



Testimony in Opposition of HB 1229

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Chairman Larsen, and members of the Senate Industry and Business Committee,

My name is Chelsea Ridge, and I am the chairwoman of the North Dakota Public Health Association (NDPHA) Alcohol, Tobacco, and Other Drugs Section. The mission of NDPHA is to improve, promote and protect health for residents of North Dakota through leadership in policy, partnerships, and best practices. I am here to provide testimony in opposition to House Bill 1229, relating to cigar bars and lounges.

In November 2012, a majority of voters in every county passed the current North Dakota Smoke Free Law, which makes it illegal to smoke cigarettes, cigars, marijuana, and e-cigarettes in indoor public places. North Dakota has the best Smoke-Free Law in the nation and other states look to North Dakota's Smoke Free Law as model language to protect their citizens from the harmful effects of secondhand smoke.

Cigar smoke, even though the products may advertise as "premium" in nature, still pose a health risk to the user and other bystanders. According to the Centers for Disease Control (CDC) cigars contain the same toxic and cancer-causing chemicals that are found in cigarette smoke. There is no safe level of exposure to secondhand smoke of any kind. Separate smoking sections or ventilation systems cannot adequately address the risk posed by indoor smoking of cigarettes, cigars, marijuana, or e-cigarettes. We are concerned for any adjoining businesses who will be susceptible to their neighbors' secondhand smoke exposure. According to the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) "*holds the position that the only means of avoiding health effects and eliminating indoor Environmental Tobacco Smoke (ETS) exposure is to ban all smoking activity inside and near buildings. Even when all practical means of separation and isolation of smoking areas are employed, adverse health effects from exposure in non-smoking spaces in the same building cannot be eliminated. Neither dilution ventilation, air distribution (e.g., "air curtains") or air cleaning should be relied upon to control ETS exposure.*" Cigar bars are workplaces, and now is not the time to reintroduce smoking into any workplace exposing a new group of people, as well as those in neighboring or adjacent buildings to secondhand smoke.

According to 2019 data, 17% of North Dakota Adults smoke cigarettes and only 4.3% of North Dakota Adults smoked cigars, and 5.2% of High School students also smoked cigars. Cigarette smokers are of the majority. Government shouldn't cater to the minority of cigar smokers at the expense of the public's health. If HB 1229 is passed this could open the door for other tobacco and marijuana products to be smoked indoors for years to come.

The percentages of gross annual income stated in this bill of 2% or more for a bar is also very concerning in that, any bar could begin to sell cigars at only 2% of the annual gross income and allow for cigar smoking. We don't foresee bars only enforcing cigar smoking over cigarette smokers.

The North Dakota Public Health Association strongly urges you to keep intact one of the greatest public health prevention measures, our North Dakota Smoke-Free Law, because it protects everyone equally from the dangers of secondhand smoke. Tobacco is the leading preventable cause of death in the United States and takes a tremendous toll on lives in North Dakota. When we prevent tobacco use and exposure to secondhand smoke, we prevent disease, suffering and death, and save money on healthcare expenditures and productivity losses. Please vote “No” to HB 1229.

Thank you for your time and consideration.

Sincerely,

Chelsea Ridge
North Dakota Public Health Association
Alcohol, Tobacco and Other Drugs Section, Chair
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Sources:

1. North Dakota General Election Results, Secretary of State, Nov. 6, 2012.
<https://results.sos.nd.gov/ResultsSW.aspx?text=BQ&type=SW&map=CTY&eid=35>
2. ASHRAE Position Document on Environmental Tobacco Smoke; Approved July 1, 2020-2023
https://www.ashrae.org/File%20Library/About/Position%20Documents/pd_environmental-tobacco-smoke-2020-07-1.pdf
3. North Dakota Dept. of Health and Human Services Tobacco Surveillance Data
https://www.hhs.nd.gov/sites/www/files/documents/DOH%20Legacy/Tobacco/Tobacco_Surveillance_Data.pdf

Relating to Prohibiting Smoking in Public Places and Worksites

Vote For 1

Precincts Fully: 426 / 426

Partially: 0 / 426

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EXPORT

Yes ✓

209,488 66.67%

No

104,730 33.33%

TOTAL VOTES 314,218

ALL OF NORTH DAKOTA'S 53 COUNTIES VOTED IN SUPPORT TO MAKE NORTH DAKOTA 100% SMOKE-FREE BACK IN DECEMBER 2012!!

Back in 2012, every county in ND supported the Smoke Free Law by more than 50% of the vote.

