number of beer keg sales declined by 2,366 kegs.

In **Talbot County** between May 2004 and December 2004:

- Restaurant sales tax receipts fell by \$2.9 million or 11 percent, while sales for similar establishments in neighboring Caroline County increased by 36 percent and in Dorchester County by 14 percent.
- The number of restaurants/bars with liquor licenses remitting sales tax to the state declined from a high of 39 establishments in November of 2003 to a low of only 29 establishments by the end of December 2004.

(Independent data analysis by the Restaurant Association of Maryland, Melvin Thompson)

Economic Impact of Smoking Bans in Ottawa, London, Kingston and Kitchener, Ontario

In a February 2005 study conducted by Michael K. Evans, Ph.D. of Evans, Carroll and Associates of smoking ban in bars and pubs in Ontario, Canada, the results were striking. The analysis determined:

- After the imposition of the smoking ban sales at bars and pubs were 23.5 percent lower in Ottawa, 18.7 percent lower in London, 24.3 percent lower in Kingston, and 20.4 percent lower in Kitchener, than would have been the case with no smoking ban.

("The Economic Impact of Smoking Bans in Ottawa, London, Kingston, and Kitchener, Ontario", Michael K. Evans, Ph.D., February 2005).

Wisconsin's Mom and Pop Tavern - A Rich and Storied History

Travel anywhere in the country and you will not find anything like the Wisconsin Mom and Pop tavern. Taverns are a unique part of our past and culture. Wisconsin's taverns can be traced back to early German and Irish immigrants who brought their culture of meeting at the local tavern with them to Wisconsin.

Not only does the Wisconsin tavern have a special place in our history, it also plays an important role in our state's economy. There are over 14,000 licensed establishments in Wisconsin—putting us near the top of licensed establishments per capita in the country. That translates into over 24,000 jobs and an economic impact of over \$1 billion into Wisconsin's economy from Wisconsin's licensed beverage industry.

Last year the Tavern League of Wisconsin Foundation and its members contributed over \$5.7 million to over 3,000 state and local charities, further demonstrating the local bond the Mom and Pop tavern has to their community and Wisconsin charities.

Most members of the Tavern League of Wisconsin do not have a retirement plan; instead, their business is their 401k and after years of working many sell their business and use the sale of their business to retire on.

Smoking Bans Hurt Taverns - Period.

Restaurant group wants government to do dirty work on smoking ban
- Milwaukee Post

Washington County Board snuffs out smoking ban plan
Health issue, infringement of rights debated
- GPH Today Staff

There have been a number of studies done regarding smoking bans, which reach different conclusions. One constant in most every study is that the bar business is negatively impacted. Research done regarding smoking bans never isolates the experience of establishments in which the predominant activity is drinking as opposed to eating.

When taverns are isolated in the research the results are dramatic. Smoking bans do not impact fast food chains or typical restaurants as negatively as establishments where eating is not the primary activity. When anti-smoking advocates cite studies showing smoking bans do not effect taverns their data includes a majority of limited-service or full-service eating establishments which skew the data.

Here is what data from around the world has said about smoking bans and taverns:

"Research confirms the negative economic impact of the smoking ban on Dublin pubs with average sales down 16 percent and employment levels cut by 14 percent."

Licensed Vinters Association; Dublin Ireland

Continued from page 2

Wisconsin's Mom and Pop Tavern - A Rich and Storied History (Cont.)

Many small Mom and Pop business owners have little or no health insurance. They struggle to pay rising health care costs and keep their fingers crossed that they do not get sick or face a serious illness.

After paying all of their bills for employee wages, beer, liquor, wine, food, insurance, heating, electricity, local, state and federal fees and taxes, small business tavern owners pocket the rest, which is enough to raise their families and earn a living. They are not big business or fast food restaurant chains—instead they are the smallest of business owners who work hard to try to earn a living in the hospitality industry.

"This examination of Wisconsin restaurants and bars indicates that smoking bans exert effects on profits that vary by establishment, and that bars are more likely to experience losses than restaurants."

Dunham & Marlow

"Our estimates indicate that non-smoking ordinances have significant effects on restaurant sales and profits. We strongly reject the hypothesis that these ordinances have no impact on individual restaurants."

National Restaurant Association Study by Deloitte & Touche LLP

"It's funny because they pushed for this ban to protect the employees. I had a good full-time job that has been reduced to occasional part-time. I chose to work at the bar and someone else decided I shouldn't. That's wrong. I like my job."

- Kris Gilmore - Bartender, Madison

"The enactment of the New York state smoking ban has had a dramatic negative impact on the bar and tavern business and related businesses. The total economic impact is: 2,650 lost jobs, \$50 million lost in wages, \$71.5 million in gross state product."

Ridgewood Economic Associates, Ltd.

Dunn smoking ban plan derailed
Panel majority says it's intrusive
- Monroeville News Bureau

Considering all these factors, it is easy to see why the members of the Tavern League of Wisconsin are so strongly opposed to a statewide smoking ban in their businesses. It will significantly hurt their bottom line, which will squeeze already tight margins and jeopardize their future retirement nest egg. For many, the Mom and Pop tavern is an easy target and their survival is insignificant.

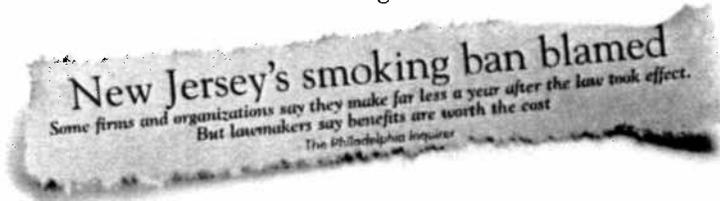
Please take the time to listen to the hundreds of Tavern League of Wisconsin members in your district. From the corner bar to the classic Wisconsin supper club, TLW members are opposed to Senate Bill 150 and urge your opposition to a statewide smoking ban.

