



P.O. Box 3237
Bismarck, ND 58502
701-751-0229
www.tfnd.org

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2:30 pm CST

Senate Industry, Business, and Labor Committee for the 67th ND Legislative Assembly

Chairman Klein, and members of the Senate Industry, Business, and Labor Committee, hello, my name is Heather Austin, and I am the Executive Director for Tobacco Free North Dakota. The mission of Tobacco Free North Dakota is to improve and protect the public health of all North Dakotans by reducing the serious health and economic consequences of tobacco use, the state's number one cause of preventable disease and death. Thank you so much for your time this afternoon.

Today I am here to encourage a Do Not Pass on HB 1152, the bill allowing for the establishment of cigar bars in ND. By eroding our indoor smoke free air law, by making exceptions to allow even one type of product to be smoked or aerosolized indoors, we do a serious disservice to our citizens and to our state.

According to the Dept. of Health Tobacco Surveillance Data Table in 2017 for North Dakota, tobacco use cost our state \$326 million in Smoking Attributable Medical Expenditures, and \$232.6 million in Smoking Attributable Productivity Loss. That is over ½ a BILLION dollars annually in smoking related expenses to the state of North Dakota! Rolling back indoor smoke free air law protections will only exasperate this issue, as cigars are a public health risk and are a leading cause of several cancers.

By allowing cigar bars, we begin to renormalize smoking to our youth, undoing years of work by our public health experts across North Dakota. There is already a serious disconnect in youth views concerning vaping vs. smoking, with the former seeming to be safer in the eyes of our teens, even though evidence is showing that it clearly is not.

While cigarette consumption among youth decreased by nearly 40 percent from 2000 to 2015, youth cigar consumption increased by 92 percent. i. Cigar use among youth is now almost as common as cigarette smoking! We do not want to confuse the issue even further by making cigars seem safe enough to smoke indoors without serious health consequences for those exposed. There is no safe level of tobacco exposure. ii

We also know that ventilation systems simply do not work to eliminate all secondhand smoke. While they are sometimes promoted as a way to reduce exposure to secondhand smoke, ventilation cannot remove it all, and does not purify the air at rates fast enough to protect people from the harmful toxins. The Surgeon General has concluded that even taking the steps of separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure of nonsmokers to secondhand smoke. This means who these proposed establishments share walls with could have dire consequences, especially in cases where they share walls with residences, or with businesses catering to youth. The only effective way to fully protect people from exposure to secondhand smoke is to completely eliminate smoking in indoor public spaces. iii. Everyone deserves clean air.

I would also like to point out that currently North Dakota has one of the best indoor smoke free air laws in the nation protecting our citizens. It has been referenced and recognized nationally. We need to be proud of that and we need to fully preserve it. We can also be proud of and honor the fact that 66.7% of our voters approved it in 2012 with no exemptions. iv. In the years since the law's passage, support has only grown, and our latest polling shows that 76.3% of North Dakota citizens support our Indoor Smoke Free Air Law.

Once one exception is made to our law, how soon will it be before another request appears in front of our Legislature? With electronic product use at FDA labeled epidemic levels for our youth, and with new products being introduced at a lightning pace, we cannot risk opening the door for further erosion of a proven health policy that creates a healthier state and that saves lives. Allowing an exemption also takes us back to a patchwork of protections enacted across the state, as some communities have very strong local ordinances, and some do not.

Finally, I think it bears noting that the COVID-19 global pandemic we have suffered this past year is a disease specifically targeting our lungs and causing severe pulmonary and cardiovascular distress for many of the people contracting it. Lung health is as vital now as it ever was before, and weakening our pulmonary systems, and promoting establishments that could do so specifically, should not be allowed.

This past year, TFND published a Resolution of Support for preserving our Indoor Smoke Free Air Law. The following organizations have signed it: Bismarck-Burleigh Break Free Youth Board, Carrington Youth Center, CHI Carrington, Cavalier County Memorial Hospital, Cavalier County Board of Health, Foster County Board of Health, Foster County Commission, Grand Forks Board of Health, Grand Forks Tobacco Free Coalition, Light of Christ Catholic Schools, McKenzie County Community Coalition, Mid Dakota Clinic, ND Public Health Association, ND Society for Respiratory Care, Pembina County Board of Health, Pembina County Commission, Pembina County Memorial Hospital Association, Southwestern District Health Unit, University

of Mary Health PRO, Upper Missouri District Health Unit, Walsh County Tobacco Free Coalition, and Williams County Community Coalition.

Again, thank you for this time in front of you, Chairman Klein, and the Committee. It is very appreciated. Please vote Do Not Pass on HB 1152.

May I take any questions?

Heather Austin
Executive Director, Tobacco Free North Dakota
Cell: 701-527-2811
heather@tfnd.org
www.tfnd.org

- i. American Cancer Society. Cancer Facts & Figures 2017. Atlanta, GA: American Cancer Society, 2017
- ii. Surgeon General Report 2010 <https://www.surgeongeneral.gov/library/reports/secondhand-smoke-consumer.pdf> and National Cancer Institute Dec. 5, 2016 <https://www.cancer.gov/news-events/press-releases/2016/low-intensity-smoking-risk>
- iii. U.S. Department of Health and Human Services (HHS). The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.
- iv. ND Secretary of State Election Results: <https://results.sos.nd.gov/ResultsSW.aspx?text=BQ&type=SW&map=CTY&eid=35>

The Survey Says...

ND Citizens Strongly Support
ND'S Indoor Smoke Free Air Law

Percentage of citizens that support the law

2013	2015	2017
74.92%	75.2%	76.31%

*Data taken from polls by Odney Advertising from 2013-2017

