

**Testimony – In Opposition of House Bill 1152 – Cigar Bar Tobacco Restrictions**  
**Senate Industry Business and Labor Committee**  
**Representative Klein, Chair**  
**March 7, 2021**

Chairman Klein, and members of the Senate Industry, Business and Labor Committee – My name is Duane Pool, I am a resident of District 47, an economist and biometrician. I am writing today to provide testimony in opposition of House Bill No. 1152. **Please Vote NO.**

Several years ago, I was 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. 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 and would almost certainly exhibit a significant net loss in a cost-benefit analysis in the local market

Based on previous study, it will likely exhibit a substitution effect, wherein, patrons will shift from one facility to another and not lead to significant recruitment of new patrons to the market. If the beneficial justification is increased market revenue, then based on the previous studies, that justification would be a very weak stance given the well documented cost side of the regulatory impact analysis research for smoking that is readily available.

Another point to be made is that, as it stands, the current law treats everyone equally. If as a policy maker, you start making exceptions, you open the basic statute to equal treatment lawsuits in the future. Good public policy is consistent and fair.

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