Market, Not Government, Should Shape Our Habits

January 28, 2007

It probably should be stated at the outset that if everybody stopped smoking tomorrow, the world would be a healthier place. But smokers should not be forced to give up their bad habits by government decree, as Governor Jim Doyle proposes.

First, Doyle seeks a 163 percent tax increase on a pack of cigarettes, from 77 cents to \$2.02, raising Wisconsin's tax from the middle of the pack to the fourth highest in the nation. We have to wonder if the people who voted to give Doyle a second term would have done so if they knew he was planning to introduce an estimated \$300 million per year tax increase within a month of retaking the oath of office.



And this is a tax that hurts working people the most. For many low- and moderate-income people, their cigarettes are the only luxury they can afford, and many will be reluctant to quit even if the state wants them to for their own good—not likely since the governor now proposes to balance the budget with smokers' tax dollars.

This will be a windfall for the Oneida Nation, where local smokers can flock to buy tax-free cigarettes, but not for the businesses they patronize now.

Second, Doyle proposes a statewide ban on smoking in "public places," a bit of a misnomer because he means not just publicly owned buildings, but anywhere the public gathers, including taverns, restaurants and bowling alleys. Business owners will no longer have the option to have smoking and non-smoking sections—Big Brother says they all shall be no smoking sections, period.

It's a debate that has been played out in more than two dozen communities around the state—the rights of business owners versus the rights of non-smokers. An argument can be made that a statewide ban is fairer to business owners than the piecemeal, city-by-city approach. But in a free economy, the most fair approach is to let the market decide. If consumers truly wanted a completely smoke-free society, businesses that allow smoking would simply disappear.

Legislators will be asked to approve Governor Doyle's tax increase and his usurpation of business owners' private property rights. We suggest they hear from people who think taxes are already high enough and that the market should decide whether businesses go smoke-free.

From Green Bay Press Gazette

The Economic Impact of the New York State Smoking Ban on New York's Bars

I. Executive Summary

Since its passage in July 2003 a significant amount of anecdotal evidence has suggested that New York's statewide smoking ban has negatively affected bars, clubs and taverns across New York state. Countless media accounts have described a dramatic drop in customers for bars throughout the state, as well as a steep decline in bar revenue and significant job losses.

To date the only statistical evidence put forth to gauge the ban's economic impact has analyzed the combined revenue and job totals from both restaurant and bar industries. The following economic study is the first detailed economic analysis focused exclusively on the economic effects of the state smoking ban on New York state's bars. This report measures the direct and indirect economic impact of the New York smoking ban on bars, taverns and clubs*.

The major findings are that the passage of the state smoking ban in 2003 has directly resulted in a dramatic loss in revenue and jobs in New York's bars, taverns and clubs.

Specifically, the following statewide economic losses have occurred in New York's bar and tavern industry as a direct result of the statewide smoking ban:

- 2,000 jobs (10.7 percent of actual employment)
- \$28.5 million in wages and salary payments
- \$37 million in gross state product

In addition, there are indirect losses to other businesses which supply and service the state's bars and taverns:

- 650 jobs
- \$21.5 million in labor earnings
- \$34.5 million in gross state product

In summary, the enactment of the New York state smoking ban has had a dramatic negative impact on the bar and tavern business and related businesses. The total economic impact is:

- 2,650 jobs
- \$50 million in worker earnings
- \$71.5 million in gross state product (output)

**This analysis, defines bars, taverns and clubs using the following North American Industry Classification System (NAICS) definition: "This industry comprises establishments known as bars, taverns, nightclubs, or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption. These establishments may also provide limited food services."*

Wiganowsky: Mayor needs to represent everyone

Wisconsin State Journal

Smoking ban cited for bar's closing

100 bars and restaurants put out of business in less than two years since Minneapolis, St. Paul and Bloomington, Minnesota enacted smoking bans
www.cleanairquality.blogspot.com/2007/01/100-bars-and-restaurants-put-out-of.html

The Economic Impact of Smoking Bans in Ontario

Smoking bans have been imposed upon numerous jurisdictions in Ontario over the past several years. This study analyzes the impact of these bans on sales and tax receipts at bars and pubs in Ottawa, London, Kingston, and Kitchener.

*“George Orwell is smiling down at us all—
Big Brother has arrived.”*

- Rusty Griffin - customer - Chetek

The analysis for Ottawa is based on separate calculations for the main downtown area, the remaining downtown area, the west side residential area, and the east side residential area.

The results are striking. After the imposition of the smoking ban, sales at:

- Bars and pubs were 23.5% lower in Ottawa, 18.7% lower in London, 24.3% lower in Kingston, and 20.4% lower in Kitchener, than would have been the case with no smoking ban.

Statistical analysis was used to determine the economic impact of the smoking bans and generate these results. In all cases, the ratio of sales or tax receipts at bars and pubs to total retail sales in the area are a function of the smoking ban, various economic variables and seasonal dummy variables. Data for bar and pub sales and tax receipts for these regions were obtained from the Ministry of Finance under a Freedom of Information request, as discussed below.

The economic variables that were significant include the value of the Canadian dollar relative to the U.S. dollar, the index of industrial production and the rate of unemployment. These data were obtained from Statistics Canada and other standard sources.

