

Bill seeks to ban smoking in bars

By BLAKE NICHOLSON Associated Press Writer
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STERLING - Paul Reed doesn't smoke while he's on the job digging water wells. But when the workday is done, he enjoys spending time in a bar with a beer and a pack of cigarettes.

Reed, 48, of Moffit, doesn't appreciate that the Legislature might snuff out his preferred way of relaxing by banning smoking in bars.

"We don't need any more laws telling people what to do," he said last week, sitting on a stool in the Sterling Bar, about 25 miles east of Bismarck in rural Burleigh County.

"It's not like a person goes out there and tries to endanger someone else's health," Reed said. "There's got to be a place where I can go and relax, and smoke."

In North Dakota, where lawmakers banned smoking in most public places two years ago, bars are one of the few public places where smokers may light up. But smoking opponents hope to add North Dakota to the growing number of states in which bar patrons must step outside to smoke.

"There's quite a bit of evidence secondhand smoke causes a lot of (harm)," said Sen. Ralph Kilzer, R-Bismarck, who is sponsoring a bill to do away with bar smoking. "People are entitled to have a clean environment."

Kilzer, who is a doctor, was the primary sponsor of the 2005 Legislature's anti-smoking bill. His bill to prohibit smoking in bars, SB2164, has not yet been scheduled for a public hearing.

Thirteen states and the District of Columbia ban smoking in bars, said Thomas Carr, a policy analyst with the American Lung Association.

Three other states have approved bar smoking bans that have not taken effect, he said. Most of the bans have been put in place in recent years, Carr said.

"There's been an explosion since 2002," he said. "The public is starting to demand it."

Arguments about smoking in bars are similar throughout the country, Carr said. Supporters of smoking bans say customers and employees shouldn't be exposed to secondhand smoke. The idea's foes say the decision should be up to bar owners, and that people don't have to drink in bars if smoking offends them.

Allan Leier, who owns the Main Bar in Bismarck, said he has put a sign outside his business telling people: "If secondhand smoke affects you, please don't come in."

"We're going to continue to be a smoking establishment until business tells us otherwise," he said. "We don't need a law to tell us otherwise. We're smart enough businessmen to know if smoking is making us go down in sales."

Vicki Voldal Rosenau, chairwoman of the North Dakota Public Education Task Force on Tobacco, said secondhand smoke is harmful to everyone. She compares a smoking ban in bars to requiring the removal of cancer-causing asbestos from workplaces.

The task force hired Winkelman Consulting of Fargo to gauge public support for a bar smoking ban. Last summer, the firm telephoned 1,728 adults, chosen at random, and found about two-thirds supported making bars smoke-free. The report on the survey did not say how many of the adults questioned go to bars.

In the Legislature, there is considerable resistance to a smoking ban in bars, an Associated Press survey of lawmakers indicates. The survey was done by e-mail and regular mail in December, before the 2007 Legislature convened, and more than 80 percent of lawmakers responded.

In the House, 50 representatives said they opposed a smoking ban in bars, while 25 favored it and five were undecided. In the Senate, 20 senators said they disagreed with the proposal, while 16 supported it and three were undecided.

At the Sterling Bar on a recent night, four of the five people gathered at the bar were smoking, and said they would frequent bars less if they couldn't smoke. They also said bars have a different atmosphere than other businesses.

"It's your right as a citizen to walk in the door or not walk in the door," said Jason Ryberg, 27, of Menoken.

Bartender Frank Rippley, 53, who smokes, estimated about 80 percent of his customers at the Sterling Bar smoke. A smoking ban would hurt the business "a lot," he said.

Rep. Dwight Wrangham, R-Bismarck, director of The Coin and Tavern Association, said the ability of bars to allow smoking is a matter of business survival.

With a ban, "a huge number of bars would expect to close their doors," he said. "The fact of the matter is, there are consumers and employees in this state who smoke."

Kilzer said the argument should focus on health concerns, not economics.

"You shouldn't have the right to smoke in public places," he said. "You shouldn't have the right to throw your fists around in public places, either. When it connects with my chin, it infringes on my rights."

Kilzer, Carr and other supporters point to a June 2006 surgeon general's report that cites "overwhelming scientific evidence" that secondhand smoke causes illnesses such as heart disease and lung cancer. The American Lung Association is pushing for all states to be totally smoke-free by 2010.

Nicki Weissman, executive director of the North Dakota Hospitality Association, said if more people want smoke-free bars, bar owners will have to adapt. Some bars have gone smoke-free on their own, and government intervention is not needed, she said.

"If (an owner) doesn't have anybody in his bar because of smoking, he's going to realize he has to make a change," she said. "But if he looks down his bar and sees 95 percent of his customers are smokers - we don't need state government to make our decision for us."

Scott Jorgensen, who does not allow smoking in Jorgy's Sports Bar in Bismarck, said he is in an awkward position. He dislikes smoking, but a smoking ban would eliminate his marketing edge.

However, "the other thing is maybe I'd get some of the people back that I lost when I changed it to nonsmoking," he said.

Reed wouldn't be surprised if the bar smoking ban succeeds. "Once they get their foot in the door, they just keep pushing," he said.

But the debate hasn't compromised his sense of humor and sarcastic wit. If he can't smoke in a bar, Reed said, "I'll probably just buy some beer and go sit out on a section line, where I'm not bothering anyone."

The bill is SB2164.