



BOB ZIEGELBAUER

STATE REPRESENTATIVE • TWENTY-FIFTH ASSEMBLY DISTRICT

2009-10 Issue Summary #3
May 20, 2009

“Statewide Smoking Ban”

Background Information:

“In an effort to prevent Wisconsin kids from starting to smoke and to help motivate adults to quit smoking, Governor Jim Doyle (on 01/24/2007) launched a comprehensive statewide antismoking initiative that will ban smoking, increase the cost of cigarettes, and expand smoking cessation programs to improve public health for people in Wisconsin.”

“To address public health and the hazards of second-hand smoke, Governor Doyle will call on the Legislature to pass a statewide smoking ban that is fair and equitable – banning smoking in all public buildings, workplaces, restaurants, and taverns. This ban would be in legislation separate from the budget.”

Proposals:

Statewide Smoking Ban legislation has been introduced in past sessions of the Legislature, but did not pass. In 2009 Senator Risser introduced **SB 181** on 5/4/09, a public hearing was held on 5/5/09, the committee passed it on 5/8/09 with a 5-2 vote, and then went on to pass the full Senate 25-8 on May 13th. In the Assembly, Rep. Richards introduced **AB 253** on 5/1/09, a public hearing was held on 5/6/09, and the committee passed it on 5/8/09 with an 11-2 vote. The Assembly passed SB 181 on May 13th with a 61-38 vote. Governor Jim Doyle signed the bill, now 2009 Wisconsin Act 12, into law on May 18, 2009, with an effective date of July 5, 2010.

Rep. Ziegelbauer’s View:

Local people can make better decisions than the State government on these issues. I also understand the strong desire by some for government to eliminate the inconvenience of smokers in bars, but frankly I think it all works a whole lot better when we respect liberty and the right of private property owners themselves to regulate legal activity happening there.

There is currently a ban on smoking in Wisconsin in most public places, retail stores and government buildings. The next frontier is the question of banning smoking in other retail establishments like taverns and restaurants, and work areas. This is not without controversy. People in my district are split evenly on the smoking ban. On one hand there is a great deal of evidence indicating the dangers of smoking and second hand smoke. On the other hand are the principles of individual freedom that suggest that private business owners ought to be able to best decide for themselves when, and whether or not, to allow their customers to smoke on their premises.

I voted against SB181, the smoking ban. We ought to work harder to protect liberty. We can do better than this.

I believe that small business owners ultimately know best what their customers want from them and can better make the decision themselves than having state government decide. The marketplace will work quite nicely as business owners who care about their relationship with their customers and their employees will individually decide issues like this and be rewarded or punished in the marketplace. We may very well be evolving quickly to a society where smoking is not allowed in virtually every location open to the public. I think it will be better if those decisions are made individually by freely deciding citizens than by governmental action.

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