

# MICROFILM DIVIDER

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ROLL NUMBER

DESCRIPTION

2164

2007 SENATE JUDICIARY

SB 2164

# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2164**

## Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 6, 2007

Recorder Job Number: 2933

Committee Clerk Signature

*Monica L. Solberg*

**Minutes:** Relating to smoke free environments.

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following testimony, stating that each side would get an equal 45 min. of testimony time:

### Testimony In Support of Bill:

**Sen. Ralph Kilzer**, Dist. #47 Introduced the bill (meter ) Att. #1.

**Rep. Joyce Kingsbury**, Dist. #16 also introduced bill (meter 5:00) This is another state to create a healthy ND. As has been stated the debate is over. Spoke of second hand smoke danger. The Representative referred to California law. She discussed young people and employment and the cost smoking has on the tax payers.

**Sen. Elroy Lindaas**, Dist. #20 (meter 6:44) Everyone deserves a smoke free environment and 2<sup>nd</sup> hand smoke is harmful. He cited a personal case, he watched, of a spouse married to a smoker who died of lung cancer even though she did not smoke.

**Rep. Lee Kalder**, Dist #20 (meter 8:32) submitted letters – Att. #2a and 2b. Spoke of passing of the last bill. The debating issues of leveling the playing field. You will hear about the financial impact of this bill. I signed on remembering the unanimous vote this bill had in the Senate two years ago and in the house the amendments were added for the exemptions.

Some of the amendments have caused an enforcement issue. Spoke of a personal incident of a hostess in a lobby near a bar. (meter 10:00). We need to resolve the enforcement issues by making all places smoke free.

**Dr. Herb Willson**, retired physician and member of A.L.A.U.M. (meter 12:43) Att. #3 Many states have passed this type of legislation already.

**Dr. James Hughes**, Heart and Lung Clinic with St. Alexius Hospital employee, specializing in lung disease. (meter 13:50) Gave testimony – Att. #4

**Mr. Jack McDonald**, Lobbyist/Attorney representing ND Repertory Assoc. Reviewed the bill (meter 21:31) stating that it add three items to the original bill passed in the last session: Smoke infiltration, Employees ability to sue and the posting of signs.

**Sen. Nethings** asked about the provisions on page 4 and if it would be contrary to worker's comp current law? (meter 23:53) They discussed if ill you could not file a work comp complaint and file a law suit-would it cause you to waive your rights.

**Kathleen Mangskau**, citizen impacted by second hand smoke (meter 26:31) Gave Testimony – Att. #5.

**Nikki Wolf**, St. Alexis Respiratory Therapist (meter 32:25) Gave Testimony – Att. #6 Spoke of a survey they did at the hospital and of personal socializing and the effects the second hand smoke has.

**Megan Carter**, past restaurant work (meter 34:00) talked about her experiences and the differences in working in a smoking and non smoking facility. – Att. 6a

**Debbie Swanson**, President of ND Public Health Association, (meter 32:36) Gave testimony – Att. #7.

**Kelly Buettener Schmitd**, Assist. Professor of Nursing and Proj, Dir. of Healthy Communities International, Minot State University. (meter 36:50) Gave Testimony – Att. #8

**Vicki Voldal Rosenau**, (meter 43:41) Gave Testimony – Att. #9

**Testimony in Opposition of the Bill:**

**Rep. Dwight Wrangham**, Dist 8 Gave his testimony against the bill. (Meter 49:35) – Att. #10

He referred to an opinion petition given to him stating it had over 10,000 names.

**Bob Harms**, Lobbies for the Hospitality Association, (meter 51:52) Gave testimony – Att. #11

This is about peoples rights-notice that big tobacco is not here today. Also submitted a new paper article banning smoking out doors in MN– Att 11a

**Sen. Olafson** asked if some “no smoking” movement has been done voluntarily? Yes some have made the changes at the requests of the patrons.

**Allan Leir**, Bar Owner in Bismarck (meter 1:01:16) Gave testimony-Att. #12 and handed out sign he puts on his bar door allowing smoking – Att. #12a.

