



## Statewide Smoking Ban Arguments Aired

**By Grant Smith**

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Saying second-hand smoke was the third most pervasive health hazard, Rep. Linda Lopez, D-29, launched a lengthy House Health Committee hearing March 4 on H2629, which would prohibit smoking in enclosed public places throughout the state.

She claimed 73 per cent of the people in Arizona support the measure.

Rep. Deb Gullett, R-11, committee chairman, announced before the committee that there would not be a vote on the bill and that the hearing, which lasted 90 minutes, was for gathering information.

Supporters said a ban would protect against the health hazard while the opposition charged that a statewide ban would hurt businesses and infringe on property rights.

Gary Richardson, a former Republican state senator, led off the hearing and spoke in support of the bill. He said he had been president of the Tempe Chamber of Commerce when Tempe began considering a smoking ban in public places.

He said a ban was needed for the sake of bar and restaurant employees.

"Patrons can go where they want," Mr. Richardson said. "Employees don't have a choice."

Tempe voters passed Prop. 200 in 2002 prohibiting smoking in enclosed public places.

Eric Emmert, vice president

of public affairs for the Tempe Chamber of Commerce, said the ban created "an unlevel playing field." He said more than 30 bars and restaurants closed because of it. "It was the nail in the coffin for many," he said.

Mr. Emmert said the Tempe organization supports H2629 because a statewide ban means smokers would not be able to abandon Tempe bars for other locations that allow smoking.

Bernice Carver, whose late husband was a restaurant employee in Flagstaff, made the most emotional presentation of the hearing.

She said her husband died of lung cancer brought on by second-hand smoke and it was not detected until it had advanced to a stage that it could not be treated.

"If my husband Dave were here I know he would want you to consider the benefit to all the workers and their families," she said.

### **Property Rights Vs. Public Health**

Dr. Jonathan Weisbauch, director of the Maricopa County Public Health Department, called private property rights a red herring.

If society strictly observed property rights, he said "you could drive at any speed or you could get drunk at any time. Property rights have to be placed second [to public health]."

Rep. Warde Nichols, R-22, a committee member, disagreed saying he was an

asthmatic and avoided restaurants that did not have smoke-free areas, but he felt restaurants and bars should be afforded the opportunity to provide smoke-free areas.

"I think the industry is self-regulating," he said.

Bill Weigele, president of the Arizona Licensed Beverage Association, said he had owned a bar and restaurant for 30 years and he had never had an employee who asked to change jobs because of smoke.

"It might be a red herring using employees," he said. "I heard no outcry."

The Arizona Licensed Beverage Association has published its policy on smoking. The association says smoking in dining areas or places where unaccompanied minors can go should be banned, but smoking in bars should be permitted.

On the Tempe ban, Mr. Weigele said, "Tempe put themselves in a box. Why shouldn't they want a statewide ban?"