



# **City of Grand Island**

**Tuesday, May 03, 2005**

**Study Session**

## **Item -1**

**Presentation by Central District Health Department Concerning  
Smoking Ban**

Staff Contact: Gary Greer

# **Council Agenda Memo**

**From:** Gary D. Greer, City Administrator

**Meeting:** May 3, 2005

**Subject:** Health Department Recommendation on Smoking Policy

**Item #'s:** 1

**Presenter(s):** Teresa Anderson, Executive Director, Central District Health Department  
Ryan King, Assistant Director, Central District Health Department

## **Background**

Over the last year the community has been involved in a process to become more familiar with the various issues associated with second hand smoke. This community process has included a great deal of information, input and discussion. Additionally, the community has been watching various other Cities across the nation in their processes and policies regarding the issue. It is very clear that there is a phenomenal amount of information concerning the subject and there are very strong opinions concerning this subject.

Following is a list of activities that have taken place during the public dialogue:

|                   |  |
|-------------------|--|
| June 1, 2004      | Study Session conducted to take public input   |
| June 22, 2004     | Regular Council Meeting to take public input and consider placing a smoking ban on the General Election<br>Motion passed to take time to further study the issue and address ballot language with the possibility of bringing the issue to an election |
| July 20, 2004     | Health Department officials visit various restaurants for input  |
| August 23, 2004   | Health Department officials visit various Bars for input   |
| February 22, 2005 | Community Forum #1 held to gain input  |
| February 24, 2005 | Community Forum # 2 held to gain input   |

Attached is a report from the Central District Health Department concerning their findings along with detailed information derived from their discussions and forums.

## **Discussion**

At this time, it is appropriate for the City Council to receive the report from the Central District Health Department (CDHD) and discuss the next step in the process. The recommendation of the Health Department Board is included on Page 8 of the report and states:

*CDHD officials recommend to the Grand Island City Council that the Council actively pursue policy that assures smoke-free environments particularly in places where children would be exposed, in workplaces and indoor public areas, and in all governmental facilities and vehicles.*

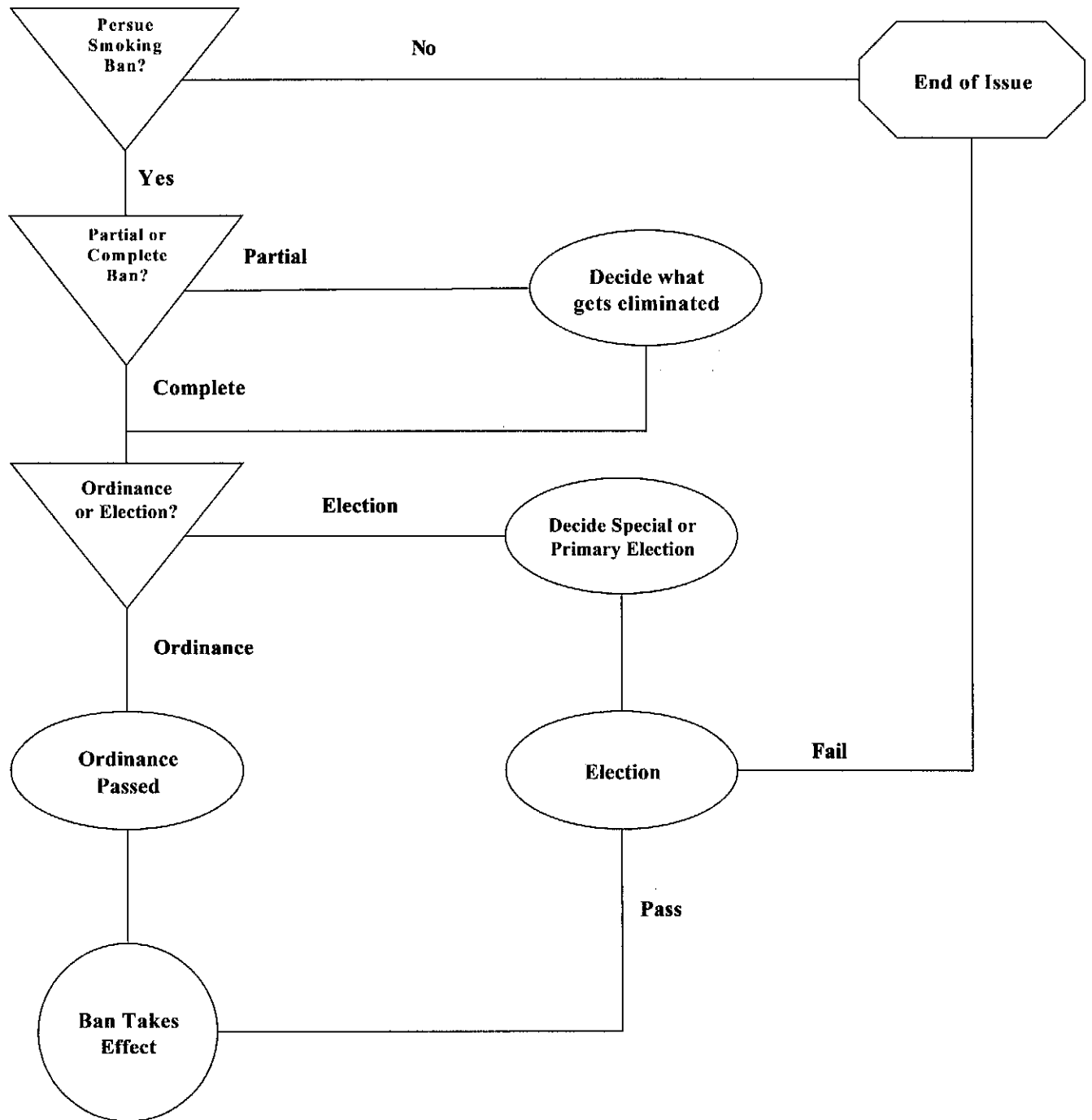
*CDHD officials also recommend that the Council and all involved in policy change be alert to the several current legislative bills related to SHS. Tracking these bills will serve useful. Because it is a health issue, it is likely that enforcement may fall to CDHD Environmental Division. CDHD offers to work closely with the Council to develop policy that is comprehensive, enforceable, and fair.*

Now that the public input part of the process is over and the Health Department has made their recommendation it is appropriate for the Council to provide direction on this important matter.


The issue at hand is fairly complicated and has evaded clear direction over the last year. It appears that discussions have not developed a clear consensus during deliberations by the State Legislature, City Council, Public or Health Department. Therefore, in order to attempt to provide discussion points City Administration has identified decision milestones which allow for the development of policy consensus. Attached is a decision tree which may help identify key decision points and facilitate the discussion.

## **Conclusion**

Study Sessions are conducted to allow the Council to discuss far-reaching issues in an informal setting. It is appropriate for the Council to receive the report from the Central District Health Department and discuss what action should be taken concerning their recommendation. Furthermore, City Administration would recommend that the Council attempt to build consensus concerning policy direction on the issue at hand. The last year has been an opportunity for extensive public input and debate. At this time direction is needed on how the City should move or not move on this important issue.



# Memo

**To:** Gary Greer, City Administrator  
**From:** Teresa, Anderson, Executive Director   
**Date:** March 15, 2005  
**Re:** Second Hand Smoke Community Forum Report

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Please find enclosed the Second Hand Smoke Community Forum Report. I will forward a copy of the report by email as well. Also enclosed, please find written letters and published information that was given to CDHD at the forums to be forwarded to the Council.

The report, including the recommendation to the Council, was approved by all seven board members in attendance at CDHD's Board Meeting, Monday, March 14, 2004.

Both Ryan King and I plan to attend the Council's study session scheduled for May 3, 2005 at 7pm. Please do not hesitate to contact either one of us prior to that time with any questions, comments, or suggestions.

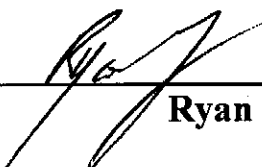
# **Second Hand Smoke Community Forum Report**

**Prepared For: Grand Island City Council**

**Prepared By: Central District Health Department**

**Date Submitted: March 15, 2005**

By: \_\_\_\_\_  
Teresa Anderson, Executive Director

By: \_\_\_\_\_  
Ryan King, Assistant Director

## **Background**

The Central District Health Department (CDHD) Board and Staff acknowledge that the issue of secondhand smoke (SHS) is necessarily complex. Tobacco has long been a part of the American culture, glamorized in Hollywood films, and touted as a symbol of freedom, sophistication, and success by the tobacco industry. Business owners, who take the financial risks related to their establishments, deliver convincing arguments defending their rights to choose the smoking status for their businesses.

The more accurate representation of SHS is displayed in mortality and morbidity numbers of the American population. The Environmental Protection Agency classifies secondhand smoke as a Group A (known human) carcinogen. More than 4,000 chemical compounds have been identified in tobacco smoke including formaldehyde, cyanide, carbon monoxide, ammonia, and nicotine. Of these, at least 43, such as benzene and N-nitrosamines, are known to cause cancer in humans or animals. Detectable amounts of nicotine, carbon monoxide, and other evidence of secondhand smoke can be found in the body fluids of nonsmokers exposed to environmental tobacco smoke (ETS).

The Centers for Disease Control (CDC) reports that SHS accounts for nearly 3,000 lung cancer deaths each year in the United States. Additionally, scientific studies conducted by the Environmental Protection Agency (1997), and reported by the CDC conclude that there are as many as 62,000 deaths annually from coronary heart disease among adult nonsmokers exposed to SHS. Studies show exposure to SHS increased risk of a range of illnesses, particularly among children, including asthma, bronchitis, pneumonia, and other respiratory illnesses. In addition, substantial evidence now indicates that secondhand smoke is associated with low birth-weight and sudden infant death syndrome.

Nebraska's adult cigarette smoking rate has remained at approximately 22% for the past ten years. The adult smoking rate in Central Nebraska is slightly lower, but comparable (20%). While the smoking rate has been stable, the percentage of Nebraskans who are protected from SHS exposure in their workplace has increased from 65% in 2000 to 77% in 2003 (NE Health and Human Services System [NHHSS], 2004).

A study sponsored by the National Cancer Institute (Gerlach, 1997) found a fourfold difference among occupational groups with respect to smoke-free policies. An estimated 80% of health care employees (physicians, dentists, veterinarians, etc.) are provided with smoke-free policies compared to only 21% of food service employees (waiters, cooks, bartenders, etc.) Nearly 22% of the more than 5 million Americans employed in the food service industry are teenagers. Employees in blue-collar and service jobs, such as craft workers, laborers, and hospitality workers, are still disproportionately exposed at the workplace.

Some believe SHS should not be regulated by government at any level; that individuals can choose whether or not to be exposed to SHS. Others believe it is essential that the government intervene to protect the health of the majority. People on both sides of the issue continue to look to local government for guidance. CDHD held two community forums on February 22 and February 24, 2005 at the request of the Grand Island City Council. The purpose of these

meetings was to explore the attitudes and beliefs of the Grand Island community as they relate to second hand smoke (SHS) exposure and to potential policy restricting SHS in public places and workplaces. This report is being submitted to the Grand Island City Council for the Council's consideration.

