

TESTIMONY IN OPPOSITION TO HB 1307

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Chairman Rep. Longmuier, distinguished members of the House Political Subdivisions Committee,

My name is Megan Schneider, and I currently serve as the President of the Bismarck Tobacco-Free Coalition. Additionally, I am a respiratory therapist, educator, and Tobacco Treatment Specialist, with nearly a decade of experience in the field of respiratory care. I am writing to provide testimony in opposition to HB 1307.

HB 1307, if enacted, would effectively undermine the authority of local governments with home rule charters to adopt tobacco control ordinances that are more stringent than state law. It is critical to note that state regulations must include enabling clauses to ensure that such regulations do not preempt local ordinances. These clauses are designed to empower local jurisdictions to enact laws that may differ from, and at times exceed, the minimum standards set by the state, thereby allowing local governments the flexibility to respond to the unique needs of their communities.

The North Dakota Smoke-Free Law, which serves as a baseline for tobacco regulation, is itself a minimum standard. This is evident in the cigar lounge exemption inserted into the law by the North Dakota Legislature in 2023. By contrast, the City of Bismarck's smoke-free ordinance, which predates the state law, goes further by prohibiting cigar lounges and extending stronger protections against secondhand smoke exposure. This ordinance, adopted in 2011, reflects the values and preferences of the majority of Bismarck residents and was put in place to ensure the health and safety of the public.

It is not uncommon for local governments to enact ordinances in advance of state legislation, particularly when such actions align with the values and health priorities of local constituents. HB 1307 would unduly restrict the ability of local governments to implement measures that best

serve the health interests of their communities, which could have significant public health consequences.

In conclusion, I respectfully urge the committee to reject HB 1307. Allowing local governments the flexibility to enact tobacco control policies that reflect the specific needs of their residents is paramount to safeguarding public health. HB 1307 would unnecessarily limit this ability, and for these reasons, I respectfully ask for a vote of no on HB 1307.

Thank you for your time and consideration.