**Nicki Weissman**, Executive Dir. of ND Hospitality Assoc. (meter 1:04:25) Gave Testimony 13a and added additional information-Att. #13b and a Study by dHreasearch – Att. #3c

**Rick Laflure**, President of Coin Machine Operations (meter 1:10:09) We are not “pro smoking”, we are pro rights. Smokers have rights. We have tried to wok with the industry, and referred to a study. Spoke of the need to educate, Cessation (smokers are not bad people) and nicotine addiction. – Att. #14 He referred to the charts the hospitality Assoc. included in there testimony.

**Lowell Thomas**, Minot ND – ND Tournament Assoc. (meter 1:10:07) Referred to National Dart Tournament and gave his testimony – Att. #15

**Ann Murchie**, Jamestown, ND resident and American Veteran (meter 1:22:21) Gave

Testimony – Att. #16

**Tom Walser**, ND Motor Carrier Assoc. (meter 1:24:12) Referred to the “Truck Stop” portion of the bill. Spoke of the money and efforts after the last legislation the owners put into there

businesses to make the enclosed area. It is an adult only section and people always have the two choices.

**Lisa Hixson**, Stadium Sports Bar Manager (meter 1:25:45) Gave Testimony – Att. #17

Leo R. Bell, Smoker and a veteran (meter 1:28:45) smokers contribute a large amount of tax dollars, if we can't smoke in any establishments then cut the takes on cigarettes (and alcohol).

**Warren Schneider**, Tavern Owner in Bottineau (meter 1:30:10) Gave Testimony – Att. #18

Had issues with how to keep this bill in compliance in a rural area with out a police officer in the town.

**Sen. Olafson** discussed this with him, seeming to understand this issue.

**Arlen Shell**, Bar Owner (meter 1:30:00) Spoke of the money he spent on his business last

session to be in compliance and two years later, we have this bill – Att. #19

**Testimony Neutral to the Bill:**

**Terry Dwelle**, State Health Officer with the ND Dept. of Health (meter 1:1:33) Gave Testimony – Att. 20

**Sen. Nething** stated that his testimony was not Neutral and he had violated the 45 min per side and he would now give the "Against the Bill" 10 more minuts.

**Testimony in Opposition to the bill:**

**Rep. Dwight Wrangem**, Dist #9 (meter 1:38:55) Stated that this bill is not about "health" it is about a persons rights.

**Mary Lue Horney**, Cashier at Amvets. (meter 1:38:55) Gave her testimony – Att. #21

**Senator David Nething**, Chairman closed the hearing.

**Additional Testimony Submitted:**

**For the Bill:**

**David Peske**, ND Medical Association – Att. #23

**Opposition to the Bill:**

**Michael McMenemy**, Tavern Owner Grand Forks, ND – Att. 22 –

**Senator David Nething**, Chairman closed the hearing.

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# 2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. **SB 2164**

## Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: February 6, 2007

Recorder Job Number: 3045

Committee Clerk Signature

*Maria L. Solby*

**Minutes:** Relating to smoke free environment

**Senator David Nething**, Chairman called the Judiciary committee to order. All Senators were present. The hearing opened with the following committee work:

**Sen. Nething** stated that we have heard of all the evils of smoking. No one on this committee are smokers and spoke of history. We did a good job with this bill last session, my inclination is to not vote for the bill but I would like to hear from all of you.

**Sen. Lyson** spoke of losing family members to smoking and his deputies training. I have a problem with free enterprise and how much we are going to control it.

**Sen. Nelson** cited same personal issue also stating that we control businesses all the time. She discussed the enjoyment of being at a bar that is non smoking restaurant. I am death on smoking so I will vote for the bill.

**Sen. Fiebiger** stated that 80% of people do not smoke. Discussed topics spoken of with the introduction of the bill. I have a hard time allowing this environment available all of the time

**Sen. Olafson** spoke of his rural district. The free market is working in the urban areas. I represent a rural district where they only have one choice to go. I have a concern with the enforcement issue and non-compliance. A sheriff could be 60 miles away and be called to



enforce this? I will be voting against this bill I am also with Sen. Lyson in the aspect of how much control of government is too much.

**Sen. Marcdellais** stated that as a former smoker, he made the choice to quit on his own. It is a choice a person has to make for themselves. I also have concerns on the enforcement. This is an issue of education and I do not see the coalition at the schools educating the children.

**Sen. Nething** stated that there are many occupations that can be dangerous; law enforcement, rodeo, welders and many others. People assume the risk in the association of many things short of shutting down every industry we can not control all risks everywhere. He spoke of the impact on businesses.

