

Testimony – In Opposition
House Bill 1152 – Tobacco Restrictions
Industry Business and Labor Committee
Representative Lefor, Chair
January 28, 2021

Chairman Lefor, and members of the House Industry, Business and Labor Committee – My name is Duane Pool, I am a resident of District 47 and an economist. I would like to provide testimony in opposition of House Bill No. 1152.

Several years ago, I was twice contracted by the Bismarck Tobacco Free Coalition to evaluate the regulatory impact of the smoking ban on area restaurants and bars. I conducted a before and after analysis of the industry based on taxable sales reporting. An anecdotal irony is that I am allergic to smoke and my co-author, who has passed, was a chain smoker. Based on that knowledge of the local market, I am comfortable suggesting that the addition of cigar bars will have marginal if any increase in market revenue.

Based on previous research, individual revenue differences will mostly be due to a substitution effect wherein patrons will shift from one facility to another and not as a result of significant recruitment of new patrons to the market. If the beneficial justification is increased market revenue, then based on these previous studies, that justification would be a relatively weak stance given the well documented health cost side of the regulatory impact analysis research for smoking that is readily available.

Another point, if I may, as it stands the current law treats everyone equally. If, as a legislative body, you start making exceptions, you open the basic statute to equal treatment challenges in the future.

Respectfully in opposition to House Bill No. 1152,
Duane Pool