



Appleton
Fox Cities
Wisconsin

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Wisconsin Legislature passes statewide smoking ban

By Todd Richmond
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MADISON — Lighting up in bars and restaurants would be illegal anywhere in Wisconsin under a bill state lawmakers approved Wednesday.

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The Senate voted 25-8 and the Assembly 61-38 to approve a statewide ban on smoking in almost all indoor workplaces across the state. The Democratic-authored measure now goes to Gov. Jim Doyle, who can sign it into law or veto it.

The governor, a Democrat, issued a statement saying he supports the ban but did not explicitly commit to signing the bill.

Opponents decried the measure as an attack on personal freedoms that could keep smoking customers away and drive businesses under. Supporters countered the move will save lives and tax dollars that would otherwise go to pay for health care costs tied to secondhand smoke.

"This is a hazardous material in the workplace," said Rep. Mark Gottlieb, R-Port Washington, one of more than a dozen Assembly Republicans who voted with Democrats to pass the bill. "I think we are going to move our state to a better place after we pass this bill."

Twenty-five other states already are smoke-free. North Carolina's Legislature approved a statewide ban just Wednesday.

Wisconsin's ban has been years in the making, however.

The powerful Wisconsin Tavern League has stymied past attempts to impose the prohibition. The league fears the ban will drive taverns out of business because smoking patrons will choose to drink at home.

But nearly 40 local governments have passed anti-smoking ordinances in the last five years. The league says that's led to a patchwork of regulation that has pit smoking bars against nonsmoking bars.

State politics shifted in last November's elections when Democrats seized control of the full Legislature. Assuming a statewide ban was now inevitable, the tavern lobby struck an uneasy truce with anti-smoking groups and hammered out compromise legislation.

Under the plan both houses approved Wednesday, the ban would apply in almost all workplaces. It would take effect in July 2010, giving businesses time to prepare.

Smokers who violate the prohibition would face fines of up to \$250. Bar owners could set up outdoor smoking areas within a reasonable distance of the establishment. Owners who don't try to stop smokers would get a warning and then face a \$100 fine for subsequent violations.

Local governments couldn't pass any regulations stricter than the state ban. The prohibition wouldn't

apply to tribal casinos, existing cigar bars and existing tobacco shops.

Sen. Fred Risser, D-Madison, chief author of the bill, said the prohibition creates fair competition throughout the state and would save both lives and taxpayer dollars on health care expenses. A state Department of Health Services fiscal estimate attached to the bill said the measure would save about \$754,000 in Medicaid expenses annually, with savings likely to grow over time.

"I don't have to tell you about the health effects of smoking," Risser told the Senate. "We all know it. It is the most preventable cause of illness in the state."

Senate and Assembly Republicans tried to upset the delicate alliance between the tavern lobby and anti-smoking groups. They spent hours in each house trying to attach dozens of amendments to create exemptions, from hotel rooms to private clubs.

Rep. Leah Vukmir, R-Wauwatosa, branded the ban "anti-smoking zealotry."

"The only thing that's compromised are individual rights and individual freedoms," she said.

Democrats rejected all the amendments, preserving the compromise.

"It's not a tough thing to get off the bar stool and step outside and smoke," said Sen. Jon Erpenbach, D-Waunakee, himself a smoker who helped craft the legislation.

Eric Schutt, a lobbyist for the American Cancer Society, called the votes historic. They will protect generations of Wisconsin residents, he said. Pete Madland, executive director of the tavern league, and league lobbyist Scott Stenger didn't immediately return messages late Wednesday evening.

Tag Grotelueschen, 41, co-owner of the Club Garibaldi bar in Milwaukee's Bay View neighborhood, said it's "ludicrous" to regulate consumption of a legal product, but he's glad the ban would be statewide.

"If it were by municipality it would hurt the bars on the fringes, but if it's statewide I don't think it's going to hurt us," he said. "Customers might complain at first but I think they'll acclimate."

But businessman Bruce Andreasen, 62, of Milwaukee said he wouldn't go to bars any more if he has to step away from his drink to light up.

"Rather than meeting friends at a bar I'd suggest alternatives, like meeting at someone's home," he said. "This ban is definitely going to make me stay home."

Additional Facts

Fox Valley votes

State Assembly

- Yes: Penny Bernard-Schaber, D-Appleton; Dean Kaufert, R-Neenah; Tom Nelson, D-Kaukauna; Alvin Ott, R-Forest Junction
- No: Kevin Petesen, R-Waupaca; Roger Roth, R-Grand Chute

State Senate

- Yes: Robert Cowles, R-Green Bay; Michael Ellis, R-Neenah, Luther Olsen, R-Ripon, Yes
 - No: Joseph Liebham, R-Sheboygan; Alan Lasee, R-De Pere
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