“I know it might get old, but this really sums it up best—you don’t like smoking, then DON’T GO IN THAT PLACE! Why is it we all get that, but the Nanny Staters in Madison don’t?”

- Rod Fischer - Relocation Pub & Eatery - Wausau

Over the past decade, anti-smoking activists have prepared a series of papers purporting to show that smoking bans have no negative impact on sales at eating and drinking establishments. These papers are seriously flawed by several errors, which have been corrected in this study. Some papers measured the impact of the ban only in the month in which it was imposed; we show that the effect is phased in gradually over several months. Other papers failed to treat different types of restaurants separately and have not separated bar and pub sales; we were able to accomplish this through the FOI request. Still other papers either ignored economic variables completely or used simplistic trends; we have used a variety of economic variables and included them with the proper lag structures. As a result, our findings are statistically accurate and econometrically robust. Smoking bans materially reduce sales at bars and pubs.

“Milwaukee’s storied history of the corner bar is in jeopardy if this passes.”

- Sharon Ward - Wardski’s - Milwaukee

“It’s funny to hear all these politicians cry about keeping government out of our business and then they get elected and do just the opposite.

It is no wonder people don’t trust or hold politicians in high regard.”

-Bonnie Harper - Bonnie’s Labor Temple - Eau Claire



Founding Fathers Would Have Rebelled Over Ban on Smoking

When Paul Revere and Patrick Henry got together with the Sons of Liberty to talk about revolution over ale and a pipe, they met at the Liberty Tree Tavern or the Green Dragon in Boston.

Nearly 240 years later, a similar crowd gathered around a bar on the east side of Cincinnati in late February, to talk about government tyranny. The conversation was as spirited as the drinks. Smoke filled the air, and not all of it was from Marlboros and Winstons.

They came from AJ's Roadhouse, Odell's Sports Bar, the Wagon Wheel, Annie's Rustic Tavern, Head First Sports Café, and Deer Park Inn.

They own taverns, sports bars, saloons, neighborhood bars—whatever you call the little watering hole down the street where you can count on good food, cold beer, no ferns and plenty of ashtrays.

And they shared the same story: they say business is down 40 percent for bars that enforce Ohio's smoking ban, so most are ignoring or defying the law. And if they don't throw it overboard like tea in Boston Harbor, business will go down the drain like spilled beer.

"Ninety-five percent of my customers are smokers," said Barbara Wolf, who bought Brother's Café in Silverton 29 years ago. "Everyone who comes in is concerned, asking 'Am I allowed to smoke?' It's going to hurt. It's going to hurt a lot. I just feel like they have taken the rights of bar owners away."

Backers of the voter-approved ban insist that bar business has actually improved because more non-smokers are coming out. Don't tell it to this crowd.

"People who say that don't come to neighborhood bars," said Hermann Tegenkamp, owner of the Deer Park Inn. "Working people come to our places. It's a different group. And they won't come if they can't smoke."

As a former smoker, I know it's true. Smoking and drinking go together like longnecks and Hank Williams. Given a choice to shiver in the cold for a smoke, or stay home and be your own behavior boss, it's no contest.

Tegenkamp and about 200 bar owners drove to Columbus on February 27 to protest at a hearing of the Ohio Health Department. They might as well have petitioned King George III.

"They didn't listen to us," Tegenkamp said. "They just said we have to get used to it."

*"Is anybody paying attention?
Over 25 businesses closed in
Madison and Appleton and nobody does
anything, typical government response."*

- Terry Harvath, The Wishing Well Bar & Grill - Appleton



But maybe not. Tegenkamp has filed a lawsuit, and his lawyer is well-known civil liberties crusader Louis Sirkin, who says the law has problems.

He argues that it infringes on the rights of business owners in the same way eminent domain takes property. "As a businessman, I ought to be able to make my own decisions," he said. "The First Amendment includes free association. That's why we took the case."

The Ohio Supreme Court's strong ruling against eminent domain last year makes Ohio different than other states that have smoking bans, Sirkin said.

And there are due process issues. "Complaints are filed by anonymous tips that never have to be revealed," Sirkin said. "That's not even sufficient for probable cause to pat someone down at a bus stop."

Allowing enforcers to keep 90 percent of fines is another flaw, Sirkin said. "The Supreme Court has declared it is unconstitutional for a local mayor's court judge to fine you to pay (his) salary."

If Tegenkamp wins in court, the smoking ban could be snuffed out, Sirkin said.

Or the General Assembly could "tweak" the law, said Ohio Attorney General Mark Dann. "I think it's a defensible statute," he said. "But there are all kinds of unintended consequences, which is one of the weaknesses of legislating by ballot initiative. Even the originators of the petitions may not have anticipated some of the problems."

I don't think Patrick Henry and Paul Revere anticipated problems like this, either.

"What did the founders believe? I'll bet a helluva lot of 'em smoked, and a helluva lot of 'em made their fortunes on tobacco," said Sirkin, a former smoker.

"Our founding fathers wanted the right to be left alone. Now we have the smoking patrol and cameras on street corners. Big Brother is everywhere."

I don't agree with Sirkin on much, but he's right on this: bar owners and customers should have the liberty to choose smoking or non-smoking—without the Tobacco Redcoats.

Source: Cincinnati Enquirer



*"What would our founding fathers say about this?
This is much more than a debate on a smoking ban;
it is an erosion of our liberties and whether you
smoke or not, it should concern all of us."*

- Sue Robinson - Bourbon Street - Green Bay



2817 Fish Hatchery Rd. • Madison, WI 53713
Phone: (608) 270-8591 • Fax: (608) 270-8595





United Air Specialists, Inc.

a CLARCOR company

INDOOR AIR QUALITY



SB 150 ?