## **Method**

A news release was issued to area media on Wednesday, Feb. 16<sup>th</sup>. Ads were placed in the Grand Island Independent weekend editions on February 19<sup>th</sup> and 20<sup>th</sup>. Teresa Anderson, CDHD Executive Director appeared on the noon show on KHAS-TV on Monday, Feb. 24<sup>th</sup>. A news article appeared in the Grand Island Independent on Tuesday, Feb. 25<sup>th</sup>, and interviews with Teresa Anderson were taped by KOLN/KGIN 10/11, NTV, and KHAS-TV, and aired on the 10pm news following the Tuesday evening forum. Nebraska Public Radio taped the Tuesday evening forum with the intent of airing it in its entirety. Following the forums, all three television stations and the Independent continued to run follow-up stories.

Those attending the forum signed in upon arrival supplying name, city of residence, occupation, gender, and age category. A second sign-up form was used for those wishing to speak. In order to assure both sides of the issue were heard, speakers were asked to commit to speaking either for or against policy change at sign-up. Speakers supporting policy change were given odd numbers starting with #1. Speakers against policy change were given even numbers starting with #2. Speakers were then called to the podium in numerical order, resulting in alternation of speakers for policy change with speakers against policy change.

Speaker's themes were recorded individually by Teresa Anderson RN, MSN, Ryan King REHS and Jane Miller RN, BSN all of CDHD. These notes were reviewed and compared post-event by the recorders, and general themes identified and synthesized for this report.

The rules for the forums were read each night prior to the first speaker as follows:

"In order to conduct the forum in an orderly fashion, we ask all speakers to adhere to the following rules:

1. Those of you who signed up to speak received a number. Your number will be called when it is your turn to speak. At that time, please make your way to the microphone. If you speak tonight, you will not be allowed to speak on Thursday night. We will continue to call speaker numbers up to 8:25 at which time we will have a few closing remarks.
2. Limit your speaking to 3 minutes. Deb will issue a halfway warning at 1½ minutes with a yellow card. At three minutes, Deb will hold up the red card. Please finish your sentence and immediately take your seat. The time limit is designed to allow as many speakers as possible. Please be considerate of others.
3. While others are speaking, we ask that those of you in the audience remain respectfully quiet. This evening's format does not allow for dialogue. If you wish to speak to someone, please leave the auditorium in between speakers.



4. We will maintain an environment of fairness, respect and courtesy. While you may not agree with what another person says, you will agree that each person here has a right to speak uninterrupted.

We ask your full cooperation in following these rules. We have a short time in which to complete these forums, and any interruptions will result in less speaking time.”

### **Participants**

Tuesday’s forum attendance was 28 with 23 speakers, 20 in favor and 3 opposed to policy change. Thursday’s forum attendance was 59 with 24 speakers, 15 in favor and 9 opposed to policy change. The two-day attendance was 87. However, there were 13 people who attended both nights, making the actual total forum attendance 74.

Of the two-night total, 45 (61%) were female and 29 (39%) were male. Ages ranged as follows: Age 5-17= 22 (30%); Age 18-29= 6 (8%); Age 30-49= 15 (20%); Age 50-69= 27 (36%); and Age 70 or older= 3 (4%). Occupations ranged as follows: Health professional: 22 (30%); Restaurant/bar owner= 7 (10%); Student= 22 (30%); and Other= 22 (30%). Forty-four (94%) of speakers reside in either Grand Island or Hall County. Three (6%) of the speakers reside in Kearney, Lincoln or Omaha, all of whom support policy change. One phone call was received from a Grand Island resident in support of smoke free policy.

Approximately one-third of those attending were high school students. It was noted that approximately 15 students requested verification of attendance to receive credit for government class. All youth who spoke favored a policy change.

Approximately one third of those attending were health professionals, and comprised 40% of the speakers favoring policy change. Letters in support of smoke free policy were received from the American Lung Association and Public Health Association of Nebraska.

Just 10% of attendance was composed of bar/restaurant owners, all of whom spoke in opposition to policy change. Of the 47 speakers, 35 (74%) favored and 12 (26%) opposed policy regulating SHS.

### **Results**

Several themes emerged on both sides of the issue of smoke free policy.

Comments of those supporting smoke free policy fell into five categories.

1. Youth Support
2. Health implications
3. Nonsmoking sections/ventilation systems
4. Economics
5. Responsibility to set policy

Comments of those opposing smoke free policy fell into two categories.

1. Economics
2. Government Intervention vs. Freedom of Choice

The themes are listed below, along with quotes from speakers.

### ***In Favor of Smoke Free Policy***

#### ***Youth Support***

“We are the future. We don’t want to have to worry about our health.”

“An ordinance would ensure the safety of our future.”

“There are places like the bowling alley... we just won’t go, because we reek of smoke when we leave.”

“Kids believe SHS is a problem and that their rights are being violated. There are places they just won’t go because of the smoke.”

“My friend was pregnant and she was forced to work in the smoking section.”

“According to a survey conducted by the Hall County Tobacco Free Youth Board of students at Grand Island Senior High (n= 950), Northwest (n= 404), Central Catholic (n= 155) and Heartland Lutheran (n= 22), the large majority of teens believe:

1. Smoking in workplaces and public places should be eliminated.
2. They would support an ordinance to eliminate smoking in all workplaces and public places including bars and restaurants in Grand Island.
3. They believe there are health risks associated with SHS.”

“My folks are relieved that I am working in a restaurant where smoking is not allowed.”

“It is illegal for me to smoke, but not to breathe SHS.”

“They had Children’s Day at Fonner Park, and the kids don’t like to be somewhere there is smoke.”

“The smoke tempts kids to start smoking.”

“SHS policies help prevent children from starting and help adults to quit.”

#### ***Health Implications***

“SHS is deleterious to health. The studies on SHS are well founded and accurate”

“I have asthma. I can’t go where there is smoke.”

“I am allergic to smoke. I get flu like symptoms and then I miss work.”

“SHS harms employees and customers.”

“Tobacco Free Hall County is committed to eliminating SHS because of the health risks.”

“The body is the temple of God. When exposed to SHS, it is compromised emotionally, spiritually and physically.”

“Smoking is a health and safety issue.”

“People need to be free not to be exposed to SHS.”

“Science supports that SHS can kill.”

“Nobody should have to risk lung cancer to hold a job.”

#### ***Nonsmoking sections/Ventilation Systems***

“There is no system that can filter the air.”

“Saying you can’t smoke in a certain area of a building is like saying you can’t pee in a certain area of the pool. It gets around.”

“You have to walk through the smoking section to get to the nonsmoking section.”

#### ***Economics***

"I have spoken with the owner of the Zoo Bar in Lincoln. They say business is great! I had a call from the Red Fox Tavern. They say business is great and they want to get help for employees who want to quit smoking."

"My friends drive from Omaha to Lincoln to be in a smoke free bar."

"When you look at studies on economic impact of going smoke free, always look to see who is funding the study."

"A lot of people I know would go to bars more often if they were smoke free."

"For 90-100% of kids in substance abuse treatment centers, tobacco is the first substance they try. Medicaid costs to get these kids treated can exceed \$24,000 per kid for one treatment course, or \$50,000 per kid in a year's time."

### *Responsibility to set policy*

"An individual has a right to do legal activity. Bar owners have rights. However, government is the will of the majority. They set policy on sanitation, seatbelts, and alcohol consumption in public. The majority of people in Grand Island don't smoke. I urge City Council to pass an ordinance."

"Last time I checked, the health department was not a health and finance department. They need to protect the health of the public. Bar owners need to protect the health of the customer."

"The best policies are made at the local level. City Council was elected to make laws for local options."

"72% of citizens in Grand Island support smoke free workplaces, 88% believe SHS presents health dangers, and 64% would support a smoke free ordinance."

"Many countries, states and 358 U.S. cities are 100% smoke free."

"I would like to see Grand Island go smoke free. I would like to see Hall County go smoke free. I would like to see Nebraska go smoke free."

"Smoking has been grandfathered in for centuries. Evolution takes up toward smoke free environments."

"People spoke last summer on this issue. What's the holdup for Grand Island? The people want to go smoke free."

### ***Opposed to Smoke Free Policy***

#### *Economics*

"We hear the food business may be up in Lincoln, but the bar business is down anywhere from 2% to 52%. Big Red Keno is down by 24%."

"Three establishments in Lincoln have closed their doors."

"I understand one of the public pools in Lincoln won't open next summer because of decreased tax revenue from Keno."

"There will be no more Friday Happy Hour. People will party at home."

"Bar owners donate to schools. These donations would go down because of reduced business."

"This will probably hurt bar owners financially."

“It is pure economics. I’ll be out of business in 3 months. I have 20 employees, many who are single moms putting themselves through school. They will all be out of work.”

“Don’t try to put me out of business. SHS policy is anti-American.”

“When you let people go outside to smoke, you have a lot of walk-aways. People leave without paying.”

“If anyone here wants to put up the capital to start a smoke free bar, I will help them get started. Then we will see what the demand for smoke free bars is.”

### *Responsibility to set policy*

“NE is a state of choice. It is great to have choices- freedom of religion; freedom of the press...people can choose whether or not to go to a business where there is SHS.”

“If a business has a tobacco license, people should be able to smoke there.”

“Smokers are members of the minority. The government keeps bludgeoning us with more laws that restrict our freedom. If you don’t like SHS, stay outside.”

“You have to be 21 to go into my bar. We already have the Clean Indoor Air Act, and it works. This is the last place left where smoking is allowed.”

Entering a business is a privilege, not a right. If you don’t like smoke, don’t come in.”

“What is right is not always popular and what is popular is not always right. Life is not without risks. This is a childish pursuit of this policy effort. If you don’t like SHS, get out of the bar. That is what we call capitalism.”

“I don’t smoke and I don’t encourage my kids to smoke. The science of SHS is overrated. In bars, the air is filtered; those filters do a better job now. Don’t go into an establishment where it is not well filtered.”

“Bar owners should determine whether smoking is allowed. No one regulates tailpipes or high fat foods. Smoking should be customer driven, not government regulated.”

“I am in favor of a smoke free environment. I am not in favor of a Grand Island ordinance. We should not force local differences. I challenge the coalition to make the state free from smoke.”

## **Discussion**

Arguments raised at the forums by those supporting policy change contained the central theme of health. Youth support for policy change was very strong, with youth asking that their health be protected from SHS exposure. Speakers suggested exposure to SHS contributes to increased youth smoking rates. They further propose that people, especially those with asthma or allergies to smoke, often make the decision to avoid certain establishments where smoking was allowed, even if the owners of those businesses have ventilation systems. Those favoring a policy change suggested that eliminating SHS might actually improve business. Most of those speaking for policy change urged these changes be made on the local level, but also favor policy at regional, state, and federal levels.

Arguments raised at the forums by those opposing smoke free policy centered on economics. Speakers proposed that customers make the choice of whether or not to be exposed to SHS. They suggested that the business owner be allowed to determine how to conduct business, and therefore determine smoking status on the establishment. Speakers suggested current policy

(Nebraska Clean Indoor Air Act) was sufficient, and questioned the need for smoke free policy on the local, regional, state, or federal level.

### **Limitations**

It is noted that these forums were not conducted in a scientific manner. Comments of the speakers were categorized into general themes, with only superficial attempts to quantify and qualify the responses. It is impossible to determine if the speakers represent the opinions of the majority of Grand Island residents. The number of speakers was small in comparison to the number of residents affected. Both sides accepted the premise that SHS is present in public places in Grand Island.

### **Recommendations**

CDHD officials recommend to the Grand Island City Council that the Council actively pursue policy that assures smoke-free environments particularly in places where children would be exposed, in workplaces and indoor public areas, and in all government facilities and vehicles.

