

TESTIMONY IN OPPOSITION OF HB 1440

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Chairman Senator Weber, and members of the Senate Finance and Taxation 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.

HB 1440 represents a significant rollback of our state's commitment to maintaining smoke-free environments. One of the most concerning aspects of this bill is the amendment that would allow pipe smoking within designated cigar lounges. This amendment directly undermines North Dakota's existing smoke-free law, which was established to protect public health by reducing exposure to secondhand smoke.

Additionally, this bill removes the requirement that cigar lounges derive at least 15% of their annual gross income from cigar sales. Without this provision, the barriers to establishing a cigar lounge are drastically reduced, making it possible for almost any establishment to claim the designation of a cigar lounge with minimal effort. The proposed change in language from Section d. to Section d.1 explicitly eliminates the requirement for applicants to report income from cigar sales, further eroding accountability.

Moreover, Page 2, Line 11 states that the tax commissioner is not required to confirm the accuracy of the information provided in an application. This lack of verification opens the door for potential abuse of the system and diminishes the integrity of any supposed regulatory oversight.

The definition of a "cigar lounge" on Page 2, Line 24, allows for an establishment to be dedicated, in whole or in part, to smoking cigars. This broad definition enables these businesses to serve alcohol and effectively operate as smoking bars, further exposing patrons and workers

to secondhand smoke. Given that North Dakota currently has only one cigar lounge, it is worth questioning whether there is any legitimate public interest in expanding these establishments at the cost of public health.

The health risks associated with secondhand smoke are well-documented. According to the Centers for Disease Control and Prevention (CDC), secondhand smoke exposure increases the risk of lung cancer, heart disease, and stroke in non-smokers. Employees and patrons of cigar lounges will be disproportionately impacted by the rollback of these protections. Furthermore, the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) has determined that ventilation systems are insufficient in eliminating the dangers posed by secondhand smoke. Simply put, allowing additional smoking venues will result in greater health risks for North Dakotans.

By passing HB 1440, the legislature would be prioritizing the interests of the tobacco industry over the well-being of North Dakota residents. It is essential that we continue to uphold our state's strong smoke-free air laws rather than chipping away at them with exemptions that benefit a select few at the expense of public health.

For these reasons, I urge you to oppose HB 1440 and stand with the Bismarck Tobacco-Free Coalition in advocating for clean air and healthier communities for all North Dakotans. Thank you for your time and consideration.

References:

Centers for Disease Control and Prevention (CDC). (2023). Health Effects of Secondhand Smoke. Retrieved from https://www.cdc.gov/tobacco/data_statistics/fact_sheets/secondhand_smoke/health_effects/index.htm

American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE). (2022). ASHRAE Position Document on Environmental Tobacco Smoke. Retrieved from <https://www.ashrae.org/about/news/2022/ashrae-releases-updated-position-document-on-environmental-tobacco-smoke>

North Dakota Smoke-Free Law. (2012). North Dakota Century Code Chapter 23-12. Retrieved from <https://www.ndhealth.gov/tobacco>