

February 24, 2005

**Testimony of Montgomery County Councilmember Phil Andrews
to Senate Finance Committee in Favor of the Clean Indoor Air Act**

Good afternoon, Mr. Chairman and Committee members. I'm Phil Andrews, a member of the Montgomery County Council. I was the lead sponsor of the County's 2003 Smoke-free Restaurant Law and co-sponsored the 1999 bill.

Protecting the Public Health is the Duty of Public Officials

I sponsored the smoking ban for the same reason that every other sponsor of a smoking ban across the United States has done so. The evidence is overwhelming that **restaurants that allow smoking are unsafe for workers and patrons**. Secondhand smoke causes lung cancer, impairs heart function within 30 minutes in healthy adults, and can trigger life-threatening asthma attacks.

As public officials it's our job, it's our duty to protect the public health – regardless of whether some object. As public officials, we would be derelict in our duty if we didn't act to protect the public health in the face of the overwhelming evidence of the danger of secondhand smoke which is readily available from the U.S. Surgeon General.

If the toxins in secondhand smoke were leaking out of a stove, the restaurant would have to be shut down. Why the double standard for secondhand tobacco smoke?

Maryland Compared to other Jurisdictions

Maryland lags behind Delaware, New York, Massachusetts, Connecticut, Maine, Rhode Island, California, Louisville, Kentucky, Ireland and Italy and more than a hundred other places in acting to protect the public health by requiring that restaurants have safe air. Don't restaurants and bar workers in Maryland deserve as much protection from harmful secondhand smoke as other workers?

We don't allow restaurant owners to choose whether to serve safe food. Why would we allow them to choose whether to provide safe air for workers and patrons?

Montgomery County's Experience

Montgomery County's restaurants now have safe air because of the smoking ban. Workers don't have to sacrifice their health for a paycheck and patrons know that the air is as safe as the food.

Meanwhile, **Montgomery County's restaurant industry continues to thrive.** The colored charts in my testimony show that in the first year of the smoking ban, compared to the prior twelve months:

- **Sales tax receipts increased 7.6% -- a larger increase than the 6.5% growth in overall County sales tax receipts**
- **Restaurant applications increased by 8.7%**
- **Revenues from the sale of alcohol in restaurants are up**

Response to claims of the Restaurant Association

Meanwhile, the Restaurant Association of Maryland continues to spread scare stories and make baseless claims. **The difference between their data and ours is that ours is comprehensive, theirs is cherry-picked.** They used to claim that a smoking ban would harm the County's entire hospitality industry. Now, they're reduced to saying that key sales in restaurants are slightly down. Of course, they won't tell you that revenues from increases in wine sales in restaurants more than made up for the slight decline in beer sales.

When it comes to what this issue is about – protecting the health of workers and patrons – the Association is out to lunch. The Association expresses concern about allowing dogs in restaurants, a measure actually proposed by a “legislator,” because of allergens. But the Association expressed no concern about toxins from secondhand smoke. That double standard is breathtaking.

Mr. Thompson of the Restaurant Association says that smoking bans affect restaurants with bars. I agree: **Smoking bans change restaurants with bars from unsafe places to work, eat and drink to safe places.**

Don't Allow Smoking in Separate, Ventilated Rooms

Under no circumstances should this Committee support allowing smoking in separately enclosed, ventilated rooms. State-of-the-art ventilation systems cannot make the air safe in the presence of secondhand smoke, according to the American Society of Heating, Refrigeration and Air Conditioning Engineers. **Ventilation systems only give the illusion of safety** by reducing odor and visible smoke. You would be doing a tremendous disservice to workers, patrons, and to restaurants if you encouraged investment in separate, ventilated rooms (the Montgomery County Council has never encouraged this, and explicitly rejected the idea in 1999 and 2003 when it approved Smoke-free bills).