CDHD officials also recommend that the Council and all involved in policy change be alert to the several current legislative bills related to SHS. Tracking these bills will serve useful. Because it is a health issue, it is likely that enforcement may fall to CDHD Environmental Division. CDHD offers to work closely with the Council to develop policy that is comprehensive, enforceable, and fair.

# The Facts

Every company's greatest assets are its customers, because without customers there is no company.  
- Michael LeBoeuf

Rec. from  
Curtis Z. from  
Libby Long a 2-22-05



## Businesses Harmed by Smoking Bans

Anti-smoking organizations insist that bans are somehow good for people in hospitality businesses. This chart shows otherwise. These businesses have lost a significant amount of business as a direct result of smoking bans. Many are closed. Many that are still open have told us they doubt they'll survive much longer.

**Sources:** 85-90% of the information on this list comes from news articles. Most of them are listed here. The rest comes from owners who have contacted me directly, usually through e-mail. Blank spaces represent data that is unavailable or that doesn't apply.

**Note:** Due to time commitments elsewhere, I'm no longer able to keep this list up to date. For the most up to date version, please click [here](#). Many thanks to Samantha Philips for taking over this time consuming job.

| Business  | Type Of Business | Closed? | Business Lost | Tips Lost | Jobs Lost | City           | State/Country |
|---|------------------|---------|---------------|-----------|-----------|----------------|---------------|
| <b>Oscar's Place</b>  | Bar/Restaurant   |         | 40%           |           | 3         | Anchorage      | AK            |
| <i>"I opened my door 13 years ago to give the common man a place to go. Now 3 years after the do gooders passed the smoking ban, my business still hasn't recovered, and I may have to close my doors forever."</i> |                  |         |               |           |           |                |               |
| <b>Cafe Santa Fe</b>  | Restruant        | Closed  | 100%          | 100%      |           | Fayetteville   | AR            |
| <b>Casa Taco</b>  | Restruant        | Closed  | 100%          | 100%      |           | Fayetteville   | AR            |
| <i>"Sales dropped off dramatically. We lost our late-night business ... a lot of people come in after the bars close."</i>  |                  |         |               |           |           |                |               |
| <b>Hoffbrau</b>   | Bar/Restruant    | Closed  | 100%          | 100%      |           | Fayetteville   | AR            |
| <i>Before closing, The Hoffbrau reported a 50% drop in liquor sales due to the ban.</i>   |                  |         |               |           |           |                |               |
| <b>Ozark Brewing Co</b>   | Brew Pub         | Closed  | 100%          | 100%      |           | Fayetteville   | AR            |
| <b>Crocodile Cafe</b>   | Restaurant       | Closed  | 100%          | 100%      |           | Tempe          | AZ            |
| <b>Pooch's Easy Street Billiards</b>  | Pool Hall        | Closed  | 100%          | 100%      |           | Tempe          | AZ            |
| <b>Calico Saloon</b>  | Tavern           |         | 30%           |           | 5         | Lancaster      | CA            |
| <b>Daddy's Lounge</b>   | Tavern           |         | 35%           |           | 3         | Long Beach     | CA            |
| <b>Doherty's</b>  | Tavern           |         | 66%           |           |           | Tulare         | CA            |
| <b>Dunkhouse Saloon</b>   | Tavern           |         | 50%           |           |           | Clearlake Oaks | CA            |
| <b>Femino's Blue Gum</b>  | Restaurant       | Closed  | 100%          | 100%      |           | Willow         | CA            |

|                             |        |     |    |           |    |
|-----------------------------|--------|-----|----|-----------|----|
| <b>Fireside Lounge</b>      | Tavern | 70% |    | Escondido | CA |
| <b>Grand Central Casino</b> | Casino | 42% | 15 | Lakewood  | CA |

*Since the ban took effect in February, liquor sales are down 42 percent and food sales have dropped 25 percent. Fifteen employees have been laid off and another 40 to 50 jobs are in jeopardy.*

|                    |               |        |      |      |                 |    |
|--------------------|---------------|--------|------|------|-----------------|----|
| <b>Laurel Bowl</b> | Bowling Alley | Closed | 100% | 100% | San Luis Obispo | CA |
|--------------------|---------------|--------|------|------|-----------------|----|

*385 league bowlers quit when the smoking ban went into effect, with a loss of \$200,000. Laurel Bowl had been in business for 37 years before the ban.*

|                          |        |     |  |        |    |
|--------------------------|--------|-----|--|--------|----|
| <b>Marco Polo Lounge</b> | Tavern | 80% |  | Tulare | CA |
|--------------------------|--------|-----|--|--------|----|

*"On nights where we allow our patrons to smoke, we make about \$120 a night. Last Monday we didn't allow our customers to smoke. Our total sales were five dollars."*

|                |        |        |  |          |    |
|----------------|--------|--------|--|----------|----|
| <b>Rim Ram</b> | Tavern | 75-90% |  | Santa Fe | CA |
|----------------|--------|--------|--|----------|----|

*Before the smoking ban, we would take in about nine-hundred dollars on Wednesday nights. The week following the start of the smoking ban we barely made three-hundred dollars. The next week we only made seventy-five dollars, and we made even less in the weeks following."*

|                      |        |     |  |      |    |
|----------------------|--------|-----|--|------|----|
| <b>The Lika Club</b> | Tavern | 60% |  | Bell | CA |
|----------------------|--------|-----|--|------|----|

|                          |        |        |      |      |              |    |
|--------------------------|--------|--------|------|------|--------------|----|
| <b>The Old Dog House</b> | Tavern | Closed | 100% | 100% | Soulsbyville | CA |
|--------------------------|--------|--------|------|------|--------------|----|

|               |                |        |      |      |            |    |
|---------------|----------------|--------|------|------|------------|----|
| <b>Bart's</b> | Bar/Restaurant | Closed | 100% | 100% | Louisville | CO |
|---------------|----------------|--------|------|------|------------|----|

*Bart's had been in operation for nearly 30 years.*

|                          |        |     |  |         |    |
|--------------------------|--------|-----|--|---------|----|
| <b>Red Garter Lounge</b> | Tavern | 45% |  | Greeley | CO |
|--------------------------|--------|-----|--|---------|----|

|                            |            |     |  |         |    |
|----------------------------|------------|-----|--|---------|----|
| <b>Roasty's Steakhouse</b> | Restaraunt | 60% |  | Greeley | CO |
|----------------------------|------------|-----|--|---------|----|

|                             |          |        |      |      |         |    |
|-----------------------------|----------|--------|------|------|---------|----|
| <b>Union Colony Brewery</b> | Brew Pub | Closed | 100% | 100% | Greeley | CO |
|-----------------------------|----------|--------|------|------|---------|----|

|                       |                |        |  |           |    |
|-----------------------|----------------|--------|--|-----------|----|
| <b>Bear and Grill</b> | Bar/Restaurant | 30-40% |  | Fairfield | CT |
|-----------------------|----------------|--------|--|-----------|----|

*"I used to close down at 1 a.m. Now I close down at 9:30. The next three hours are dead."*

|                    |        |     |  |           |    |
|--------------------|--------|-----|--|-----------|----|
| <b>Brown Derby</b> | Tavern | 50% |  | Montville | CT |
|--------------------|--------|-----|--|-----------|----|

|                     |            |        |      |      |         |    |
|---------------------|------------|--------|------|------|---------|----|
| <b>La Primavera</b> | Restaurant | Closed | 100% | 100% | Meriden | CT |
|---------------------|------------|--------|------|------|---------|----|

*When the statewide smoking ban snuffed out cigarettes in his bar area last October, 80 percent of his business went up in smoke. The restaurant was one of the few family restaurants remaining in the city.*

|                   |            |        |      |      |         |    |
|-------------------|------------|--------|------|------|---------|----|
| <b>Pinstripes</b> | Sports Bar | Closed | 100% | 100% | Norwich | CT |
|-------------------|------------|--------|------|------|---------|----|

|                               |            |        |      |      |         |    |
|-------------------------------|------------|--------|------|------|---------|----|
| <b>Pinstripes Sports Cafe</b> | Sports Bar | Closed | 100% | 100% | Norwich | CT |
|-------------------------------|------------|--------|------|------|---------|----|

|                     |           |     |  |          |    |
|---------------------|-----------|-----|--|----------|----|
| <b>Rack N' Roll</b> | Pool Hall | 30% |  | Stamford | CT |
|---------------------|-----------|-----|--|----------|----|

|                     |        |     |  |         |    |
|---------------------|--------|-----|--|---------|----|
| <b>Tracie's Pub</b> | Tavern | 40% |  | Bristol | CT |
|---------------------|--------|-----|--|---------|----|

*My business has dropped about 30 to 40 percent since the smoking ban. I've spoken with a lot of bar owners in town and they all have the same problem.*

|                        |                |        |      |        |            |    |
|------------------------|----------------|--------|------|--------|------------|----|
| <b>Back Stage Cafe</b> | Bar/Restaurant | Closed | 100% | 100%20 | Wilmington | DE |
|------------------------|----------------|--------|------|--------|------------|----|

|                    |                |        |      |       |            |    |
|--------------------|----------------|--------|------|-------|------------|----|
| <b>Coach House</b> | Bar/Restaurant | Closed | 100% | 100%8 | Wilmington | DE |
|--------------------|----------------|--------|------|-------|------------|----|

|                         |        |     |  |      |    |
|-------------------------|--------|-----|--|------|----|
| <b>Just Mugs Saloon</b> | Tavern | 33% |  | Bear | DE |
|-------------------------|--------|-----|--|------|----|

|                     |            |        |      |       |            |    |
|---------------------|------------|--------|------|-------|------------|----|
| <b>Naamans Cafe</b> | Restaurant | Closed | 100% | 100%8 | Wilmington | DE |
|---------------------|------------|--------|------|-------|------------|----|

|   |                       |        |            |        |                 |    |
|---|-----------------------|--------|------------|--------|-----------------|----|
| <b>Bogey's</b>  | Restaurant/Sports Pub |        | >20%       |        | Venice          | FL |
| <b>Cherry Pocket</b>  | Restraunt             |        | 30%        | 30%    | Lake Wales      | FL |
| <i>Small business work so hard for their business, it is hard to believe the Goverment can just take it away without any thought at all.</i>  |                       |        |            |        |                 |    |
| <b>Collier Lee Vending</b>  | Vending Machines      |        | 40%        | N/A    | Cape Coral      | FL |
| <i>We have over 60 customer accounts in 4 counties all of which have shown losses of 25% to 60% since the start of the ban.</i>   |                       |        |            |        |                 |    |
| <b>Double Nichol Pub</b>  | Tavern                |        | 10%        | 10% 3  | St.James City   | FL |
| <b>Elks</b>   | Private Club          |        | 50% (Bingo |        | Ft. Pierce      | FL |
| <i>"Our Charity money is down 50% or more over this time last year. We are going to be able to spend only about \$5,000.00 this year on our Christmas programs vs. \$12,000.00 plus last year. The Christmas programs include Salvation Army, Waterfront Mission, Sharing and Caring (food bank) and then we take needy families shopping for food, clothes and a few toys for the kids. We did about 17 families</i> |                       |        |            |        |                 |    |
| <b>Elks #1795 (Private Club)</b>  | Lodge Private Club    |        | 40%        | 22%    | Fort Walton     | FL |
| <i>"Charity money is down 45%. Our Charities are Kids of Florida and the Veterans. That is who is really getting hurt the most by this!"</i>  |                       |        |            |        |                 |    |
| <b>Elks #2256 (Private Club)</b>  | Lodge Private Club    |        | 20%        | 30%    | Pensacola Beach | FL |
| <i>"We've lost 70 members because of the ban"</i>   |                       |        |            |        |                 |    |
| <b>Elks #2273 (Private Club)</b>  | Lodge Private Club    |        | 60%        | 60% 1  | Plantation      | FL |
| <b>Grandma's Kitchen</b>  | Restaurant            | Closed | 100%       | 100% 5 | Thonotosas      | FL |
| <b>Gulf Harbor Yacht Club</b>   | Private Club          |        | 68%        |        | New Port Richey | FL |
| <b>Jerseys Sports Cafe</b>  | Sports Bar            |        | 25%        | 20% 4  | North Fort      | FL |
| <i>Whatever happened to the individuals freedom to choose where you go and what you do in public?</i>   |                       |        |            |        |                 |    |
| <b>Melons Bar &amp; Grill</b>   | Bar/Restaurant        | Closed | 100%       | 100% 4 | Port Charlotte  | FL |
| <i>Before closing they experienced a 50% loss in sales and a 60% loss in tips becuae of the smoking ban.</i>  |                       |        |            |        |                 |    |
| <b>Miller's Ale House (35 Locations)</b>  |                       |        |            |        | Jupiter (and    | FL |
| <i>After the law took effect July 1, 2003, the Ale House chain experienced the first decline in business in its 15-year history, said Dave Reid, vice president for operations. ...For the first five months of 2004 alcoholic beverages sales were down \$2 million compared with January through May of 2003"</i>   |                       |        |            |        |                 |    |
| <b>The Falls</b>  | Restaurant            | Closed | 100%       | 100%   | Naples          | FL |
| <i>"We lost 70 percent of our income," Renzello said. "The law put us out of business." 90 percent of her customers were smokers.</i>   |                       |        |            |        |                 |    |
| <b>Toucans</b>  | Bar & Grill           |        | 30-40%     | 50% 3  | Tampa West Palm | FL |



