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February 28, 2023

North Dakota Senate Industry and Business Committee

Re: Cigar Bar Exemption to Clean Indoor Air Law – No to HB 1229

Good afternoon, Chair Larsen, Members of the Industry and Business Committee. My name is Jodi Radke. I am the Regional Director with the Campaign for Tobacco-Free Kids. My work spans 11 states, which includes North Dakota. I have had the privilege to work alongside many of the exceptional public health professionals on tobacco control policies in North Dakota and have done so for nearly 17 years. My early work in North Dakota included passing multiple local smokefree indoor air policies, beginning with Fargo and West Fargo.

On behalf of our organization, our volunteers statewide, and future generations of North Dakotans, I strongly urge you to vote no on House Bill 1229.

Being greeted by a restaurant or bar host to inquire, “smoking or non” is a question of the past, and one that future generations will not recognize thanks to strong voter approval of a statewide smokefree air law in North Dakota. In 2012, by voter approval of nearly 67%, North Dakota enjoined 29 states, protecting workers, and patrons from secondhand smoke exposure, following decades of work, and laws across the country that did the same. Track polling continues to reflect the strength of that voter support, increasing over time. I hope that your voice, and your vote, reflect theirs.

North Dakota voters understood then, and now, the detriments of indoor secondhand smoke exposure. That science hasn’t changed, nor has the public’s support for these laws to remain in place.

There is no safe exposure. There isn’t a ventilation system that can effectively remove the carcinogens from the air. Employment at a bar should not be a self-selection process that disqualifies employees from hazardous working environments.

I'd like to highlight three important conclusions from the Smoking and Tobacco Control Monograph No. 9, cancer control efforts, entitled, "Indoor Air Pollution from Cigar Smoke".

1. ETS (environmental tobacco smoke) from cigar smoke is a major and increasing source of exposure to indoor air pollution.
2. When smoked in confined indoor spaces at typical smoking and ventilation rates, cigars may produce concentrations of certain regulated ambient air pollutants, including CO (carbon monoxide) and RSP (respirable suspended particle), which can violate federal air quality standards and add to the level of these compounds already in the ambient air from other combustion sources.
3. Measurements of the CO concentrations at a cigar party in a hall and at a cigar banquet in a restaurant showed carbon monoxide levels comparable to those observed on a crowded California freeway.

States with cigar bar exemptions have not celebrated this inclusion, rather, have recognized the err in decision making, and have worked to correct, by eliminating the exclusion.

North Dakota kids smoke at 4x the national average and use e-cigarettes at nearly 3x the national average. Nearly 30.5% of cancer deaths in North Dakota are attributable to smoking. We have the science to know what can reverse these trendlines. Weakening smokefree indoor air protections isn't one of them.

Please vote no on HB 1229.

Sincerely,

Jodi Radke
Regional Advocacy Director
Campaign for Tobacco-Free Kids