



Testimony In Opposition to LD 821
An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores
April 6, 2015

Good afternoon Senator Brakey, Representative Gattine and honorable members of the Joint Standing Committee on Health and Human Services. My name is Angela Westhoff and I am the Executive Director of the Maine Osteopathic Association as well as the immediate past president of the Maine Public Health Association (MPHA). I am here today representing MPHA, an organization which represents over 400 public health professionals across the State committed to creating an environment which sustains and improves the health and well-being of Maine residents. Our diverse membership has a common interest in the promotion and protection of the public's health. Thank you for giving us a moment today to speak on behalf of our members in opposition to LD821.

Since first passing in 1993, Maine's workplace smoke-free air laws have been a model for the nation. Smoke-free laws are an effective means of protecting the public health and they are popular with about 90% of Maine people wanting to be protected from secondhand smoke in bars, restaurants, beaches, parks and most certainly in their place of work. The people of Maine want to be protected from secondhand smoke because they know it is lethal- there is no safe level of exposure to this deadly toxin and even brief exposure to secondhand smoke can trigger an asthma attack or cause a heart attack in someone with a pre-existing condition.

Our opposition to LD821 originates from multiple angles.

- This bill will cause public and workplace confusion.
- This bill will create dangerous workplace environments for employees- exposing them to a class A carcinogen and eroding our protections of all Mainers through our smoke-free indoor laws.
- This bill will cause further enforcement challenges.

When the first smoke-free workplace law was passed in 1993, an exemption was made to allow smoking in tobacco specialty shops. The rationale was that the customers of these businesses may want to sample an expensive cigar before buying an entire box. There are restrictions on the size of the shop (under 2,000 square feet) and the amount of sales generated from selling tobacco products (at least 60% of revenue).

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As a result, the 123rd Legislature enacted LD 859, An Act to Restrict the Smoking Exemption for Tobacco Specialty Stores, which became Public Law 2007, Chapter 180. LD859 closed the loophole prospectively, stating that no tobacco specialty stores could dually hold licenses for on premises food and beverage consumption unless they did so before January 1, 2007.

However, after the smoking ban was extended to bars and restaurants in 2006, the Legislature learned of tobacco specialty shops that also held licenses for consumption of food and beverage, including alcohol. They still had to abide by the size and percent of sales requirements, but had found a way to operate as a bar or restaurant that still allowed smoking.

Not only do we oppose LD852, but support removing the grandfather clause all together and not allow any establishment to serve food or drink and allow smoking indoors- it would make the law and intent easier to understand by business owners and the public as well as remove some of the current enforcement concerns.

Tobacco use and exposure remains the leading preventable cause of death and disease in Maine and we spend 800 million per year in related healthcare costs. The good news is that tobacco protection laws are not just necessary but widely accepted but hugely popular. We need to do everything we can to protect our employees and continue to reverse the health damage and costs that direct tobacco use and secondhand smoke cause in our state.

On behalf of the Board, staff, 400 members of the Maine Public Health Association, I urge you to vote ought not to pass on LD 821.