**Sen. Nelson** spoke of the boarder towns will have issues. In the elections this issue was very close but making all establishment no-smoking and it lost by a small amount.

**Senator David Nething**, Chairman closed the hearing.

**Sen. Lyson** made the motion to Do NOT Pass and **Sen. Olafson** seconded the motion. The committee voted with great struggle. All members were in favor except for **Sen. Fiebiger** and **Sen. Nelson** and the motion passes 4-2.

Carrier: **Sen. Nething**

**Senator David Nething**, Chairman closed the hearing.



**REPORT OF STANDING COMMITTEE (410)**  
February 7, 2007 1:17 p.m.

**Module No: SR-26-2390**  
**Carrier: Nething**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**SB 2164: Judiciary Committee (Sen. Nething, Chairman) recommends DO NOT PASS**  
**(4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2164 was placed on the**  
**Eleventh order on the calendar.**

2007 TESTIMONY

SB 2164

Att #1  
2-6-07

**SENATOR RALPH KILZER**  
**PRESENTATION ON SENATE BILL 2164**  
**SENATE JUDICIARY COMMITTEE**

2/6/2007

Good morning Mr. Chairman and distinguished members of the Senate Judiciary Committee. I'm Ralph Kilzer, state senator from District 47 which is northwest Bismarck. I'm proud to be one of the sponsors of SB 2164, which would ban smoking in public places. Last session, you may recall, it was also a senate bill, SB 2300, which passed, but with some amendments. This year's bill basically would remove the amendments and exemptions that were added by last session's conference committee.

During the last century that ended seven years ago, the average life expectancy of U.S. citizens increased 30 years. At the beginning of the century, life expectancy was 47 years and at the end of the century in the year 1999 life expectancy was at 77 years. Even in the first seven years of the present century, we have made strides in improving the statistics for life expectancy. The three leading killers at the present time are cancer, heart disease and stroke. The improvement that has been going on recently results from better lifestyle and dietary choices. There are also better diagnostic tools and treatment modalities being developed. However, the biggest obstacle for all three killers is cigarette smoking. Smoking is the number one public health hazard. Dr. Richard Carmona, the Surgeon General, estimates 53,000 people die in our country each year because of second-hand smoke. That is in addition to the hundreds of thousands of primary smokers who die each year because of arterial disease and lung cancer. In North Dakota, second-hand smoke is estimated to cause about 100 deaths each year. That's about the same as the number of traffic fatalities.

Some would say that government has no business regulating my life and my business. Others would say that government doesn't interfere drinking alcohol or consuming excess food. Why should it interfere with smoking? After all, tobacco is a legal product. In public health law, the government does have the obligation to remove toxic products to

avoid public exposure; just as it must occasionally quarantine someone with tuberculosis or some other communicable disease to avoid further spread. The government does have responsibility to protect our environment.

The Surgeon General uses the term 'involuntary exposure' instead of second-hand smoke because the risk of exposure is not diminished by walls, barriers, filters or changes in the ventilation system. All of these are basically useless. They were not included in this bill or in the bill last session.

The reason I brought this bill forward in this session is because of the alarming fact that the Surgeon General revealed in his June 27, 2006 report. He stated simply that in order to not suffer the bad effects of second-hand smoke, facilities must be smoke-free. We in the legislature have an obligation to reduce the risk of this 'involuntary exposure' to tobacco smoke of our citizens. I urge you who are decision makers to review the Surgeon General's report. You don't have to buy the 670 page book because the report is available, along with short summaries, on the web at:

[www.surgeongeneral.gov/library/secondhandsmoke/](http://www.surgeongeneral.gov/library/secondhandsmoke/)

In 1997 the federal government disallowed smoking in all of their buildings. Several years ago the North Dakota Penitentiary went smoke-free. I read recently that the year 2007 is the year that more than half of our United States citizens will enjoy a smoke-free environment in which to work and play. I urge North Dakota to get on board.

I intend to have a handout of the local research that was done by University of Mary students here in Bismarck who undertook the effort to expose themselves to second-hand smoke and to do urinary studies on the level of cotinine, which is a metabolite and is easily measured.