COMMERCIAL AIR CLEANERS

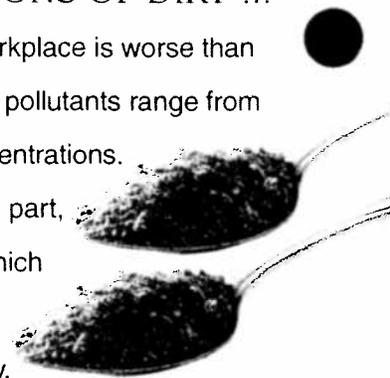
clean air. It's what we do.™

Clean
indoor air
CREATES A
pleasant,
HEALTHY
environment.

EACH DAY, EVERYONE IN YOUR WORKPLACE TAKES HOME TWO TABLESPOONS OF DIRT*...

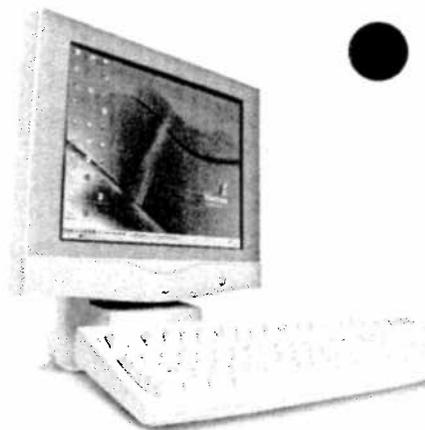
It's a fact, Indoor Air Quality (IAQ) in the workplace is worse than most of us realize. Indoor concentrations of pollutants range from two to 100 times greater than outdoor concentrations.

Such dangerous levels can be attributed, in part, to today's tightly constructed buildings in which the flow of fresh, outside air is limited and interior air is recirculated. The result is "dirty, unhealthy air," an atmosphere in which workers experience headaches, sinus congestion, fatigue, nausea, dizziness, eye irritation, coughs and sore throats. Experts call it "sick building syndrome" (SBS), which can occur in any building. Dirt and pollutants can't always be prevented; carrying them home in your lungs can.



PROTECT ELECTRONIC EQUIPMENT

Your computers, printers and other electronic equipment are extremely sensitive to dust and other airborne particles. United Air Specialists Clean Air Systems protect your investments by capturing smoke, dust, pollen and microscopic particles before they can cause damage.



REMOVE GENERAL OFFICE POLLUTANTS

UAS Clean Air Systems eliminate the pollutants that cause an unhealthy and unproductive working environment. These include dust, molds, fungi, bacteria, viruses, food odors, vapors emitted from building materials and furnishings, chemicals and inks. You can count on UAS to make work areas and conference rooms more inviting, reduce maintenance costs by collecting contaminants before they cling to walls and furnishings, project a clean and quality image to customers and improve overall employee morale, productivity and health.

*A consultant in Contamination Control has estimated that people typically inhale more than two tablespoons of particulates per day. In a comprehensive study reported in *Occupational Health and Safety* (1984), it was found that concentrations of total dust fall into the 20 to 40 micrograms per cubic meter in "tight" buildings. When office workers inhale them, respirable particles are deposited on tracheal and bronchial surfaces.

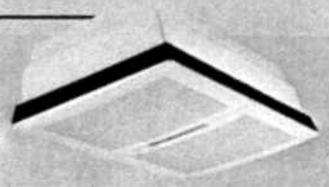


Clean air. It's what we do.™

COMMERCIAL AIR CLEANING SYSTEMS

VisionAir™ **Wall, Ceiling or Stand-Mounted Units - Models VA1 & VA2**

These aesthetically appealing units fit into virtually any interior and can be mounted on or in the wall or ceiling, or on a portable stand. Their interchangeable filters can be fitted with either disposable pleated filters or an electrostatic filter, and come standard with a remote control. Additionally, these units are available in white with an Air Monitor (standard on VA2) and with options such as Odor Free and UV-lights that kill microorganisms. Maximum airflows vary from 600 to 1,500 CFM.



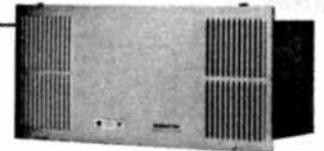
Smokeeter® **Wall Mounted Units - Models SE 20, SE 40, SE 50**

The most popular units in the Smokeeter® line, these ceiling hung, wall-mounted or tabletop units offer airflows up to 1,500 CFM. They include carbon after-filters and efficiently remove particles through well-designed air patterns. The units in this series include an electrical cord and are all easily mounted, saving on installation costs.



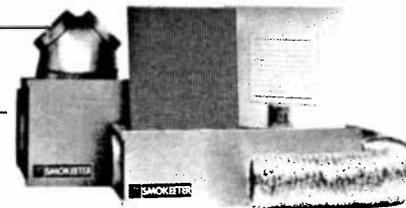
Smokeeter® **Flush-Mount Ceiling Unit - Model SE 24**

The Smokeeter® flush-mount unit fits into 26x46 suspended tile ceilings with airflow up to 1,020 CFM. It is designed to blend with the ceiling pattern and is easy to access for service and maintenance. The unit includes carbon after-filters as well as speed control switches to adjust desired airflow.



