

Seante Bill 150

There has been much debate surrounding Senate Bill 150, however, there has not been a thorough review of the bill and many are not aware of the far-reaching provisions contained within the bill. The bill does not prohibit local municipalities from enacting ordinances which would further restrict smoking and create competing ordinances from municipality to municipality. Local law enforcement is responsible for enforcing the provisions of the bill. The following is a review of the provisions in SB 150.

SCOPE

The bill prohibits smoking in all of the following indoor places:

- Passenger vehicles
- Residence halls or dormitories of universities or colleges
- Theaters
- Lockup facilities, jails, or correctional facilities
- State institutions
- Physicians' offices
- Hospitals
- Elevators
- Taverns
- Hotels/Motels and lodging facilities (except 25% designated smoking rooms)
- Public conveyances
- Educational facilities
- Daycares
- Any place of employment (any indoor area that employees normally frequent during the course of employment, an office, a work area, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a vehicle, or a cafeteria)
- Inpatient health care facilities
- Centers for the developmentally disabled
- Mental health institutions
- Indoor movie theaters
- Offices
- Restaurants
- Retail establishments
- Public waiting rooms
- Any enclosed, indoor area of a state, county, city, village or town building

No person may smoke in any of the following outdoor places:

- Outside on the premises of a day care center when children who are receiving day care services are present
- In the immediate vicinity of the state capitol
- On the grounds of a juvenile correctional facility
- A location that is 25 feet or less from a residence hall or dormitory

EXCEPTIONS CONTAINED IN THE BILL

The smoking ban does not apply to the following places:

- A private residence.
- A room used by a person in a retirement home as his or her residence.
- A room in a retirement home in which 2 or more persons reside if every person that lives in that room smokes and each of those persons has made a written request to the person in charge of the retirement home to be placed in a room where smoking is allowed.
- A room in a hotel/motel or lodging establishment that has been designated as a room where smoking is allowed. The owner of a lodging establishment may designate not more than 25 percent of the guest rooms in the lodging establishment as guest rooms in which smoking is permitted.

ENFORCEMENT

Local sheriffs and municipal police officers shall enforce the provisions of the bill.

FINES FOR SMOKERS

Any person (smoker) who willfully violates the smoking ban shall forfeit not less than \$10 and not more than \$100 per violation.

RESPONSIBILITY OF PERSONS IN CHARGE

- No person in charge may allow any person to smoke at a location of which they are in charge.
- No person in charge may provide matches, ashtrays, or other equipment for smoking at the location where smoking is prohibited.
- A person in charge shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:

- Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
- Refusing to serve a person, if the person is smoking in a restaurant or tavern.
- Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.
 - If a person refuses to leave a location after being requested to do so, the person in charge shall immediately notify an appropriate law enforcement agency of the violation.
 - A person in charge may take measures in addition to those mentioned above to prevent persons from being exposed to others who are smoking or to further ensure compliance with this section.

**“Person in charge” means the person, or his or her agent, who ultimately controls, governs or directs the activities within a place at a location where smoking is prohibited or regulated under this section, regardless of the person’s status as owner or lessee.

FINES FOR PERSONS IN CHARGE

Any person in charge (tavern owner) who violates smoking ban shall be subject to forfeiture as follows:

1. Not less than \$50 nor more than \$100 for the first violation.
2. Not less than \$100 nor more than \$200 for the 2nd violation.
3. Not less than \$200 nor more than \$500 for the 3rd or any subsequent violation.

DISPARITY STILL EXISTS UNDER SB 150

SB150 does not limit the authority of any county, city, village or town to enact ordinances or of any school district to adopt policies that, complying with the purpose of this section, protect the health and comfort of the public. (101.123 (2) (c)) Municipalities can create outdoor smoking bans for festivals, outdoor seating areas and athletic events that can still cause disparities from city to city.

YAHOO! MAIL

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From: [REDACTED] >
To: [REDACTED] >
Subject: 100 bars and restaurants put out of business in less than two years since Minneapolis, St. Paul, and Bloomington, MN, enacted smoking bans
Date: Fri, 4 May 2007 15:30:44 -0500

Friday, January 05, 2007

From (and for more information)<http://cleanairquality.blogspot.com/2007/01/100-bars-and-restaurants-put-out-of.html>

100 bars and restaurants put out of business in less than two years since Minneapolis , St. Paul , and Bloomington , MN . enacted smoking bans

Apparently the pro-smoking ban activists lied to lawmakers and the employees who would later lose their jobs. when they stated that smoking bans were good for business.

The pharmaceutical nicotine industry which funds non-profit organizations to lobby in favor of smoking bans, continue to tell lawmakers that smoking bans are good for business. The following business owners and laid-off employees tell a different story.

What motivates Nicoderm, Nicoderm CQ, Nicorette, and Chantix drug makers Johnson & Johnson Company, Pfizer, and the Robert Wood Johnson Foundation (RWJF) to continue funding smoking ban efforts? Nearly \$1 billion in smoking cessation products sales annually for starters.