AH # 2a  
2-6-07

**Kaldor, Lee A.**

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**From:** Rick Arechigo [rick.arechigo@gmail.com]  
**Sent:** Monday, February 05, 2007 8:39 PM  
**To:** Kaldor, Lee A.  
**Subject:** Smoking Ban

To whom it may concern:

My name is Rick Arechigo, owner of the Country Hearth Restaurant in Hillsboro,ND. I'm writing to you to encourage you to pass a bill that would ban smoking in all workplaces including bars. From my understanding of the most recent surveys is there is overwhelming support for a total ban. I would hope that you would consider the health and well being of all citizens to be equally important. Not just workers outside of the bar enviroment. It would also create an equal playing field for all business in North Dakota. When you passed the partial ban it created a very unfair business enviroment in this state. You weren't concerned when you passed the partial ban if it were fair or not, then why are we concerned now with a total ban being fair. We shouldn't wait for any other state like Minnesota you need to be leaders not followers that's why we elected you to this position in our government. We all know that this ban is going to pass sooner or later why not be a leader. You were elected to be a leader. A prime example is the state of Colorado they have banned smoking everywhere and there heart attack rate dropped by 27% since they started the ban on smoking about a year and half ago. I also understand no legislator ever lost an election for voting for the ban. We all have a right to breath clean air everywhere. We all know second hand smoke is a health issue.

--  
President  
C.H. of Hillsboro,Inc  
Rick Arechigo  
507 West Caledonia Ave  
Hillsboro,ND 58045

Att 2 b  
2-6-07

# Letnes Restaurant Group

PO Box 577 Waite Park, MN 56387 (320) 259-0589 FAX (320) 259-6070

January 5, 2007

RE: North Dakota's No Smoking Law

Dear North Dakota Legislator:

Thank you for taking the time to read my letter. I am CEO and owner of the Grizzly's Grill N' Saloon chain of restaurants. We are a small restaurant company that operates 14 Grizzly's Restaurants, five of which are located in various cities in North Dakota. We are headquartered in St. Cloud, MN but have many North Dakota ties. I grew up on a farm near Hillsboro and graduated from NDSU. Our restaurant sales are derived from both food and alcohol sales. This letter concerns the no smoking law that was voted in and took effect about 2 years ago. Since the law exempted numerous establishments (bars, clubs, bowling alleys, etc.) from going smoke free while others, such as Grizzly's because of our restaurant layout (which is cost ineffective to change) or our food to liquor sales ratio, were required to go smoke free, it was a financial disaster for us and a financial windfall for others. Here are some facts:

Alcohol sales at our Grizzly's in Fargo dropped 33% the very week after the smoking law took effect. We also lost 20% in incremental food sales. Obviously, smokers left for other bars where they could smoke. In Fargo, alcohol sales for 2005 were down 29.7% from 2004. 2006 sales saw a 2.2% drop from 2005. Alcohol sales never recovered. Grand Forks alcohol sales dropped 8% in 2005 and 15.3% in 2006. Bismarck alcohol sales dropped 22.3% in 2005 and 5.9% in 2006. Because of this loss of drinking customers, food sales in Fargo dropped 11.6%, Grand Forks dropped 17.9% and Bismarck dropped 14.9% over the two year period after the law went into effect. On the bright side, Jamestown's alcohol and food sales stayed virtually the same. All in all, the smoking law has been devastating to our ability to run profitable restaurants and it's simply not fair.

I believe the spirit of this law was based on protecting employees from second hand smoke. I've always felt customers should have the freedom to choose if they want to patronize an establishment that permits smoking, unfortunately, this smoking law only protects some employees. My own daughter (choosing not to work at Grizzly's because of the fact that it's hard being the owner's daughter as an employee) is a bartender at the Holiday Inn in Fargo and was employed when the law went into effect. Customers can smoke in that bar. I find it ironic that Grizzly's employees are protected from second hand smoke but my daughter, who virtually is in the same business serving food and/or beverages to the public, is not. Granted, she has the freedom to quit and pursue a different job that protects her from second hand smoke but there are many employees who do not have that option and that is certainly not the intent of this law.



I believe in competition and free enterprise. This law created economic hardships for my company and not for my competition. All I ask is for you to please make the North Dakota No Smoking Law fair for all and level the playing field for all restaurants and bars ensuring that no business owner is discriminated against. We work hard to compete against not only the big corporate chains but all bars, legion clubs (and I am a member of the American Legion), bowling alleys and all who sell alcohol. It's just too hard these days to lose sales and profits from something that is totally out of our control while trying to compete in the restaurant industry.

