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North Dakota House Bill 1152
Senate Industry, Business & Labor Committee
Do Not Pass Testimony
March 8, 2021

Dear Chair Klein, Vice-Chair Larsen and members of the Committee,

My name is Sara Mannetter and I work for the nonprofit, non-partisan advocacy affiliate of the American Cancer Society. The American Cancer Society Cancer Action Network (ACS CAN) advocates for public policies that reduce death and suffering from cancer which include policies targeted at reducing tobacco use.

HB 1152, a bill that would create exemptions to North Dakota's Indoor Smoke Free Air Law, allowing for cigar smoking in bars and lounges is before you. This bill is essentially the same bill that was heard last regular session and defeated by a large margin.

ACS CAN opposes HB 1152 and I ask you for a Do Not Pass vote out of committee.

Voters overwhelming voted for and have enjoyed the state smoke-free law in the land with no exceptions for the past 10 years.

If passed, workers and patrons will be exposed to secondhand smoke which goes against the intent of the law and could encourage more erosions in the future.

Ventilation systems cannot remove carcinogens found in secondhand smoke from a workplace or public place. Asking business owners to install an expensive system is burdensome and does nothing to protect the public's health. The only effective way to fully protect workers and patrons from exposure to secondhand smoke is to eliminate smoking.

A strong law covers all people including workers. Why in the world would we want to go backward? Everyone has the right to breathe smoke-free air and that includes those in hospitality venues, work environments, and other public places. A strong law prohibits all smoking including cigar use in all workplaces whether they sell cigars or not.

HB 1152 is specifically problematic for the following reasons:

- Exempts not only so-called "cigar lounges" but also bars where the sale of cigars makes up 10% of their revenue. If this were to pass, it will impact North Dakota's smoke-free bar status and expose workers to secondhand smoke.

- If the intent is exempt cigar bars, these businesses should focus on selling cigars. As written, this will allow any bar that happens to sell cigars on the side to skirt the smoke-free law and allow cigar smoking.
- Appears to include even small countertop humidors.
- Ventilation does not work. Ventilation systems cannot remove carcinogens from secondhand smoke, and they fail to protect public health. Asking business owners to install an expensive system is burdensome and ineffective.
- There are no measures for active enforcement and verification.

This is an important issue for our organization and volunteer advocates in the state and ask that the committee votes for a Do Not Pass recommendation.

Thank you for your time.

Sara Mannerter

North Dakota Government Relations Director