Minneapolis, Bloomington & St. Paul MN . hospitality establishments out of business since the smoking ban began 3/31/05..... 100 closed in 20 months. Updated list in no particular order (includes updates from MN Monthly, Pioneer Press, Twin Cities Business Journal, KMSP 9 news, WCCO, and more)

- 1) Hop's Maple Grove , MN .
- 2) Denny's Restaurant Plymouth , MN .
- 3) Copelands Minneapolis
- 4) TGIF Brooklyn Center, MN.
- 5) TGIF Minneapolis, MN.
- 6) Nick & Tony's Minneapolis , MN .
- 7) America's Original Sportsbar Mall of America Bloomington , MN .
- 8) Jillian's Mall of America Bloomington , MN .
- 9) Park Tavern Bloomington , MN .
- 10) Larry's Lounge in Long Lake , MN .
- 11) Goodfellow's Minneapolis , MN .
- 12) Chang O'Hara's (bankruptcy protection) St. Paul (Now the Happy Gnome) 13) Mainstreet Bar & Cafe Maple Grove , MN .
- 14) Bilimbi Bay Minneapolis . MN .
- 15) Bilimbi Bay Apple Valley , MN .
- 16) Bilimbi Bay Eden Prairie , MN .
- 17) MN Sports Cafe
- 18) Jacobs 101 Minneapolis
- 19) Café Di Napoli Minneapolis
- 20) Majors
- 21) Southtown Bingo Bloomington , MN.
- 22) Italiani's Plymouth , MN .
- 23) 3 Muses
- 24) 13 Moons Minneapolis , MN.
- 25) 510 Restaurant Minneapolis , MN.
- 26) Amie
- 27) Chez Foley Wayzata . MN
- 28) Chives
- 29) El Rey de Oro
- 30) Mpls. Café Minneapolis, MN.
- 31) Soul City Supper Club

http://us.f82l.mail.yahoo.com/ym/ShowLetter?box=Inbox&MsgId=3490_115119_10088_2... 6/8/2007

- 32) Tonic of Uptown Minneapolis , MN . 33) Porter's Minneapolis , MN .
 34) Molly Quinn's Minneapolis , MN . (local media covers this closing) Breakaway Bar -(Luke is still hanging on as best he can, stop by and say hello)
 35) Minnehaha Grill
 36) Margarita Bella Minneapolis , MN .
 37) Olive Garden
 38) Knuckleheads Comedy Club Mall of America Bloomington , MN .
 39) Asian Infusion, St. Paul , MN .
 40) Big E.'s Soul Food, Minneapolis , MN .
 41) Chet's Taverna, St. Paul , MN .
 42) Ciatti's, Maplewood , MN .
 43) Jazzmine's, Minneapolis , MN .
 44) Katsu Sushi, St. Paul , MN .
 45) Le Bambou, Minneapolis 46) Mangia, Minneapolis , MN .
 47) Margaux Limitée, St. Paul , MN .
 48) Marketplace Café, Minneapolis , MN .
 49) Red, Minneapolis , MN .
 50) Rockin' Lobster, St. Paul , MN .
 51) Bobino's Starlight Lounge, Mpls , MN .
 52) Wazobia Nigerian Cafe, Minneapolis
 53) Waldo's
 54) Player's Mall of America Bloomington , MN
 55) Shamrock's W. 7th St. Paul (rumor is this one is a personal vendetta by some pro-smoking ban city council members in St. Paul against an owner who testified against the ban. In other words the city refused to extend a license on a technicality, but that's just the rumor from some St. Paul hospitality business owners, feel free to correct me on this one Mr. Thune)
 56) Mojito's St. Louis Park , MN .
 57) Stasius Bar Minneapolis , MN (reopened under new mgmt?) Bob Moffitt Communications Dir. for American Lung MN once referred to Stasiu's as his "old stomping grounds". I doubt he shed a tear though in realizing his role in contributing to their demise, because as the Lunger tells us no bars or restaurants have gone out of business due to the smoking bans. In fact, to hear the media & Bob tell it, none of these 76 establishments went out of business at all, they've simply closed their doors for an extended period of time to count all the profits that the smoking bans have bestowed upon them.
 58) Little Jack's Minneapolis story here.
 59) The Buttery St. Paul
 60) Cracker Barrel Brooklyn Park , MN .
 61) Perkins St. Louis Park, MN.
 62) Howie G's Plymouth , MN .
 63) Jake's Moundsview , MN .
 64) Dixie's Calhoun Minneapolis , MN.
 65) Hamlin's Cafe
 66) Loring Grill
 67) Pineda Tacos Minneapolis , MN.
 68) Sidney 's Minneapolis , MN .
 69) Sidney 's Minnetonka , MN .
 70) Sidney 's St. Paul , MN .
 71) Sidney 's Edina , MN .
 72) Zeno's Minneapolis , MN .
 73) Zeno's Eden Prairie , MN .
 74) Louis XIII Edina , MN.
 75) Bobino's Minneapolis (not same as Starlight Lounge) 76) Diner Minneapolis , MN .
 77) Big City Tavern
 78) Tiburon Minneapolis , MN .
 79) Viking Bar Minneapolis , MN . (And now for the real shocker the uber liberal Star Tribune writes a page 2 story which attributes it demise to the smoking ban.....the Star Tribune until now seemed as though they were in the pocket of pharmaceutical nicotine interests.)
 80) Sharx Nightclub Minneapolis , MN.
 81) Peter's Grill Minneapolis , MN . Incidentally, Peter's Grill was one of the establishments which was about to buy Smokeeater air cleaners from me prior to talk of the smoking bans. Thank god the city council spared them from having to make that investment. 82) Mike's Bar St. Paul , MN (read more here)
 83) Billy's Lighthouse Long Lake , MN .
 84) Over the Rainbow St. Paul , MN . (read more here)
 85) Boom Minneapolis , MN . (read more here)
 86) Sophia's Minneapolis , MN .
 87) Pizza Pie & I Minneapolis
 88) Grandma's Saloon & Eatery Plymouth , MN .
 89) The Little Wagon Minneapolis -update: reopening 3/07 under new management