If North Dakota has a no smoking law, it should apply to all establishments and protect all employees. Thank you.

Sincerely,

Steve Letnes  
CEO – Grizzly's Grill N' Saloon  
[steve@grizzlysgrill.com](mailto:steve@grizzlysgrill.com)

Att #3  
2-6-07

TESTAMONY ON SENATE BILL 2164  
Herbert J. Wilson, MD

Chairman: Dave Nething  
Members of the Senate Judiciary Committee

Dear Senators,

I am Herbert Wilson, a retired physician, and currently a registered lobbyist for the American Lung Association of the Upper Midwest. (ALAUM, is the new acronym for the regional Lung -Christmas Seal-people) ALAUM fully approves of the content of 2164. Many States for a number of years have had similar "Clean Air" laws.. There have been very few problems once the law came into being.

SB 2164 tightens up a similar law passed in the 59<sup>th</sup> Legislative Session.. The new law will eliminate some of the exceptions written into the older bill—most prominent of these being the allowing of smoking in bars,. Also in the old bill exceptions were allowed for truck stops and for private functions being managed commercially.

In the weekly yellow SENATE COMMITTEE HEARING REPORT the abbreviated description of this bill is "9:00 AM SB2164 Relating to the posting of no smoking signs" Indeed, I feel signs may be an important part early on as the bill becomes law, but once there is familiarity , the signs should not be needed. Such has been the case in the other states adapting similar clean air laws. I talked with my son in San Diego this morning and he said that only occasionally has he ever seen a no smoking sign, ---- one exception- some of the beaches are also smoke free. and are posted as such..

So what else about this bill?

Need I say much about the scientific evidence that proves the lethality of 2<sup>nd</sup> hand smoke. In the year 2005 I believe there were 3,400 lung cancer deaths attributed to second hand smoke, and 6,500 cardiac deaths likewise felt to have been brought on by tobacco smoke in the environment.. Quite well known was the study showing increased cancer risk among the air stewardesses (1970s) when the hazards of second hand smoke were just being realized. There have been numerous studies since that time and all come to the same conclusion. Big Tobacco has tried to refute these studies and confuse the issue. They have been unsuccessful.

The American Lung Association wishes to thank the sponsors of Senate Bill 2164, and- in advance-this committee for bringing nearer to completion what was started in 2005.

Herbert J. Wilson, MD

Att #4  
2-6-07

Senator Nething and members of the Judiciary Committee,

I am Dr Jim Hughes. My specialty is lung disease. I have worked at the Heart and Lung Clinic at St Alexius in Bismarck since 1979. Thank you for the opportunity to testify this morning. What we are here to discuss is the serious issue of how our State chooses to protect its citizens from a deadly public health hazard- Second Hand Smoke.

Last June the latest US Surgeon General's Report on The Health Effects of Second Hand Smoke was released. At about that time I was entering Dublin Airport while traveling with my son, Andrew. Posted prominently in the hallway on the way to customs was a sign alerting us that smoking in public places in Ireland is illegal and that the fine was 2000 Euros or about \$2600. The ban included the pubs and bars we visited. The Irish and the innumerable tourists we saw had no difficulty enjoying themselves. There was no indication that people felt their rights were being violated. Quite the contrary. Business was brisk and the air was clean. Not lighting up CAN be an easy decision, even for those who are addicted to nicotine.

The Surgeon General's Report was a stark reminder that every milestone in our knowledge of the health effects of smoking provides further documentation that tobacco smoke is much more dangerous than we are willing to accept. How could something that 80% of us had in our bodies 20 years ago be so lethal?

Could it really cause tens of thousands of cardiovascular deaths in non-smokers each year? In the United States 3000 lung cancer deaths and 7000 new cases of lung cancer are attributed to second hand smoke. The surgeon general's report stresses that all people are at risk-from infants succumbing to SIDS, to heart disease and lung cancer in flight attendants, to healthy college students who can loose the lottery of capricious harm from environmental carcinogens. Cancer is an incremental disease, with the malignant transformation of a cell occurring in a short series of steps, each of which may be triggered by a single carcinogen exposure. There is no safe level of exposure to tobacco smoke, no population immune to the risks, and no ventilation system capable of cleaning air tainted by the carcinogens and biological poisons in tobacco smoke. Second hand smoke is an indiscriminate serial killer, and the amber alert that someone's health is going missing is illuminated with each puff on a cigarette. While there has been progress in limiting exposure to tobacco smoke 40 percent of non-smoking Americans still have measurable levels of nicotine in their bodies. The way forward is to clear the air and pass legislation such as you have