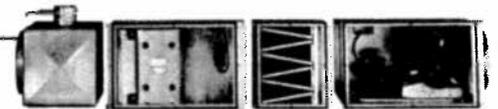
Smokeeter® **Concealed Ceiling Systems - Models FS & LS**

The Smokeeter® FS and LS are concealed systems for installation above the ceiling—a concept pioneered by UAS. Smokeeter® concealed systems provide clean air without altering the room's appearance. They offer airflow ranges from 440 to 1,500 CFM and can be ducted to multiple rooms. The FS and LS can be ordered complete with supply grilles, return grilles, flexible ductwork and a wall-mounted remote control switch.



Crystal-Aire® **A Modular, High-Capacity System**

The Crystal-Aire® modular clean air system can be customized to meet specific needs where heavy concentrations of smoke and odor are present. The concealed Crystal-Aire® system combines a high-capacity ESP section, a motor/blower housing and an odor control module to handle the most intense environments. Airflow up to 1,600 CFM per module can be achieved.



Models DA, DB & DBM **Heavy-Duty, Multipurpose Dust & Mist Collectors**

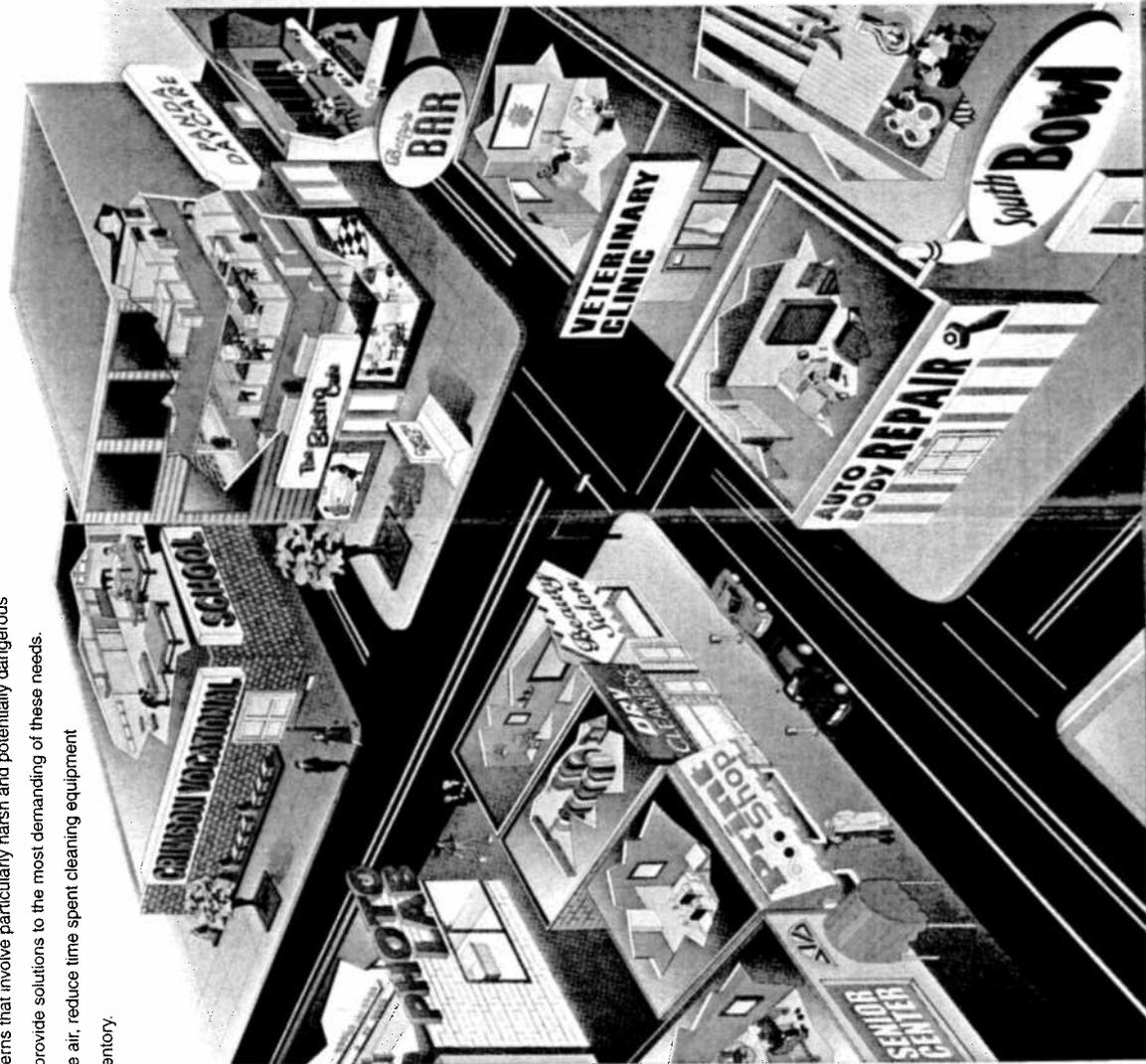
Available in ducted and unducted applications, these units are designed to trap airborne contaminants generated by many operations such as grinding, sanding, powder handling, welding and more. Offered from 3/4 to 3 horsepower, they provide flexibility by offering a wide range of filter options for both wet and dry particle collection. Airflow ranges from 1,500 to 3,000 CFM.



Whatever your business, UAS has a perfectly clear, clean air solution.

Certain workplaces have clean air concerns that involve particularly harsh and potentially dangerous contaminants. UAS Clean Air Systems provide solutions to the most demanding of these needs.

These products clean and deodorize the air, reduce lime spent cleaning equipment and minimize losses from damaged inventory.



VOCATIONAL SCHOOL – Wood dust, inks, chemicals, welding smoke and paints pose a serious health hazard.

PHOTO LAB – Dust, dirt particles and processing chemicals can damage work in progress, reduce productivity and increase employee health risks.