- 90) Ricky's Loft Minneapolis
 91) Bennigan's Maplewood , MN .
 92) Homestead Restaurant Golden Valley , MN.
 93) Pickle's Lounge St. Paul , MN .
 94) LeVain Minneapolis this closing is also mentioned on their website.
 95) The Carousel St. Paul , MN .
 96) Irv's Minneapolis , MN .
 97) Sully's Minneapolis closing Jan. 31, 2007 due to drop in business because of smoking ban
 98) Main Event Bar Minneapolis
 99) Odaa Minneapolis
 100) Robert Lee Restaurant Minneapolis
 101) Baja Riverside Bar & Grill Minneapolis . This article points out how a record number of closed bars & restaurants leads to a dangerous trend of unsafe neighborhoods.
 102) Sports Break Bar St. Paul
 103) The Quest Minneapolis (for those unfamiliar, this is one of the largest nightclubs in the Twin Cities, once owned by Prince) story here in City Pages
 104) Five Restaurant & Street Lounge Minneapolis . The Star Tribune has the story here, but will typically remove the link within days.....the Star & Sickle is embarrassed that the smoking ban agenda, which they endorsed, is destroying the hospitality industry here in record numbers.
 105) Auriga Minneapolis
 106) Urban Wildlife Bar and Grill, Minneapolis
 107) Popeye's Minneapolis
 108) All Stars Bar Spring Park , MN
 109) Westrum's Tavern Minneapolis , MN . Southwest Journal tells the story, though they don't tell you what we all know.....Judy Westrum's 40 year old business really began to decline once the smoking ban was enacted. The medias' intentional suppression of the financial damages inflicted upon the people in the hospitality industry by government smoking bans is an absolute crime.
 110) Decoy's/ AlleyCat , NE Minneapolis

*list of closures in Hennepin & Ramsey Counties in Minnesota since smoking ban implementation 3/31/2005, as reported by members of the public, and when possible verified with the respective city.....reports of bar / restaurant closures due to smoking ban apparently are not being reported by the Star & Tribune.....perhaps because of their editorial agenda in favor of smoking bans.

*2/07 The Little Wagon is reopening under new management.

100 closings in 20 months, that's 5 closings per month. Or at 580 days into the smoking ban which equals one bar /restaurant closing every 6 days. I wonder how many closed during the same period last year, anybody out there with an answer?

Update: According to this Star Tribune story Dec. 2004.....a total of 15 establishments closed in all of 2004.

And yet the facts about air quality safety regarding secondhand smoke go ignored.....The city of St. Louis Park MN . Environmental Health Dept. proved secondhand smoke concentrations are 500 - 15 times safer than OSHA standards for secondhand smoke. The median test result is 152 times safer than OSHA guidelines. Definitely NOT a health hazard. But of course Nicoderm and all the non-profits which accepted RWJF/Nicoderm money have a different message tainted by their financial agenda.

Update: what does OSHA say about secondhand smoke levels?

Update: What does the American Cancer Society air quality testing tell us about secondhand smoke?.....Secondhand smoke concentrations are actually 532 - 25,000 times safer than OSHA guidelines for secondhand smoke.....this from the American Cancer Society!

"In virtually every city where [Stanton A.] Glantz and [Lisa R.A.] Smith alleged a smoking ban was imposed, there was a significant decline in sales at eating and drinking establishments."--Dr. Michael K. Evans Clinical Professor of Economics Kellogg School , Northwestern University

It's clearly time to reverse the anti-business agenda of smoking bans, in light of the fact that **lawmakers are influenced by distorted and omitted data** from the pharmaceutical nicotine industry and the non-profit organizations in their employ.

Our own local media concedes the fact that the Bloomington city council smoking ban killed the hospitality business at Mall of America.

Is secondhand smoke really a hazard? Not according to American Cancer Society air quality testing, government

environmental health department testing and their comparison to OSHA permissible exposure limits OSHA
standards CFR 29.

Also see:

<http://cleanairquality.blogspot.com/2007/04/bmj-published-air-quality-test-results.html>

