

Testimony Presented on HB 1229 to the
Senate Industry, Business and Labor Committee
Senator Jerry Klein, Chairman

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February 27, 2023

Mr. Chairman and Members of the Committee,

My name is Annabel DuFault and I am the Tobacco Prevention Coordinator at Fargo Cass Public Health. I am writing to provide you education regarding House Bill 1229, relating to cigar bars and lounges.

Fargo Cass Public Health has provided tobacco prevention and control programs and resources for the residents of Fargo and Cass County since 2003. The North Dakota Smoke-Free Indoor Air Law passed by a vote of the people and went into effect December 2012, making it illegal to smoke cigarettes, cigars, marijuana, and e-cigarettes in indoor public places. The North Dakota Smoke-Free Indoor Air Law is recognized nationally for its exemplary smoke-free protections of our state's residents, workers, and visitors. The passage of this law was incredibly important to the citizens of North Dakota: they overwhelmingly voted in favor of it with 66.7% of voters across all counties approving the law with no exemptions. House Bill 1229 intends to weaken the integrity of the North Dakota Smoke-Free Indoor Air Law.

The goal of the state smoke-free law is to protect patrons and employees from exposure to the dangers of secondhand smoke. Similar to previous attempts to weaken this law, House Bill 1229 requires a ventilation system by which exhausted air is not recirculated to nonsmoking areas. This is simply not enough to eliminate the negative health effects of exposure to secondhand smoke.

Please let the following information inform your decision:

- There are no filtration or ventilation systems proven to effectively remove ALL secondhand smoke from enclosed areas. (American Society of Heating, Refrigerating and Air-Conditioning Engineers)
- Ventilation systems do not purify the air at a fast enough rate to offer protection against the harmful toxins in tobacco smoke. (American Society of Heating, Refrigerating and Air-Conditioning Engineers)
- Cigar smoke is just as dangerous as cigarette smoke; it contains more than 7,000 chemicals. (Centers for Disease Control and Prevention)
- There is no safe level of secondhand smoke exposure. Secondhand smoke can cause coronary heart disease, stroke, lung cancer, adverse reproductive health effects in women, and premature death. (Centers for Disease Control and Prevention)
- The effects of secondhand smoke exposure on the body are immediate - exposure can produce harmful inflammatory and respiratory effects within 60 minutes, which can last for at least three hours. (Centers for Disease Control and Prevention)

- In 2022, tobacco use cost ND \$326 million in Smoking Attributable Medical Expenditures, and \$232.6 million in Smoking Attributable Productivity Loss. (ND Dept. of Health Tobacco Surveillance Data Table, 2022)

Not only would this exemption to the strong language of the current smoke-free law expose citizens to secondhand smoke, it would send mixed messages to the public about the dangers of smoking. Allowing cigar smoking indoors while prohibiting cigarette smoke could lead to the false belief that cigar smoking is safer than cigarette smoking. This is especially concerning when it comes to youth.

Today's youth in North Dakota have never had to experience exposure to secondhand smoke in public places, which has positively influenced youth smoking rates. Prior to the law change in 2012, the youth smoking rate was 19.4% (Youth Risk Behavior Survey). In 2021, the youth smoking rate had decreased to 5.9% (Youth Risk Behavior Survey). North Dakota has made great strides to ensure that not only are our youth educated on the dangers of smoking, but they are also able to work, live, and play in safe, smoke-free environments. Compromising the strength of the current law undermines the progress made and tells youth and young adults that this state values freedoms for smokers over protecting the public's health and well-being.

I ask that you consider the youth and young adults in your own life. Would you be comfortable with them working in a bar or restaurant that exposes them to secondhand smoke? Would you be comfortable with them learning and playing in establishments that may share walls with establishments that allow smoking? While adults are granted the freedom to decide if they want to use tobacco products, it is critical to consider that the impact of that choice affects more than just the individual. Everyone deserves the right to breathe clean air while in public places.

The science on secondhand smoke has not changed. The opinion of the public has not changed either, with Tobacco Free North Dakota's latest poll showing that 76.3% of ND citizens still support the Indoor Smoke Free Air Law. The best path forward is to let the people know their voices are heard by maintaining the integrity of the smoke-free law as it is currently written.

North Dakota takes pride in being the No. 1 state for quality of life. This is something that attracts young people to settle here and raise families of their own. If we want to uphold this standard, we need to continue to cultivate an environment that is safe for people to grow, live, and work. This is an opportunity to send a loud and clear message that North Dakota will always value the health and safety of its citizens above all else.

The ONLY way to effectively protect citizens against the negative health effects of secondhand smoke is to maintain the state smoke-free law as it is written, keeping current smoke-free environments completely smoke-free. By allowing exemptions to the Smoke-Free Indoor Air Law, we weaken the law and knowingly endanger the health of our citizens.

Keeping this law intact ensures continued protection from the dangers of secondhand smoke in public places in our great state.

Please feel free to reach out if you have any additional questions related to tobacco or smoke-free policy. Thank you for your time and consideration.

Sincerely,

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