BEAUTY SHOP – Smoke, dust, hair sprays and chemicals cause an especially unhealthy air environment for employees and customers.

DRY CLEANER – Dirt, dust and lint from clothing cause unhealthy air.

PRINT SHOP – Fumes and odors from inks and chemicals fill the air. Offset printing powders hamper production and are inhaled by employees.

NURSING HOME/HEALTH CARE – The elderly are especially vulnerable to respiratory problems from dust, pollens, molds, bacteria, food odors, tobacco smoke and cleaning agents.

OFFICE – Dust, mold, bacteria, viruses, pollens and vapors from furnishings combine to create an unhealthy work environment.

DAY CARE CENTER – Because children's respiratory rates are 10 times higher than the average adult, they are at higher risks to allergies, viruses, cold germs and other airborne contaminants.

RESTAURANT/BAR – Smoke, dust and food odors create unhealthy, unpleasant air and leave a negative impact on customers.

VETERINARY CLINIC – Poor air quality due to animal dander and odors as well as bacteria and viruses, can harm people and pets.

BOWLING CENTER – Tobacco smoke, dust and food odors create an unpleasant atmosphere.

BODY SHOP – Primer dust, body filler and paint overspray affect work quality and employee health.

WHY CHOOSE UNITED AIR SPECIALISTS ?

A world-renowned reputation. For 40 years, we've been the industry leader in air quality technology — a proven track record that speaks for itself.

Commitment to quality products. Measuring our quality against documented expectations, we practice continuous improvement methods to anticipate challenges and implement successful solutions.

Unparalleled customer support. As a customer-driven solutions provider, we earn credibility and establish successful relationships by exceeding expectations for professional service and attitude.

Innovative technical leadership. Always, we keep technology at the forefront — ensuring continuous product advancements through ongoing investments in design and manufacturing.

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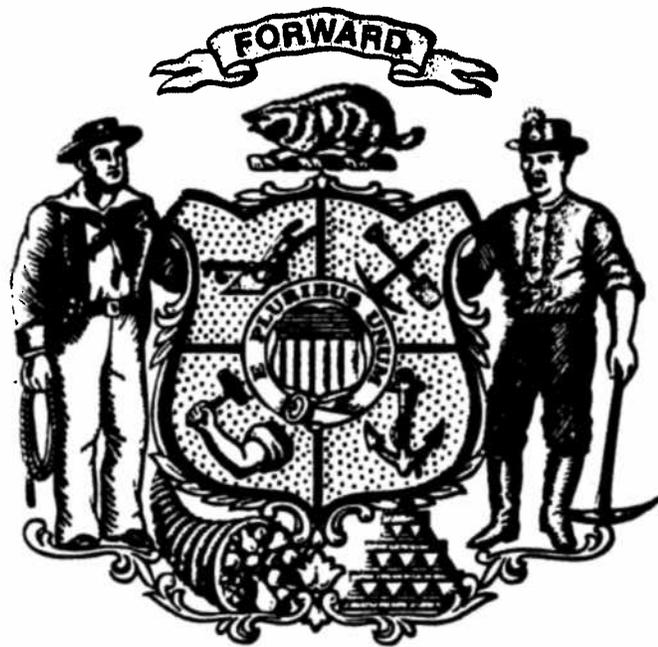
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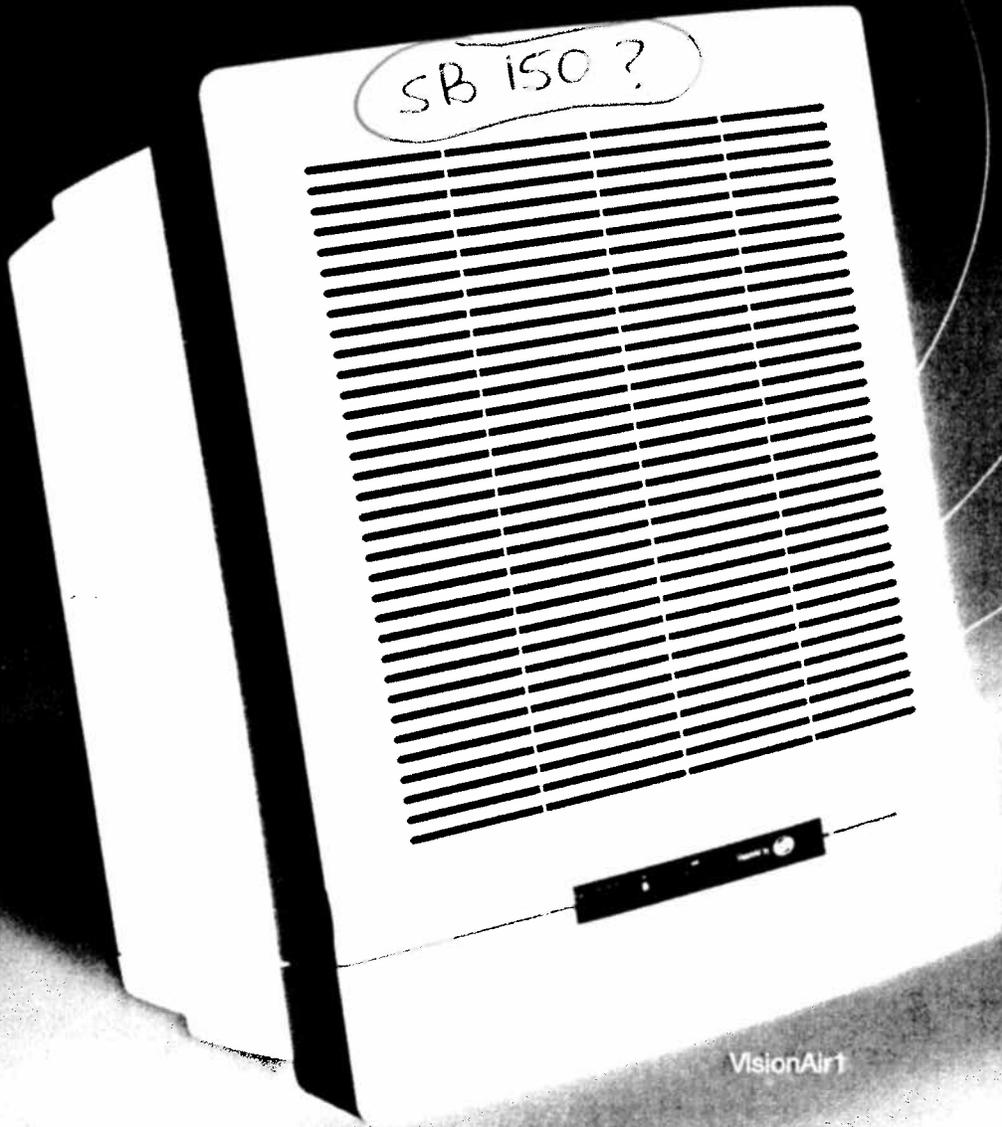