|   |                |        |      |      |                |            |    |
|---|----------------|--------|------|------|----------------|------------|----|
| <b>Zook's</b>   |                |        |      |      | Beach          | FL         |    |
| <i>"It has almost put me out of business. We are down about 45 percent for each month," Zook said. "Our food sales were 48 percent of our business. Now they are down to 10 percent. A lot of people who had drinks with lunch or dinner are not coming in now. They can't eat here."</i> |                |        |      |      |                |            |    |
| <b>Village Inn</b>  | Sports Bar     | 37%    |      | 6    | Skokie         | IL         |    |
| <b>Friends and Company</b>  | Bar/Restaraunt | 30%    |      |      | Lexington      | KY         |    |
| <i>The restaurant has experienced the lowest revenue in the last 19 months.</i>   |                |        |      |      |                |            |    |
| <b>Jackpot Bingo</b>  |                | 50%    |      |      | Tatets Creek   | KY         |    |
| <i>The Tates Creek High School Marching Band stands to lose about \$80,000 this year in bingo money.</i>  |                |        |      |      |                |            |    |
| <b>Lynagh's Pub</b>   | Bar/Restruant  | 40%    |      |      | Lexington      | KY         |    |
| <i>"Smokers still come, but not as often and they don't stay as long. "</i>   |                |        |      |      |                |            |    |
| <b>Maxwell's</b>  | Tavern         | Closed | 100% | 100% | Lexington      | KY         |    |
| <i>Maxwells had been open for 14 years.</i>   |                |        |      |      |                |            |    |
| <b>Nicholson's Cigar Bar</b>  | Cigar Bar      |        | 100% | 100% | Lexington      | KY         |    |
| <i>Owners of Nicholson's Cigar Bar say it didn't make sense to operate a smoke-less cigar bar</i>   |                |        |      |      |                |            |    |
| <b>Aloha</b>  | Tavern         | Closed | 100% | 100% | Hingham        | MA         |    |
| <b>Blarney Stone</b>  | Tavern         |        | 25%  |      | Springfield    | MA         |    |
| <b>Blue Room Cafe</b>   | Tavern         |        | 25%  |      | Chicopee Falls | MA         |    |
| <i>The business has been open since 1936</i>  |                |        |      |      |                |            |    |
| <b>City Line Cafe</b>   | Tavern         |        | 50%  |      | Springfield    | MA         |    |
| <i>"People are complaining about it. They're saying 'Why go out for a drink when I can buy a six-pack and sit at home?' It's really hurting us."</i>  |                |        |      |      |                |            |    |
| <b>Gold Mine Restaraunt</b>   | Bar/Restaraunt |        | 50%  | 50%  | 2              | Fall River | MA |
| <i>"There should be places for both the smoker and nonsmoker. I do not smoke but you are killing our business!!! "</i>  |                |        |      |      |                |            |    |
| <b>J.C. Grear's</b>   | Restaurant     | Closed | 100% | 100% | South Weymouth | MA         |    |
| <b>Marlboro Cozy Cafe</b>   |                |        | 60%  |      | 2              | Marlboro   | MA |
| <i>We had 5 employees, now have 3 and that includes me. If this is result of one month of the ban after 35yrs in business I may have to close my doors.</i>   |                |        |      |      |                |            |    |
| <b>Anchor Inn</b>   | restaurant     | Closed | 100% | 100% | Gaithersburg   | MD         |    |
| <i>Since the ban was implemented October 2003 Anchor Inn suffered a 40 percent loss in Keno, beer, wine, liquor and food sales.</i>   |                |        |      |      |                |            |    |
| <b>Buffalo Billiards</b>  | Pool Hall      |        | 50%  |      | Gaithersburg   | MD         |    |
| <b>Buffalo Wings and Beer</b>   | Bar/Restaurant |        | 50%  |      | Gaithersburg   | MD         |    |
| <b>Corner Pub</b>   | Tavern         |        | 40%  |      | Silver Spring  | MD         |    |
| <b>Dietle's Tavern</b>  | Tavern         | Closed | 100% |      | Silver Spring  | MD         |    |
| <b>Gentleman Jim's</b>  | Restaurant     |        | 40%  |      | Gaithersburg   | MD         |    |
| <b>Grand Marquis Caf,</b>   |                |        | 30%  |      | Olney          | MD         |    |
| <b>J.J. Muldoon's</b>   | Bar/Restaurant |        | 20%  |      | Gaithersburg   | MD         |    |

|  |                |        |      |      |                |    |
|--|----------------|--------|------|------|----------------|----|
| <b>Mark Timmons Tavern</b>   |                | 20%    |      |      | Rockville      | MD |
| <b>Middlebrook Restaurant and Bar/Restaurant Lounge</b>  |                | 50%    |      |      | Germantown     | MD |
| <i>"I'm so bitter today because I have worked too hard to keep this business going. It's just not fair."</i>   |                |        |      |      |                |    |
| <b>Mrs. O'Leary's Restaurant and Pub</b>   |                | 50%    |      |      | Gaithersburg   | MD |
| <b>Normandie Farm's</b>  | Bar/Restruant  | 50%    | 2    |      | Tysons Corner  | MD |
| <b>Pelican Pete's</b>  | Restaurant     | 60%    |      |      | Germantown     | MD |
| <b>Potomac Valley Lodge</b>  | Lodge          | 17%    | 75%  | 4    | Poolesville    | MD |
| <i>"I think in the future we'll have to close in the winter. We'll lay everyone off, let them collect unemployment for a few months and bring them back. They'd make more on unemployment."</i>  |                |        |      |      |                |    |
| <b>Quarry House Tavern</b>   |                | 70%    |      |      | Silver Spring  | MD |
| <i>New customers who come to the bar because it's smoke-free don't bring in the revenue that smokers did, she said. "They have one beer, a glass of water and something to eat," she said, whereas smokers tend to stay longer and eat and drink more alcohol.</i> |                |        |      |      |                |    |
| <b>Silver Fountain Restaurant</b>  | Restaurant     | 33%    |      |      | Rockville      | MD |
| <b>Stained Glass Pub</b>   | Tavern         | 30%    |      |      | Olney          | MD |
| <b>Uncle Jed's Roadhouse</b>   | Tavern         | 50%    | 70%  | 2    | Bethesda       | MD |
| <i>...Smaller establishments have seen total sales decline by an average of 30 percent during the week and 50 percent on weekends, according to Melvin Thompson, vice president of the Restaurant Association of Maryland</i>                                      |                |        |      |      |                |    |
| <b>Black Duck Lounge</b>   | Tavern         | 70%    |      |      | Houlton        | ME |
| <i>"I've never seen it like this before. It's like all the customers just disappeared."</i>  |                |        |      |      |                |    |
| <b>Nutshell Tavern</b>   | Tavern         | Closed | 100% | 100% | Biddeford      | ME |
| <b>Village Variety</b>   |                | Closed | 100% |      | Fryeburg       | ME |
| <b>Grandma's</b>   | Restaraunt     | 33%    |      |      | Cloquet        | MN |
| <b>Perkins</b>   | Restaraunt     | 26%    |      |      | Duluth         | MN |
| <b>Aessa</b>   | Bar/Restaurant | 35%    |      | 6    | New York       | NY |
| <b>Airport Inn</b>   | Tavern         | 40%    |      |      | Binghamton     | NY |
| <i>Evans says business has dropped at least 40-percent in the last year. Her liquor license expires next April, and she says, she doesn't plan on renewing it. The Airport Inn was a successful business for 18 years.</i>   |                |        |      |      |                |    |
| <b>American Legion</b>   | Private Club   | 60%    | 50%  |      | Elmira Heights | NY |
| <b>American Legion Post 1041</b>   | Bingo Hall     | 68%    |      |      | Buffalo        | NY |
| <b>Amherst Bowling Center</b>  | Bowling Alley  | Closed | 100% |      | Buffalo        | NY |
| <b>Argyle's EasyStreet Tavern</b>  | Tavern         | 12%    |      |      | Cortland       | NY |

