

Health Care/Reform

AB 253 – State-Wide Smoking Ban

Representative Richards

Summary of Bill ([as amended](#)):

Assembly Bill 253 (as introduced) provides a blanket prohibition, with penalties, against smoking in all indoor areas and certain public areas as well. Furthermore, the Bill removes exemptions currently in state law where smoking is permitted, such as, taverns, halls used for private functions, and private clubs. Moreover, the prohibition is extended to outdoor areas - building entrances, near openable windows and near ventilation openings that draw air inside. Finally, AB 253 specifically defines "place of employment," "public place," and an "enclosed place," as they relate to smoking.

Assembly Substitute Amendment 1 - ASA 1 to Assembly Bill 253 is a "compromise" reached between the authors, Smoke Free Wisconsin, the American Cancer Society and the Tavern League of Wisconsin. The Substitute Amendment makes four changes to AB 253:

1. Pre-empt local ordinances in order to allow smoking outdoors (this does not include government owned property);
2. Cigar bars & retail tobacco stores will be exempt from the prohibition provided they are in existence the day after publication of the Act;
3. The effective date of implementation has been extended one year, July 5th, 2010;
4. Penalties, the fine structure has been changed:
 - a. For an establishment the Bill provides a warning be issued on a first offense, and a \$100 fine for each subsequent violation (if the owner or his agent makes a good-faith effort to prevent a person from smoking no fine will be issued);
 - b. An individual will be subject to a fine of \$100, but no more than \$250 for each violation.

[ASA 1 to Assembly Bill 253 was adopted 11 - 2; Reps. Vukmir and Strachota voted No]

Fiscal Effect:

No fiscal estimate was required for Assembly Bill 253.

Supporters Message:

Assembly Bill 253 will protect the health of workers in certain industries. Supporters of AB 253 also feel that a state-wide ban will lower the over-all cost of health care.

Opposition Message:

Assembly Bill 253 illustrates a fundamental distrust that its supporters have in Wisconsin businesses; the ability of businesses to make decisions that will directly impact their viability and economic stability. AB 253 represents an over-reach of government into private business, all in the name of regulating a legal product.

Finally, those that support AB 253 feel they, and the government, know what's best for Wisconsin businesses, well, except for the casinos.

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AB 253 – State-Wide Smoking Ban (page 2)

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Key Supporters:

Fred Risser — Senator, 26th Senate District; Jon Richards, Representative, 19th Assembly District; Al Ott, Representative, 3rd Assembly District; Karen Timberlake, Secretary, Department of Health Services; Alan Schwartzstein, Oregon, Dr., Wisconsin Academy of Family Physicians; Jeff Melby, Portage; Hawk Schenkel, Madison; Heather Betsinger, Onalaska, American Cancer Society; Ami Elshareif, Madison; Constance Olson, Appleton; Carly Greenstein, Madison, American Cancer Society; Luke Witkowski, Middleton; Ed Lump, Madison, Wisconsin Restaurant Association; Linda Wendt, Van Dyne, Wisconsin Restaurant Association; Austin Hetrich, Madison; Scott Davis, Shawano; Zach Henderson, Marshall; Kris Kovacic, Green Bay; Lynn Hrabik, Appleton; Pamela Wilson, Madison, Dr., American Lung Association; Dave Wille, Marshfield, Breath Free Marshfield; Cheri Modrow, Greenfield; Kathi Kilgore, Madison, Wisconsin Innkeepers Association; Pat Uckone, Superior, American Lung Association; Ted Bobrow, Milwaukee; Duane Marxen, Middleton; Aria Duax, Milwaukee; Taku Ronsman, Green Bay; Marilyn Townsend, Madison; Bev Jambois, Middleton, Middleton Smoke Free; Lee Shaw, Milwaukee, Pastor, Saint Gabriel's Church of God in Christ; Jill Lewandowski, Antigo, ASC CAN; Sandy Bernie, North Fond du Lac, American Cancer Society; Dave Weiss, Eau Claire; Steve Anderson, Eau Claire; Anita Solberg, Eau Claire; Mary Welch Donovan, Greenfield; Carolyn Tyler, Greenfield; Paul Decker, Hartland, American Cancer Society; Bruce Speight, Madison, WISPIRG.

Key Opponents:

Rob Swearingen, Rhinelander, Tavern League of Wisconsin, President; Pete Madland, Chetek, Tavern League of Wisconsin; Dane Schaefer, Sheboygan, Epicure llc; Roger Westmont, Madison, Modern Specialty Company; Robin Goldberg, Monona, Dream Lanes; Pete Riopelle, New Berlin, Bowling Centers Association of Wisconsin; Lori Frommgen, Sullivan, Concord Inn; Schopen Randy, Johnson Creek, Tavern League of Wisconsin; Jeff Steinbock, Wauwatosa, Cigar Store Alliance of Wisconsin/Uhle Tobacco Company; Jeff Barta, Waukesha, CSAW and Nice Ash; Joette Barta, Waukesha, CSAW; Casey Barta, Waukesha; Stephen Mahley, Madison, Tobacalena Perdomo; Don and Mary Lynn Kane, Oconomowoc, Cigar Store Alliance of Wisconsin; John Cummins, Wauwatosa, Jack's Tobacco C-Saw; David Prudhom, West Allis, Havana Lounge and Cigar; Kathryn Duppler, Wauwatosa, Havana Lounge and Cigar; Bryant Schaefer, Monona, The Tasting Room of Monona; Carol Thompson, Madison.

Committee Vote:

On May 8th, 2009, the Assembly Committee on Health and Health care Reform recommended passage of Assembly Bill 253, as amended, on a vote of 11 - 2. [Reps. Vukmir & Strachota voted No; Reps. Rhoades, Stone & Nygren voted Aye.]

Staff Author of Bill Summary

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