United Air Specialists, Inc.

a CLARCOR company

VISIONAIR™



VisionAir1

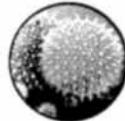
COMMERCIAL AIR CLEANERS

Clean air. It's what we do.™

VISIONAIR™

A BREAKTHROUGH IN air cleaning TECHNOLOGY

United Air Specialists introduces a revolutionary, innovative line of air cleaners distinguishable by performance, design, ease of operation and flexibility.



POLLEN



BACTERIA & VIRUSES



SMOKE

INDOOR AIR POLLUTION IS UNDERESTIMATED

Increasingly, consumers continue to realize that many complaints, such as headaches, irritations to eyes and throat, loss of concentration and tiredness may be the results of indoor air pollution.

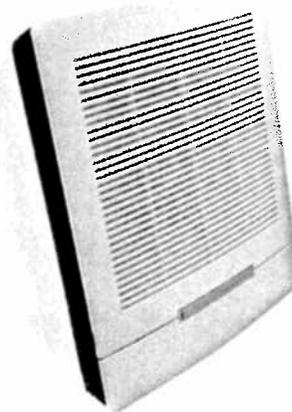
Measurements show that the air in offices, schools, medical facilities, bars, hair salons and restaurants are up to five times more polluted than the air outside! In the indoor

air, millions of invisible harmful particles are present, including dust, microorganisms such as bacteria, viruses, fungi, pollen, hairs, dander, aerosols and tobacco smoke. On average, people spend 90% of their time indoors!



EXPERIENCE THE IDEAL CLIMATE

VisionAir™ air cleaners remove many kinds of pollutants from the air and contribute to a healthier living and working environment, in which everyone is more energetic! VisionAir air cleaners have a noticeably positive effect on work performance, productivity and reduction of illness-related absence. When you choose VisionAir, you show that you care about the well-being of your employees, customers and visitors.



VisionAir1



Clean air. It's what we do.™



PLANTS



HAIR

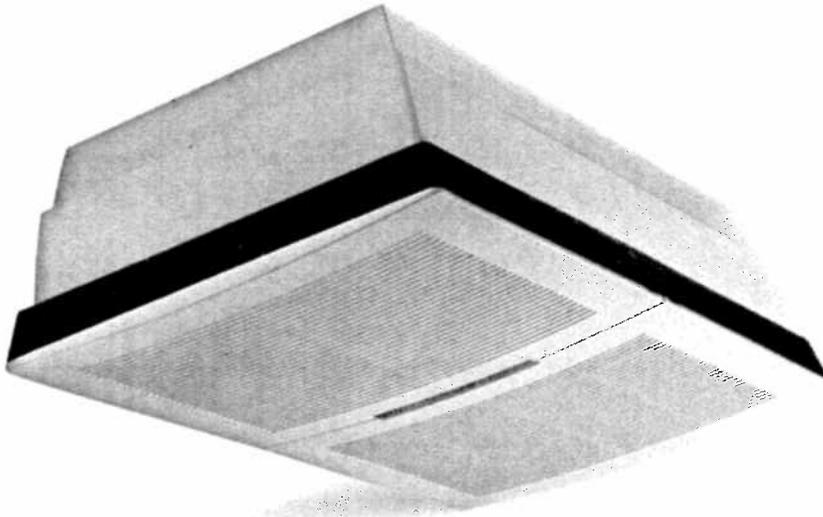


MITES

PERFECT AIR CLEANING IN EVERY SITUATION

Your specific application can be accommodated with VisionAir air cleaners, and the installation is simple! There is the choice of two unique models: VisionAir1 (wall, ceiling or stand mounted) and VisionAir2 (mounted to or on the

ceiling). Whichever model you choose, VisionAir air cleaners fit into any interior with their unobtrusive design and perform their task quietly. On its quietest setting, the sound level is lower than that of an average PC!



VisionAir2



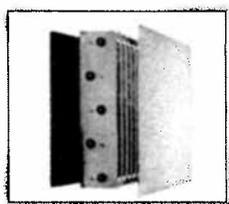
UNPARALLELED PERFORMANCE

The new VisionAir's disposable filter (MediaMax) is made of durable, highly efficient material that is specially pleated to provide a very large effective surface area. The result: low air resistance and high dirt trapping capacity. These filters have an antibacterial coating to prevent bacteria growth.