|   |                    |             |      |                |    |
|---|--------------------|-------------|------|----------------|----|
| <b>Athens Cafe</b>  | Restaurant         | 55%         | 10   | Astoria        | NY |
| <b>B&amp;G Bar and Grill</b>  | Bar/Restaurant     | 30%         |      | Buffalo        | NY |
| <b>Barker Brew Pub</b>  | Bre Pub            | Closed 100% | 100% | Fredonia       | NY |
| <i>Closed after 10 yrs. in business</i>   |                    |             |      |                |    |
| <b>Barrie's Tavern</b>  | Tavern             | 40%         |      | Syracuse       | NY |
| <b>Bec's Ivy Grill</b>  | Bar & Grill        | 23%         | 3    | Oneida         | NY |
| <b>Blarney Stone Blessed</b>  | Bar/Restaurant     | 15%         | 1    | New York       | NY |
| <b>Sacrament Church</b>   | Bingo Hall         | 50%         |      | Albany         | NY |
| <b>Blinkey's</b>  | Tavern             | Closed 100% | 100% | Delhi          | NY |
| <b>Blondie's Tavern</b>   | Tavern             | 25%         |      | Elmira Heights | NY |
| <b>Bowl-O-Drome</b>   | Bowling Alley      | 14%         | 2    | Ithica         | NY |
| <i>The business lost almost \$30,000 and 110 bowlers during the 32-week league season... In the bowling alley's busiest months between January and May, Parkin saw a 14 percent decrease in activity comparing the same period in 2004 to 2003.</i> |                    |             |      |                |    |
| <b>Brazen Head Pub</b>  | Tavern             | 40%         |      | Monroe         | NY |
| <b>Brown Shanty</b>   | Tavern             | 20%         | 1    | Watertown      | NY |
| <b>Buoy's Dockside Tavern</b>   | Tavern             | 36.5%       |      | Oswego         | NY |
| <b>Cabaret</b>  | Tavern             | 40%         | 1    | Buffalo        | NY |
| <b>Caffe on the Green</b>   | Bar/Restaraunt     | 35%         |      | New York       | NY |
| <i>Bar business fell about 35 percent immediately after the ban. It has picked up since he added a "butt hut," an outdoor tent where patrons may smoke, but it's still less than before the ban.</i>  |                    |             |      |                |    |
| <b>Canandaigua Billiards</b>  | Pool Hall          | 40%         |      | Canandaigua    | NY |
| <b>Caseys Pub</b>   | Tavern             | 35%         | 1    | Sunnyside      | NY |
| <b>Castle Heights</b>   | Tavern             | Closed 100% | 100% | New York       | NY |
| <b>Celtic Cultural Organization</b>   | Bingo Hall         | 30-35%      |      | Troy           | NY |
| <i>"From July 25 through Nov. 1, we are down about \$12,000 from the same period last year."</i>  |                    |             |      |                |    |
| <b>Central Hotel</b>  | Bar/Restaurant     | 50%         |      | Port Leyden    | NY |
| <b>Champions Billiards Cafe</b>   | Brew Pub/Pool Hall | 33%         |      | Parkville      | NY |
| <b>Chances</b>  | Tavern             | Closed 100% | 100% | Falconer       | NY |
| <b>Chili American Legion Post 1830</b>  | Private Club       | 70%         |      | Scottsville    | NY |
| <b>Christanis Bar and Grill</b>   | Tavern             | 40%         |      | Rochester      | NY |
| <b>Clifford's Tavern</b>  | Bar/Restaurant     | 40%         |      | Cold Brook     | NY |
| <b>Coin Operated</b>  |                    |             |      |                |    |

**Amusements** Vending Machines 20-50% Jamestown NY  
*Revenue from vending machines and games cut in half in many places.*

**Coldspring**

**Volunteer Fire Tavern** 50% 75% 1 Steamburg NY  
**Dept.**

*The fire department owns the bar. Money from the bar buys equipment for the fire department. The income has been cut in half. This money buys new ambulances, trucks, gear ect. Remember, this all volunteer. Without the bar money we are going to have to rely on the town for revenue. You may lose your house or even someone's life without the money for the equipment.*

**Coleman's Irish Pub** Bar/Restaurant 19% 4 Syracuse NY

**Cook Bar & Grill** Bar/Restaurant 40% 2 Buffalo NY

**Cork and Bottle** Tavern Closed 100% 100% Potville NY

*Located near the PA border, this was literally a Mom and Pop business, run by a couple with no employees to "protect."*

**Crossroads Steak House** Restaurant Closed 100% 100% Kennedy NY

**D&S Diner** Restaurant Closed 100% 100% Savannah NY

*Sales were down \$3,000 in July 2002 compared to July 2001. Hardest hit were on Friday nights and Sunday mornings.*

**Dadio's Central Tavern** 30% Corfu NY

**Damon's Party House** Tavern 40% Cicero NY

**Delmar**

**Sportsman's Tavern** 30% 1 Massena NY

*"We had hoped...nonsmokers who haven't been frequenting taverns due to the smoke-filled air would make up for at least some of the financial loss. Unfortunately, at least in our place, this has most definitely not happened. Our sales are at an all time low"*

**Desperado's Tavern** 90% Wallkill NY

*"I can count on my fingers the people who don't smoke who come in here. The regulars say they won't come."*

**Doc's little Gem** Diner 27% Syracuse NY

*"We fought tooth and nail and won a local County victory, only for the state to turn it over to a complete ban."*

**Dodesters Tavern** 20% Syracuse NY

*"My business is down 20% from the same period last year, even though I'm now open three more hours a day and I didn't have a kitchen then."*

**Eagle Beverage Company** Distributor 25% N/A Oswego NY

*"Deliveries to pubs and taverns have decreased substantially, greater than 25 percent."*

**Edigan's Restaurant** Closed 100% 100% Binghamton NY

**Elbo Room Tavern** Closed 100% 100% New York NY

**Elks Lodge (Private Club)** Private Club Closed 100% Jamestown NY

*Bingo, which funded their charitable work, is now completely shut down.*

**End Zone Bar/Restaurant** 30% 1 Liverpool NY

|   |                     |        |      |      |           |    |
|---|---------------------|--------|------|------|-----------|----|
| <b>Euzkadi</b>  | Restaurant          | 50%    |      |      | New York  | NY |
| <b>Fiddler's Green</b>  | Tavern              | Closed | 100% | 100% | New York  | NY |
| <i>We have just lost too many customers to this law, which I did not vote for, bar owners did not vote for, bartenders did not vote for, and the public did not vote for."</i>  |                     |        |      |      |           |    |
| <b>Fieldstone Recreation</b>  | Billiard/Bar/Snacks | 40%    |      | 1    | Bronx     | NY |
| <b>Finish Line</b>  | Bar/Restaurant      | 40%    |      | 2    | Bellerose | NY |
| <b>Five Corners</b>   | Bar/Restaurant      | 32     |      |      | oneida    | NY |
| <i>After 20 years of hard work this is what NY state does to us. Where are all these nonsmokers?</i>  |                     |        |      |      |           |    |
| <b>Fountain Bowl</b>  | Bowling Alley       | 40%    | N/A  | 8    | Jamestown | NY |
| <b>Freddies</b>   | Bar/Restaurant      | 50%    |      | 3    | Buffalo   | NY |
| <b>Friar Tuck's</b>   | Restaurant          | 50%    |      |      | Cotati    | NY |
| <i>"Just as my establishment was beginning to flourish, I'm hit with this smoking ban which has killed my daytime business. People who used to stay for a couple of hours now only stay for one quick drink and leave."</i>                                   |                     |        |      |      |           |    |
| <b>Fulton Ale House</b>   | Tavern              | 25%    |      |      | Fulton    | NY |
| <b>George &amp; Shirly's Tiny Tavern</b>  | Tavern              | 41%    |      |      | Southport | NY |
| <i>In October 2002, the bar made \$6,000. This past October, after the ban went into effect, they made just \$3,500,</i>  |                     |        |      |      |           |    |
| <b>Golden Rail Ale House</b>  | Tavern              | 25%    |      |      | Newburgh  | NY |
| <b>Hancock's Hudson Tavern</b>  | Bar/Restaurant      | 15%    |      |      | Rochester | NY |
| <b>Harry's Hanover Square</b>   | Bar/Restaraunt      | Closed | 100% | 100  | New York  | NY |
| <i>"Overnight, we lost 60 percent of our evening bar trade. For the bar, it was the difference in profit and loss. Sales of expensive cigars had been almost as important as the sales of Scotch" Harry's had been in business for more than thirty years</i> |                     |        |      |      |           |    |
| <b>Harter's</b>   | Bar/Restaurant      | 40%    |      |      | Camden    | NY |
| <b>Holmes &amp; Watson's</b>  | Tavern              | 30%    |      |      | Troy      | NY |
| <b>Hotel McDonald</b>   | Hotel               | 70%    |      |      | Bath      | NY |
| <b>Ireland's 32</b>   | Tavern              | 50%    |      |      | Suffern   | NY |
| <b>Jean's Bar &amp; Grill</b>   | Tavern              | 26%    |      |      | Wilson    | NY |
| <b>Just One More</b>  | Tavern              | 30%    |      |      | Bath      | NY |
| <b>KayCey's</b>   | Tavern              | 45%    |      |      | Hyde Park | NY |
| <b>Kim's Trackside Tavern</b>   | Tavern              | 25%    | 25%  |      | Auburn    | NY |
| <i>Our local cayuga county health dept. continues to refuse to issue smoking waivers to businesses who have suffered a financial hardship.</i>  |                     |        |      |      |           |    |
| <b>Knights of Columbus</b>  | Bingo Hall          | 80%    |      |      | Malone    | NY |
|   |                     |        |      |      | Jackson   |    |

|                                       |        |        |      |      |          |    |
|---------------------------------------|--------|--------|------|------|----------|----|
| <b>La Bataclana</b>                   | Tavern | Closed | 100% | 100% | Heights  | NY |
| <b>Lakeview Hotel/Blues Rock Cafe</b> | Tavern |        | 50%  | 50%  | mayville | NY |

*On the first day of the ban, my tips and number of customers dropped 50%, and never came back up.*

|                      |            |        |      |      |            |    |
|----------------------|------------|--------|------|------|------------|----|
| <b>Le Bar Bat</b>    | Tavern     | Closed | 100% | 100% | New York   | NY |
| <b>Liberty Lanes</b> | Bowling    |        | 27%  |      | Camden     | NY |
| <b>Madame X</b>      | Tavern     |        | 50%  |      | New York   | NY |
| <b>Mama Lena's</b>   | Restaurant | Closed | 100% | 100% | Binghamton | NY |

*Mama Lena's had been in business for more than 40 years.*

#### **Manhattan**

|                          |        |  |     |  |          |    |
|--------------------------|--------|--|-----|--|----------|----|
| <b>Beer Distributors</b> | Vendor |  | 19% |  | New York | NY |
|--------------------------|--------|--|-----|--|----------|----|

*Stagnant sales have led to a 7% drop in beer demand citywide, and a 19% drop citywide to clubs.*

|                       |        |        |      |      |             |    |
|-----------------------|--------|--------|------|------|-------------|----|
| <b>Maple Tree Inn</b> | Tavern | Closed | 100% | 100% | 3 Portville | NY |
| <b>Mel's Place</b>    | Tavern |        | 78%  | 100% | Falconer    | NY |

*After proving they had lost significant business, Mel's place was granted of the NY's few wavers. Their business immediately returned to the pre ban level, but the owners are worried about what will happen when the waver runs out in a year.*

|                                |                |  |     |   |             |    |
|--------------------------------|----------------|--|-----|---|-------------|----|
| <b>Metropolitan Restaurant</b> | Bar/Restaurant |  | 25% | 2 | Cheektowaga | NY |
|--------------------------------|----------------|--|-----|---|-------------|----|

|                       |                |        |      |      |               |    |
|-----------------------|----------------|--------|------|------|---------------|----|
| <b>Middleport Inn</b> | Bar/Restaurant | Closed | 100% | 100% | 13 Middleport | NY |
|-----------------------|----------------|--------|------|------|---------------|----|

*"This damn state really knows how to kill people's dreams."*

|                   |            |  |     |   |          |    |
|-------------------|------------|--|-----|---|----------|----|
| <b>Millennium</b> | Restaurant |  | 40% | 3 | New York | NY |
|-------------------|------------|--|-----|---|----------|----|

|                              |                |  |     |     |              |    |
|------------------------------|----------------|--|-----|-----|--------------|----|
| <b>Mills Race Restaurant</b> | Bar/Restaurant |  | 40% | 2.5 | Mt. Morrison | NY |
|------------------------------|----------------|--|-----|-----|--------------|----|

|                    |                |  |     |  |          |    |
|--------------------|----------------|--|-----|--|----------|----|
| <b>Nibsy's Pub</b> | Bar/Restaurant |  | 18% |  | Syracuse | NY |
|--------------------|----------------|--|-----|--|----------|----|

|                 |           |        |      |      |             |    |
|-----------------|-----------|--------|------|------|-------------|----|
| <b>Nocturne</b> | Nightclub | Closed | 100% | 100% | 70 New York | NY |
|-----------------|-----------|--------|------|------|-------------|----|

|                  |        |  |     |   |          |    |
|------------------|--------|--|-----|---|----------|----|
| <b>O'Neill's</b> | Tavern |  | 20% | 3 | New York | NY |
|------------------|--------|--|-----|---|----------|----|