before you. In retrospect, there will be no doubt that SB 2164 is the right legislation for the times. It will save lives, and it will contribute to young people making the choice to not become addicted to tobacco. If you convince 3 kids to not smoke you will have saved one life. You can assume that anyone using tobacco is addicted. Contemplate that as you listen to arguments against this bill. 24% of adults in the US are smokers. 70% of them want to quit, and about 3 million do each year. Those that are trying to quit benefit greatly from avoiding contact with smoking. This legislation is good for smokers. The ones it may harm it will only harm financially-I am referring to those that profit from the addiction while turning a blind eye to the health consequences and societal cost of tobacco.

Surgeon General Vice Admiral Richard H Carmona has framed the argument against Second Hand Smoke, It is up to us to face the threat and to deal with it.

Finally, I would like to express my admiration for my fellow physician Dr Ralph Kilzer, who may thru this legislation, together with his Senate and House colleagues, do more to promote lung health and save more lives than I have done in my career. I would be happy to take any questions.

ATT #5  
2-6-07

**Testimony**

**SB No. 2164**

**Senate Judiciary Committee**

**February 6, 2007, 9:00 a.m.**

Good morning Chairman Nething and members of the Senate Judiciary Committee. My name is Kathleen Mangskau, and I am here to provide testimony in support of Senate Bill 2164 to enhance protections of workers and the public from the dangers of secondhand smoke. My immediate family has been significantly impacted by tobacco use. My husband and I lost parents to heart disease, stroke and lung cancer that were directly attributed to tobacco use. I also have immediate family members with exacerbated asthma and acute bouts of bronchitis as a result of exposure to secondhand smoke.

From 2001 to 2006 I served as the Director of the Division of Tobacco Prevention and Control in the state. In that capacity I had the opportunity to work with others to implement North Dakota's smoke-free law in 2005. That surely was one of the most challenging and rewarding experiences of my career. I received many calls from North Dakotans indicating how pleased they were with the new legislation. I also received a few complaints, but much to my surprise, the majority of the complaints were from individuals who felt the law did not go far enough; they felt bars should have been included in the legislation. I also received a phone call from a national truckers' newsletter. They were doing an article on the North Dakota smoke-free legislation as they indicated North Dakota was the only state currently exempting truckers' lounges from the law.

There are a number of significant events since passage of the 2005 smoke-free bill that make this an important time to enhance the smoke-free protections for our workers.

- First, the 2006 U.S. Surgeon's General's Report concludes there is no safe level of exposure to secondhand smoke. Even short exposures can cause harm. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke. Only smoke-free environments afford full protection. Secondhand smoke is not just an annoyance; it is a public health hazard.
- Second, Exposure to secondhand smoke has substantial and profound immediate adverse effects on the cardiovascular system. There are three recent studies (Helena, Montana; Pueblo, Colorado; and Italy) that demonstrate reductions in heart attack hospital admissions in communities after they implemented smoke-free workplace laws. The 2006 Surgeon General's Report concludes that nonsmokers exposed to secondhand smoke at home or work increase their risk of developing heart disease by 25 to 30 percent and lung cancer by 20-30 percent.
- Third, North Dakotans have shown their support for smoke-free laws. According to a 2006 study conducted by Winkelman Consulting nearly two-thirds of North Dakotans support expanding the current state law to make all workplaces smoke free. As of November 2006, eighteen (18) states/territories have passed comprehensive smoke-free laws that include bars; and that number continues to grow. More than 50 percent of Americans now enjoy smoke-free protections.

In discussions regarding smoke-free legislation we often hear about the "personal rights" of smokers. Any personal behavior that negatively impacts others should be a discussion of public policy. Nonsmokers have the right to breathe smoke-free air. Smokers can continue to smoke, but not in ways that harm others. Smoke-free air laws are similar to drunk driving laws, which do not prohibit drinking, but do regulate certain behaviors when they present a danger to others.

The opposition often says that individuals can choose where they work. I had a mother call and talk to me about the fact that she had to accept a job as wait staff in