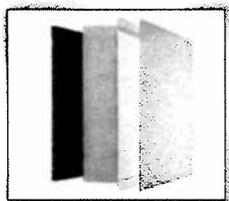
With this ingenious design, VisionAir air cleaners remove pollutants considerably better than traditional air cleaners. The superior performance of VisionAir filters removes up to 99.97% of all indoor irritants and pollution.

FILTER MAINTENANCE; ANYONE CAN DO IT

Two of the many priorities in the design of the VisionAir unit are user-friendliness and versatility. Dirty filters can be replaced in no time by clean ones, and with a simple-to-use retrofit kit, the ElectroMax and MediaMax filters can be interchanged. The Countdown Timer, a standard feature on each VisionAir, indicates when the disposable filter needs replacing.



ElectroMax Filter



MediaMax Filter



Control Panel
with Optional
Air Monitor

Display Stand
Optional

Optional FreeBreeze

ElectroMax
Filter

MediaMax
Filter

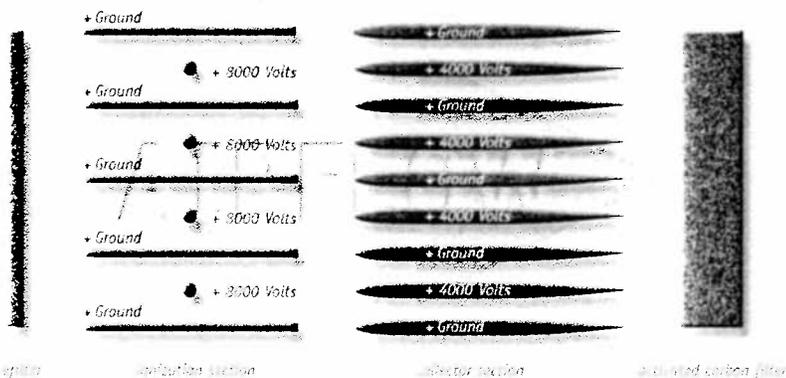
Adjustable
Air Outlet



Remote Control



3-STAGE FILTER SYSTEM



CLEAN AIR, PLEASANT FRAGRANCE

Each VisionAir is provided with an activated carbon filter to take out unpleasant odors. Additionally, the FreeBreeze air freshener is optional with each VisionAir. Together, the carbon filter and FreeBreeze produce purified air that is healthy and easy to breathe!

EXPANDABLE TO YOUR SPECIFIC NEEDS

The versatile construction of VisionAir provides the following options:

ODOR FREE

When odors that are more pervasive need to be taken out, the VisionAir can be equipped with an odor-free filter. Examples might include crowded meeting rooms, nursing homes and other busy places.

STERILE AIR

UV-light kills microorganisms, such as bacteria, viruses and fungi. This considerably reduces the number of indoor air problems. To reduce the harmful influence of microorganisms, areas of application might include medical institutions, childcare facilities, schools and offices.

AIR MONITOR

The Air monitor automatically ensures an optimum condition of the air. When you switch it on, VisionAir operates without further need for manual control. The air monitor measures the pollution continuously and adjusts the fan speed accordingly, so that you do not have to bother with the controlling of the air cleaner.

		VisionAir1	VisionAir2	Applications
Room Volume		up to 6,000 ft. ³	up to 12,000 ft. ³	<ul style="list-style-type: none"> • Bars • Restaurants • Clubs • Gaming Facilities • Bingo Halls • Offices • Daycares • Hospitals • Wellness Facilities
Airflow	(ElectroMax)	750 cfm	1,500 cfm	
	(MediaMax)	600 cfm	1,200 cfm	
Fan Speeds		4	4	
Type of Filters		Pre-filter Disposable or ESP filter Activated carbon filter	Pre-filter Disposable or ESP filter Activated carbon filter	
FreeBreeze (Odor Control)		Optional	Optional	
Control		IR remote control Air monitor (optional)	IR remote control Air monitor (standard)	
Mounting Options		<ul style="list-style-type: none"> • Freestanding • On Vision Display (accessory) • Mounting to or in the wall • Mounting to or in the ceiling 	<ul style="list-style-type: none"> • Mounting to or in the ceiling 	
Available Color		Off white	Off white	
Accessories		<ul style="list-style-type: none"> • Odor free • Sterile air (2 tubes) • Air monitor 	<ul style="list-style-type: none"> • Odor free • Sterile air (4 tubes) • Air monitor (standard) 	
Dimensions		24.8 x 24.4 x 11.4 in.	24.8 x 41.3 x 11.4 in.	
Max. Build In Height		8.3 in.	8.3 in.	
Weight	(ElectroMax)	40 lbs.	75 lbs.	
	(MediaMax)	33 lbs.	56 lbs.	
Power Supply		115 V, 60 Hz	115 V, 60 Hz	
Power Consumption – Air Cleaner Unit		(ElectroMax)	130 W	
		(MediaMax)	118 W	
Power Consumption – UV Lighting		22 W	44 W	
Warranty		3 years	3 years	
				Difference vs. Traditional Air Cleaners:
				<ul style="list-style-type: none"> • High performance: better than all other air cleaners with disposable filters or electrostatic filters • Two unique models: VisionAir1 and VisionAir2 • Range of floor and ceiling models (built-in and mounted) • Easy to maintain: replacement of the filters is simple • Clean design that fits in any interior • User-friendly remote control • Choice of electrostatic filter (ElectroMax) or conventional filter (MediaMax) • Low noise level • Available in off-white

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