*"People who don't go to pubs just don't go to pubs. They said the ban would be good for business and for employees, yet my business is down and three good staff are out of work and unable to find another job...Most of my staff are smokers, and now they're being protected from second-hand smoke."*

|                            |                    |  |     |   |             |    |
|----------------------------|--------------------|--|-----|---|-------------|----|
| <b>Olympian Sumont Inc</b> | Pool Hall/Bar/Rest |  | 40% | 3 | Long Island | NY |
|----------------------------|--------------------|--|-----|---|-------------|----|

|                        |        |  |     |  |         |    |
|------------------------|--------|--|-----|--|---------|----|
| <b>Open Net Lounge</b> | Tavern |  | 11% |  | Massena | NY |
|------------------------|--------|--|-----|--|---------|----|

|                  |        |        |      |      |          |    |
|------------------|--------|--------|------|------|----------|----|
| <b>O's Place</b> | Tavern | Closed | 100% | 100% | Endicott | NY |
|------------------|--------|--------|------|------|----------|----|

|                |        |        |      |      |          |    |
|----------------|--------|--------|------|------|----------|----|
| <b>Pangaea</b> | Tavern | Closed | 100% | 100% | New York | NY |
|----------------|--------|--------|------|------|----------|----|

|                 |                       |  |     |     |             |    |
|-----------------|-----------------------|--|-----|-----|-------------|----|
| <b>Panorama</b> | Sports Bar/Night Club |  | 50% | 50% | 4 Rochester | NY |
|-----------------|-----------------------|--|-----|-----|-------------|----|

*We are a small night club that was doing very well until the smoking ban hit us and it hit us very hard. We are very scared of our future, if any.*

|                      |                |  |     |   |           |    |
|----------------------|----------------|--|-----|---|-----------|----|
| <b>Partner's Pub</b> | Bar/Restaurant |  | 20% | 1 | Johnstown | NY |
|----------------------|----------------|--|-----|---|-----------|----|

|                       |        |  |       |     |             |    |
|-----------------------|--------|--|-------|-----|-------------|----|
| <b>Patsy's Lounge</b> | Tavern |  | 46.4% | 50% | 2 Jamestown | NY |
|-----------------------|--------|--|-------|-----|-------------|----|

*"I have let 2 employees go and the other 3 have had their hours cut in half."*

|                  |                |  |     |   |             |    |
|------------------|----------------|--|-----|---|-------------|----|
| <b>Peter K's</b> | Bar/Restaurant |  | 35% | 2 | Cheektowaga | NY |
|------------------|----------------|--|-----|---|-------------|----|

|                  |           |  |        |  |         |    |
|------------------|-----------|--|--------|--|---------|----|
| <b>Pocketeer</b> | Pool Hall |  | 60-70% |  | Buffalo | NY |
|------------------|-----------|--|--------|--|---------|----|

**Billiards**

*"The President says small business is the backbone of our country, NYS says screw small business just give us your money and your blood! All of it!!!!!!"*

**Pocketeer Billiards South** Pool Hall Closed 100% Springville NY

*From the Owner: "Pocketeer Billiards South is now officially closed due to the Hitler like laws the NYS. Politicians have enacted! NY continues in its efforts to drive business out to other states. I like many others have now chosen to leave after living here 58 years."*

**Rafferty's** Bar/Restaurant 35% 2 Syracuse NY

**Richard's Ole Timer** Bar/Restaurant 17% 1 Clay NY

**Riverside Lanes** Bowling 20% 2 Marcy NY

**Roesch's** Tavern Closed 100% 100% New York NY

*Lauterborn, 60, said his bar, Roesch's in Queens, saw 40 customers nightly before the ban but only about five after it. He closed in September and says his children are supporting him while he looks for work. His tavern had been a 100 year old family owned business.*

**Rough Kutts Tavern** Tavern 21% 1 South Dayton, NY

**Roy D Graves VFW Post 1194** Tavern 22% Potsdam NY

**Salingers** Tavern 35% 2 Rochester NY

**Sammy G's** Bar/Restaurant 50% Rome NY

**Seven's Bar** Tavern 30% Malone NY

**Shamrock Tavern** Tavern 50% Oswego NY

*"It's not right. Our livelihood is being taken away."*

**Sharkey's Sports Bar and Sports Bar Grill** 60% Staten Island NY

**Shorty's Sports Bar & Grill** Bar/Restaurant 30% Utica, NY

**Silo's** Bar & Grill 35% Chestnut Ridge NY

**Slade** Restaurant 40% New York NY

**Slick Willie's** Pool Hall 25% Tonawanda NY

**Southgate Lanes** Bowling Alley/Bar 55% 7 West Seneca NY

**Stumble Inn** Tavern Closed 100% 100% Champlain NY

**Sugoba Bistro** Bistro Closed 100% 100%28 New York NY

*After 8 years of success in NYC, the NY smoking ban killed my Bistro in less than a year! In less than 3 month my business declined 37%. Within six months I was unable to meet payroll and I had to lay off 28 employees.*

**Susie's Corner** Bar/Restaurant 23% 1 Buffalo NY

**Swan's** Tavern Closed 100% 100%7 New York NY

*"I felt bad laying off seven workers. Most of them had been with me for the five years Swan's was open. None of them had ever complained about secondhand smoke. "*

**Swift's** Tavern 40% New York NY

*"It's absolutely killed us. This time last year the bar would be packed with the after-work cocktail crowd. Now they just take a bottle of wine or a six-pack to each other's apartments,*

where they can smoke."

|                                |            |     |  |  |          |    |
|--------------------------------|------------|-----|--|--|----------|----|
| <b>Syracuse<br/>Brigadiers</b> | Bingo Hall | 61% |  |  | Syracuse | NY |
|--------------------------------|------------|-----|--|--|----------|----|

*"The hall was losing about \$60,000 per month in net income for the past three months because of the smoking ban."*

|                               |                |     |  |  |        |    |
|-------------------------------|----------------|-----|--|--|--------|----|
| <b>Taylor's<br/>Trackside</b> | Bar/Restaurant | 50% |  |  | Remsen | NY |
|-------------------------------|----------------|-----|--|--|--------|----|

|                      |            |     |  |  |        |    |
|----------------------|------------|-----|--|--|--------|----|
| <b>Temple Israel</b> | Bingo Hall | 50% |  |  | Albany | NY |
|----------------------|------------|-----|--|--|--------|----|

*According to Herb Holland, some of the regulars told volunteers that they would abstain from playing bingo, to protest the smoking ban. He hasn't seen them since.*

|                 |           |        |      |      |            |    |
|-----------------|-----------|--------|------|------|------------|----|
| <b>The Alps</b> | Restruant | Closed | 100% | 100% | Wheatfield | NY |
|-----------------|-----------|--------|------|------|------------|----|

|                    |        |        |      |      |           |    |
|--------------------|--------|--------|------|------|-----------|----|
| <b>The Cam-Nel</b> | Tavern | Closed | 100% | 100% | Mattydale | NY |
|--------------------|--------|--------|------|------|-----------|----|

*The Cam-Nel had been in operation since 1952*

|                      |                |     |  |  |       |    |
|----------------------|----------------|-----|--|--|-------|----|
| <b>The Dog House</b> | Bar/Restaurant | 28% |  |  | Utica | NY |
|----------------------|----------------|-----|--|--|-------|----|

|                                      |                |     |  |   |            |    |
|--------------------------------------|----------------|-----|--|---|------------|----|
| <b>The Lodge at<br/>the Lake Inc</b> | Bar/Restaurant | 50% |  | 1 | Broadalbin | NY |
|--------------------------------------|----------------|-----|--|---|------------|----|

|                 |        |     |  |  |           |    |
|-----------------|--------|-----|--|--|-----------|----|
| <b>The Loft</b> | Tavern | 30% |  |  | Frewsburg | NY |
|-----------------|--------|-----|--|--|-----------|----|

*"Our town has no attractions to draw in outsiders. We have only locals to rely on as patrons and 95% of them smoke. It will be worse when the snow sets in."*

|                            |                    |     |  |  |           |    |
|----------------------------|--------------------|-----|--|--|-----------|----|
| <b>The Loop<br/>Lounge</b> | Bar and restaurant | 30% |  |  | Rochester | NY |
|----------------------------|--------------------|-----|--|--|-----------|----|

*I own a small local tavern and I have a 90% smoking cliental. Let me say it just sucks.*

|                              |                  |        |      |      |            |    |
|------------------------------|------------------|--------|------|------|------------|----|
| <b>The Meeting<br/>Place</b> | Restruant/Tavern | Closed | 100% | 100% | Wheatfield | NY |
|------------------------------|------------------|--------|------|------|------------|----|

|                      |        |        |      |      |               |    |
|----------------------|--------|--------|------|------|---------------|----|
| <b>The Press Box</b> | Tavern | Closed | 100% | 100% | Niagara Falls | NY |
|----------------------|--------|--------|------|------|---------------|----|

*The Press Box had been open for 45 years.*

|                      |        |     |  |  |          |    |
|----------------------|--------|-----|--|--|----------|----|
| <b>The Roadhouse</b> | Tavern | 40% |  |  | Brewster | NY |
|----------------------|--------|-----|--|--|----------|----|

|                               |            |        |      |        |         |    |
|-------------------------------|------------|--------|------|--------|---------|----|
| <b>The Royal<br/>Pheasant</b> | Restaurant | Closed | 100% | 100%20 | Buffalo | NY |
|-------------------------------|------------|--------|------|--------|---------|----|

*The smoking ban caused an instant 80 percent decrease in revenue. The Royal Pheasant had been a family business for 58 years.*

|                |        |        |      |      |            |    |
|----------------|--------|--------|------|------|------------|----|
| <b>The Web</b> | Tavern | Closed | 100% | 100% | Ogdensburg | NY |
|----------------|--------|--------|------|------|------------|----|

*Owners Janet and Anthony Doerr say the smoking ban destroyed their business.*

|                          |        |     |  |  |        |    |
|--------------------------|--------|-----|--|--|--------|----|
| <b>The<br/>Wonderbar</b> | Tavern | 50% |  |  | Goshen | NY |
|--------------------------|--------|-----|--|--|--------|----|

|                                 |                |     |  |  |          |    |
|---------------------------------|----------------|-----|--|--|----------|----|
| <b>Thompson<br/>Road Tavern</b> | Bar/Restaurant | 25% |  |  | Syracuse | NY |
|---------------------------------|----------------|-----|--|--|----------|----|

|                              |        |     |  |  |          |    |
|------------------------------|--------|-----|--|--|----------|----|
| <b>Tommys Park<br/>Place</b> | Tavern | 40% |  |  | Syracuse | NY |
|------------------------------|--------|-----|--|--|----------|----|

|                      |                |     |  |   |       |    |
|----------------------|----------------|-----|--|---|-------|----|
| <b>Unique Lounge</b> | Bar/Restaurant | 40% |  | 4 | Sloan | NY |
|----------------------|----------------|-----|--|---|-------|----|

|               |                |     |  |  |       |    |
|---------------|----------------|-----|--|--|-------|----|
| <b>Varick</b> | Bar/Restaurant | 35% |  |  | Utica | NY |
|---------------|----------------|-----|--|--|-------|----|

|                       |                |     |  |  |       |    |
|-----------------------|----------------|-----|--|--|-------|----|
| <b>Restaurant Inc</b> | Bar/Restaurant | 35% |  |  | Utica | NY |
|-----------------------|----------------|-----|--|--|-------|----|

|                      |              |     |     |  |               |    |
|----------------------|--------------|-----|-----|--|---------------|----|
| <b>VFW Post 6533</b> | Private Club | 20% | 25% |  | East Randolph | NY |
|----------------------|--------------|-----|-----|--|---------------|----|

|                       |                |     |  |  |           |    |
|-----------------------|----------------|-----|--|--|-----------|----|
| <b>Village Tavern</b> | Bar/Restaurant | 10% |  |  | Marcellus | NY |
|-----------------------|----------------|-----|--|--|-----------|----|

|                       |  |     |  |  |           |    |
|-----------------------|--|-----|--|--|-----------|----|
| <b>Village Tavern</b> |  | 50% |  |  | Wellsburg | NY |
|-----------------------|--|-----|--|--|-----------|----|

|                    |                        |    |  |     |          |    |
|--------------------|------------------------|----|--|-----|----------|----|
| <b>Viva Debris</b> | Comedy & Magic<br>Club | 30 |  | 30% | Syracuse | NY |
|--------------------|------------------------|----|--|-----|----------|----|

|                                   |               |        |  |  |         |    |
|-----------------------------------|---------------|--------|--|--|---------|----|
| <b>Voelker<br/>Bowling Center</b> | Bowling Alley | 30-40% |  |  | Buffalo | NY |
|-----------------------------------|---------------|--------|--|--|---------|----|

*The smoking ban hit us like an anvil, curtailing bowling activity by 30 to 40 percent and the*



*bar business by 20 to 30 percent.*

|                           |                  |        |      |      |             |    |
|---------------------------|------------------|--------|------|------|-------------|----|
| <b>Walmore Inn</b>        | Restruant/Tavern | Closed | 100% | 100% | Sanborn     | NY |
| <b>Whiskey Ward</b>       | Tavern           |        | 20%  | 2    | New York    | NY |
| <b>Whispers</b>           |                  |        |      |      |             |    |
| <b>Cocktail Lounge</b>    | Bar/Night Club   |        | 50%  | 90%  | Middletown  | NY |
| <b>Windsor Ale House</b>  | Tavern           | Closed | 100% | 100% | Jamestown   | NY |
| <b>Woody's Pub</b>        | Bar/Restaurant   |        | 25%  | 3    | Lockawanna, | NY |
| <b>Ye Olde Anchor Inn</b> | Bar/Restaurant   |        | 18%  | 22%  | Lakewood    | NY |
| <b>Adam's Place</b>       | Tavern           | Closed | 100% | 100% | Toledo      | OH |
| <b>Bait Shop</b>          | Bar & Grill      | Closed | 100% | 100% | Toledo      | OH |
| <b>Blue Jeans</b>         | Tavern           | Closed | 100% | 100% | Toledo      | OH |
| <b>Consaul Tavern</b>     | Tavern           | Closed | 100% | 100% | Toledo      | OH |

*Consaul Tavern had been in business over 53 years.*

|                                |           |  |     |  |        |    |
|--------------------------------|-----------|--|-----|--|--------|----|
| <b>East Broadway Nightclub</b> | Nightclub |  | 50% |  | Toledo | OH |
|--------------------------------|-----------|--|-----|--|--------|----|

*"From the get-go I've lost business. I've lost 50 percent -- everybody's losing money."*

|                                |                     |        |      |      |             |    |
|--------------------------------|---------------------|--------|------|------|-------------|----|
| <b>East Broadway Nite Club</b> | Night Club          | Closed | 100% | 100% | Toledo      | OH |
| <b>Elbo Room</b>               | Pizza Parlor/Tavern |        | 25%  | 2    | Toledo      | OH |
| <b>End Zone Electronics</b>    | Tavern              | Closed | 100% | 100% | Toledo      | OH |
| <b>Fat Tuesdays</b>            | Tavern              | Closed | 100% | 100% | Toledo      | OH |
| <b>Jordan's Place</b>          | Tavern              | Closed | 100% | 100% | Toledo      | OH |
| <b>Kacy's</b>                  | Sports Bar          |        | 50%  |      | Worthington | OH |

*"Kacy's Sports Bar and Grill has room for 300 customers, but now, it's virtually empty."*

|                            |            |        |      |      |        |    |
|----------------------------|------------|--------|------|------|--------|----|
| <b>Laskey Lounge</b>       | Tavern     | Closed | 100% | 100% | Toledo | OH |
| <b>Prime Time South</b>    | Night Club | Closed | 100% | 100% | Toledo | OH |
| <b>Rack Time Billiards</b> | Pool Hall  | Closed | 100% | 100% | Toledo | OH |
| <b>Ragtime Ricks</b>       | Tavern     | Closed | 100% | 100% | Toledo | OH |
| <b>Rooster Inn</b>         | Brew Pub   | Closed | 100% | 100% | Toledo | OH |
| <b>Shamrocks</b>           | Tavern     | Closed | 100% | 100% | Toledo | OH |
| <b>The "In" Zone</b>       | Tavern     | Closed | 100% | 100% | Toledo | OH |
| <b>Bliss' Steak Ranch</b>  | Restaurant | Closed | 100% | 100% | Eugene | OR |

*Closed after 32 years in business*

|                  |        |        |      |                    |        |    |
|------------------|--------|--------|------|--------------------|--------|----|
| <b>Doc's Pad</b> | Tavern | Closed | 100% | 100% <sup>24</sup> | Eugene | OR |
|------------------|--------|--------|------|--------------------|--------|----|

*"Let's face it, the economy is horrible. But for us specifically, the smoking ban was the knockout punch." The Olsen family had owned Doc's for 16 years.*

|                     |                |        |      |      |           |    |
|---------------------|----------------|--------|------|------|-----------|----|
| <b>Max's Tavern</b> | Tavern         | Closed | 100% | 100% | Eugene    | OR |
| <b>The Peacock</b>  | Bar/Restaraunt |        | 40%  |      | Corvallis | OR |

*Connor owned the Peacock for years - and says it was the ban that caused him to sell the bar. He says business gross fell from \$1.5 million in 1997, the year before the ban went into effect, to \$900,000 last year.*

**The Peacock**

|   |                |        |       |      |               |         |
|---|----------------|--------|-------|------|---------------|---------|
| <b>MacKenzie Lounge</b>   | Tavern         |        | 80%   |      | Yellowknife   | CANADA  |
| <b>Mingles Coffee Shoppe</b>  | Coffee Shop    | Closed | 100%  | 100% | Kitchener     | CANADA  |
| <i>Before Closing, Mingles saw a 45% drop in sales.</i>   |                |        |       |      |               |         |
| <b>Mr. B's</b>  | Restaurant     | Closed | 41%   |      | Tilsbury      | CANADA  |
| <b>nastys</b>   | Sports Bar     |        | 37%   |      | Dunnville     | CANADA  |
| <b>Red Dog Cafe</b>   | Restaurant     | Closed | 100%  | 100% | Acton         | CANADA  |
| <b>Rupert Pub</b>   | Tavern         | Closed | 100%  | 100% | Prince Rupert | CANADA  |
| <b>Sam's Hotel</b>  | Tavern         |        | 60-70 |      | Wallaceburg   | CANADA  |
| <i>"(Business is down) probably 60-70 per cent (at night) and 90 per cent in the daytime."</i>  |                |        |       |      |               |         |
| <b>Sky Garden</b>   | Restaurant     | Closed | 100%  | 100% | Ottawa        | CANADA  |
| <i>"It was 100% because of the bylaw. Sales dropped 50%. Our cups of coffee were down 400 to 500 a day, our meals 20 to 30 a day."</i>  |                |        |       |      |               |         |
| <b>The Coffee Bar</b>   | Coffee Shop    |        | 50%   |      | Whitehouse    | CANADA  |
| <b>The Patch</b>  | Tavern         |        | 70%   |      | St. Albert    | CANADA  |
| <b>The Spotted Dick</b>   | Tavern         |        | 60%   |      | Toronto       | CANADA  |
| <b>Tubbys Pizza</b>   | Pizza Parlor   |        | 20%   | 2    | Crescentwood  | CANADA  |
| <b>Bewley's</b>   | Tea and Coffee |        |       |      |               |         |
| <b>Oriental Cafe</b>  | Shop           | Closed | 100%  | 100% | Dublin        | IRELAND |
| <i>The shop, located on Westmoreland St, had been in business since 1986</i>  |                |        |       |      |               |         |
| <b>Bewley's</b>   | Tea and Coffee |        |       |      |               |         |
| <b>Oriental Cafe</b>  | Shop           | Closed | 100%  | 100% | Dublin        | IRELAND |
| <i>The Grafton Street Shop had been open since 1927.</i>  |                |        |       |      |               |         |
| <b>Fibber Magees</b>  |                | Closed | 100%  | 100% | Eyre Square   | IRELAND |
| <i>"We're damned if we do and damned if we don't," Lawless said {Defying the law}. "We're either going to go out of business or be put out of business." Before closing the bar suffered loses of 66%</i> |                |        |       |      |               |         |
| <b>MacTurcaills</b>   |                |        | 20%   |      | Dublin        | IRELAND |

If your business has been harmed by a smoking ban, or if you know of one that has been, please let us know. If possible, have the owner contact us. Newspaper articles are also welcome. Please include the URL. .

Click here to contact The Facts, and here to send information to Samantha Philips, who maintains the most current version of this list.

Last Update: Sunday, October 31, 2004

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**Teresa Anderson**

---

**From:** Michelle Setlik [msetlik@hamilton.net]  
**Sent:** Thursday, February 24, 2005 4:43 PM  
**To:** Teresa Anderson ; Ryan King  
**Subject:** Tobacco Comment

Agnes O'Hare, 2520 W Phoenix, retired, female, over 65, for smoke-free ordinance

Concerned with second hand smoke, because it is uncontrollable. Is concerned about workers who are in the smoke all day long.



*When You Can't Breathe,  
Nothing Else Matters®*

State Office:  
Community Health Plaza  
7101 Newport Avenue  
Suite 303  
Omaha, NE 68152  
(402) 572-3030  
Fax (402) 572-3028  
1-800-LUNG-USA  
(1-800-586-4872)  
E-mail: [ala@lungnebraska.org](mailto:ala@lungnebraska.org)  
[www.lungnebraska.org](http://www.lungnebraska.org)

February 22, 2005

Teresa Anderson  
Central District Health Department  
1137 S. Locust St.  
Grand Island, NE 68801

Dear Ms. Anderson,

The American Lung Association® of Nebraska strongly supports public policy to protect citizens from secondhand smoke.

Secondhand smoke causes disease and death. The medical evidence is indisputable. People with asthma, emphysema and chronic bronchitis find secondhand smoke a powerful lung irritant. For children with asthma, it can be deadly.

Secondhand smoke can, and does, trigger asthma attacks in children. As a result, some miss school, others go to the doctor, still others go to the emergency room or are admitted to the hospital.

Some never come home again.

Secondhand smoke also poses a hazard to expectant mothers and their babies. Whatever the mother breathes, the baby breathes. Studies, including one by the American Association for Cancer Research in Washington D.C., point out that cancer-causing chemicals pass from the mother to the baby. Nicotine, the addictive drug in secondhand smoke, is also passed to the baby.

A mother-to-be exposed to secondhand smoke has a greater chance of having a baby that weighs too little and may have health problems including asthma.

About 6,500 Hall County residents have some form of chronic lung disease. The threat secondhand smoke poses to their well-being is critical.

Sincerely,

Mike Wadum, director of Communications and Advocacy  
American Lung Association of Nebraska

Member of





1321 SOUTH 37<sup>TH</sup> STREET  
LINCOLN, NEBRASKA 68510  
PHONE 402.483.1039  
FAX 402.483.0570  
WWW.PUBLICHEALTHNE.ORG

## Public Health is Your Health Too

---

February 23, 2005

Teresa Anderson  
Central District Health Department  
1137 S. Locust St.  
Grand Island, NE 68801

Dear Ms. Anderson,

The Public Health Association of Nebraska strongly supports simple, strong and fair public policy to protect citizens from secondhand smoke. Developing comprehensive indoor air regulations at the local level is an essential component of reducing exposure to secondhand smoke and preventing tobacco use. Public health research has shown that comprehensive smokefree laws improve community public health without having an adverse impact on sales or employment.

- Since the 1986 Surgeon General's Report titled *The Health Consequences of Involuntary Smoking* stated that secondhand smoke can cause disease in nonsmokers, hundreds of studies have concluded not only this, but that exposure can result in death. As the body of scientific evidence becomes larger and more precise, it is now possible to show that smokefree policies not only work to protect nonsmokers from death and disease caused by exposure to secondhand smoke, but also have an immediate effect on the public's health.
- A study of San Francisco bar employees found improvements in their lung function after that state's smokefree bar law went into effect.
- A review of 26 studies on the effect of smokefree workplaces found that the combined effects of workers quitting or cutting back reduces total cigarette consumption by 29%.
- A study in Helena, MT found the number of heart attack victims admitted to a regional hospital dropped by nearly 60 percent during the first six months that the Helena comprehensive smokefree ordinance was in effect.
- Indoor air quality testing conducted at eight of Delaware's hospitality venues, including five restaurants, one casino, one stand-alone bar and one pool hall, showed a 95 percent drop in carcinogen levels since the Clean Indoor Air Act went into effect November, 2002.
- A study in the journal *Tobacco Control* (in 2003) offered a comprehensive review of all available studies on the economic impact of smoke-free workplace laws and concluded that: "All of the best designed studies report no impact or a positive impact of smoke-free restaurant and bar laws on sales or employment. Policymakers can act to protect workers and patrons from the toxins in secondhand smoke confident in rejecting claims that there will be an adverse economic impact".

If Grand Island decides to draft public health law to protect citizens and workers from secondhand smoke, PHAN would encourage that the law adhere to several guidelines that will assure equal protection, ease of implementation, enforcement and compliance.

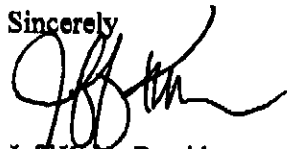
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- **Develop clear definitions.** Well-defined terms and provisions are critical for ensuring that the interpretation, implementation, and enforcement of the ordinance accomplish the intent.
- **Avoid or minimize exemptions.** Clean indoor air ordinances should create places that are free from smoke at all times. Exemptions should be avoided or limited since they can weaken the public health protections, make it susceptible to legal challenges, and make enforcement and compliance difficult.
- **Avoid adults-only exemptions.** This provision allows smoking if they prohibit minors. This creates the impression that second hand smoke is only harmful to youth and that adult exposure is acceptable and offers no protection to the workers in adults-only establishments.
- **Avoid ventilation clauses.** No ventilation system can remove the health risk due to secondhand smoke.

The Public Health Association of Nebraska applauds the Central District Health Department for taking a measured approach to gathering research and community input on protecting Grand Island citizens from exposure to secondhand smoke. PHAN's mission is to protect and promote the personal, community and environmental health of all people in Nebraska. PHAN is active in identifying and resolving Nebraska's health problems. PHAN provides a forum for discussion and advocacy of the significant public health concerns facing our state. The Association has over 240 members across the state of Nebraska.

If there are ways that PHAN can help in the future or if you would like scientific references for any of the above statements please do not hesitate to contact us.

Sincerely



Jeff Kuhr, President

Public Health Association of Nebraska

LEGISLATURE OF NEBRASKA  
NINETY-NINTH LEGISLATURE  
FIRST SESSION

LEGISLATIVE BILL 480

Introduced by Thompson, 14; Aguilar, 35; Brown, 6; Byars, 30;  
Foley, 29; Jensen, 20; Johnson, 37; Kruse, 13;  
Preister, 5; Price, 26; Raikes, 25; Redfield, 12;  
Schrock, 38

Read first time January 13, 2005

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Nebraska Clean Indoor Air Act; to amend  
2 sections 71-5701, 71-5702, 71-5703, 71-5704, 71-5708,  
3 71-5710, and 71-5711, Reissue Revised Statutes of  
4 Nebraska, and section 71-5707, Revised Statutes  
5 Supplement, 2004; to define and redefine terms; to change  
6 provisions for smoking in public places; to provide an  
7 operative date; and to repeal the original sections.  
8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 71-5701, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           71-5701. Sections 71-5701 to 71-5713 and sections 4 and  
4 5 of this act may be cited as the Nebraska Clean Indoor Air Act.

5           Sec. 2. Section 71-5702, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           71-5702. The purpose of ~~sections 71-5701 to 71-5713~~ the  
8 Nebraska Clean Indoor Air Act is to protect the public health,  
9 comfort, and environment by prohibiting smoking in public places  
10 and at public meetings except in designated smoking areas. Nothing  
11 in the act shall be construed to restrict or prohibit a governing  
12 body of a county, city, or village from establishing and enforcing  
13 ordinances at least as stringent as, or more stringent than, the  
14 provisions of the act.

15           Sec. 3. Section 71-5703, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           71-5703. For purposes of ~~sections 71-5701 to 71-5713~~ the  
18 Nebraska Clean Indoor Air Act, unless the context otherwise  
19 requires, the definitions found in sections 71-5704 to 71-5706 and  
20 sections 4 and 5 of this act shall be used.

21           Sec. 4. Bar shall mean an establishment that serves  
22 alcoholic beverages, may provide limited food service, and  
23 prohibits the presence of minors.

24           Sec. 5. Limited food service shall mean the serving of  
25 only snack items or commercially prepared and wrapped foods that  
26 require little or no preparation.

27           Sec. 6. Section 71-5704, Reissue Revised Statutes of  
28 Nebraska, is amended to read:



1           71-5704. Public place shall mean any enclosed, indoor  
2   area of an establishment used by the general public or serving as a  
3   place of work, including, but not limited to, restaurants, retail  
4   stores, offices and other commercial establishments, public  
5   conveyances, educational facilities, hospitals, nursing homes,  
6   auditoriums, arenas, and meeting ~~rooms, but excluding private,~~  
7   ~~enclosed offices occupied exclusively by smokers even though such~~  
8   ~~offices may be visited by nonsmokers~~ rooms.

9           Sec. 7. Section 71-5707, Revised Statutes Supplement,  
10   2004, is amended to read:

11           71-5707. (1) ~~No person shall smoke in a public place or~~  
12   ~~at a public meeting except in designated smoking areas. This~~  
13   ~~subsection does not apply in cases in which an entire room or hall~~  
14   ~~is used for a private social function and seating arrangements are~~  
15   ~~under the control of the sponsor of the function and not of the~~  
16   ~~proprietor or person in charge of such room or hall.~~

17           ~~(2)~~ With respect to factories, warehouses, and similar  
18   places of work not usually frequented by the general public, the  
19   Department of Health and Human Services Regulation and Licensure  
20   shall, in consultation with the Department of Labor, establish  
21   rules to ~~restrict or~~ prohibit smoking in those places of work where  
22   the close proximity of workers or the inadequacy of ventilation  
23   causes smoke pollution detrimental to the health and comfort of  
24   nonsmoking employees.

25           ~~(3)~~ (2) No person shall smoke at a site where child care  
26   programs required to be licensed under section 71-1911 are  
27   provided. This subsection applies to a child care program located  
28   in the home of the provider only during times one or more client's

1 children are present in any part of the home.

2           ~~(4)~~ (3) Smoking is prohibited in all vehicles owned or  
3 leased by the state and in all buildings, and the area within ten  
4 feet of any entrance of such buildings, which are owned, leased, or  
5 occupied by the state except as provided in subsection ~~subsections~~  
6 ~~(5)~~, ~~(6)~~, and ~~(7)~~ (4) of this section.

7           ~~(5)~~ (4) The following buildings or areas within buildings  
8 in which persons reside or lodge may be exempt from this section:  
9 (a) Nebraska veterans homes established pursuant to section 80-315;  
10 (b) private residences; (c) facilities and institutions under the  
11 control of the Department of Health and Human Services; and (d)  
12 overnight lodging facilities and buildings managed by the Game and  
13 Parks Commission, but no more than twenty-five percent of the  
14 overnight lodging facilities at each park location shall permit  
15 smoking.

16           ~~(6)~~ Designated smoking areas not to exceed fifty percent  
17 of the space used by the public may be established in state-owned  
18 buildings at the Nebraska State Fairgrounds that possess a Class G,  
19 I, or M license for the sale of alcoholic liquor for consumption on  
20 the premises under the Nebraska Liquor Control Act.

21           ~~(7)~~ Smoking may be permitted in no more than forty  
22 percent of the residential housing rooms or units owned or leased  
23 on each campus under the control of the Board of Regents of the  
24 University of Nebraska or the Board of Trustees of the Nebraska  
25 State Colleges.

26           Sec. 8. Section 71-5708, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

28           71-5708. Smoking areas may be designated by proprietors

1 or other persons in charge of public places, except in places in  
2 which smoking is prohibited by the State Fire Marshal or by other  
3 law, ordinance, or regulation.

4 Where smoking areas are designated, existing physical  
5 barriers and ventilation systems shall be used to minimize the  
6 toxic effect of smoke in adjacent nonsmoking areas. If a public  
7 place consists of a single room, one side of the room shall be  
8 reserved and posted as a no smoking area. No public place other  
9 than a bar or restaurant having a serving area of less than twelve  
10 hundred square feet shall be designated as a smoking area in its  
11 entirety. If a bar or restaurant having a serving area of less  
12 than twelve hundred square feet is designated as a smoking area in  
13 its entirety, such designation shall be posted conspicuously on all  
14 entrances normally used by the public.

15 Sec. 9. Section 71-5710, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 71-5710. The Department of Health and Human Services  
18 Regulation and Licensure shall, not later than January 1, 1980,  
19 adopt and promulgate rules and regulations necessary and reasonable  
20 to implement the provisions of ~~sections 71-5701 to 71-5713~~ the  
21 Nebraska Clean Indoor Air Act. The Department of Health and Human  
22 Services Regulation and Licensure shall consult with interested  
23 persons and professional organizations before promulgating such  
24 rules and regulations.

25 Sec. 10. Section 71-5711, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27 71-5711. The Department of Health and Human Services  
28 Regulation and Licensure may, upon request, waive the provisions of

1 ~~sections 71-5701 to 71-5713~~ the Nebraska Clean Indoor Air Act if it  
2 determines there are compelling reasons to do so and a waiver will  
3 not significantly affect the health and comfort of nonsmokers.

4           Sec. 11. This act becomes operative on January 2, 2006.

5           Sec. 12. Original sections 71-5701, 71-5702, 71-5703,  
6 71-5704, 71-5708, 71-5710, and 71-5711, Reissue Revised Statutes of  
7 Nebraska, and section 71-5707, Revised Statutes Supplement, 2004,  
8 are repealed.