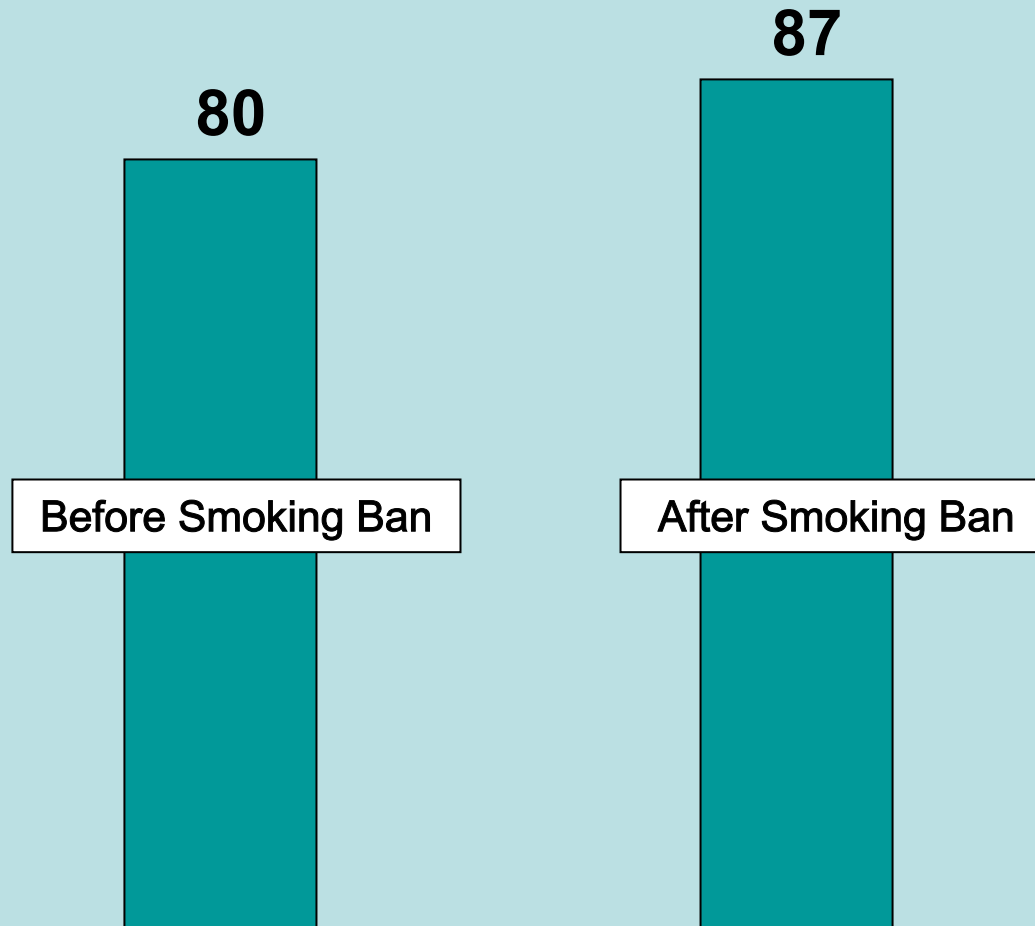
Do the Right Thing and Do it Now

A vote against this bill will keep restaurant and bar workers in harm's way. Don't let that be your legacy. The public looks to us to lead. Don't delay.

Waiting costs lives. Vote for this bill so that history records that you acted to protect the public health.

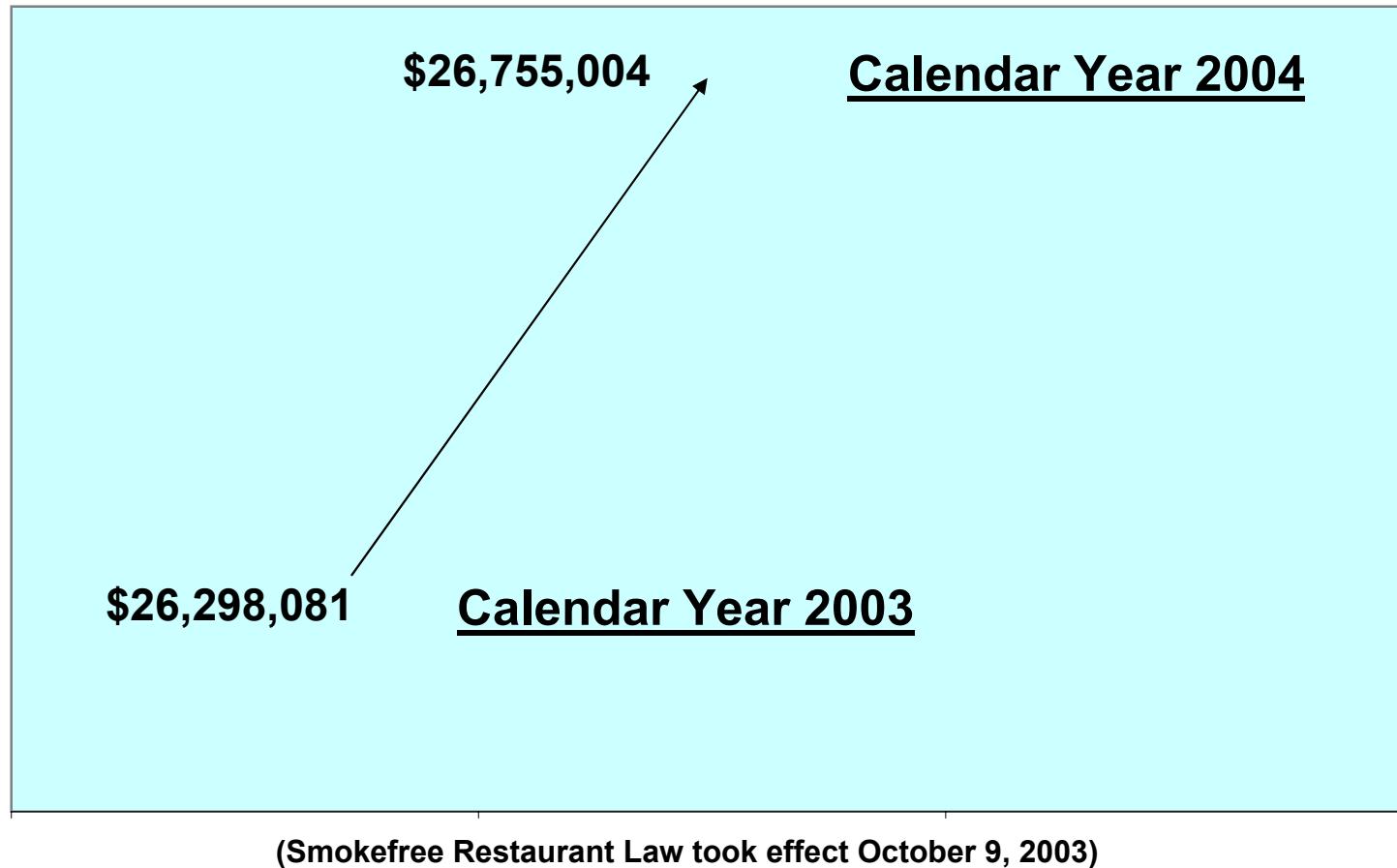
Restaurant Applications Up 8.7%

in Montgomery County in First Year After Smoke-Free Law



Oct. 9, 2002 thru Oct. 8, 2003 compared to Oct. 9, 2003 thru Oct. 8, 2004
(Smoke-Free Restaurant Bill Took Effect on October 9, 2003)

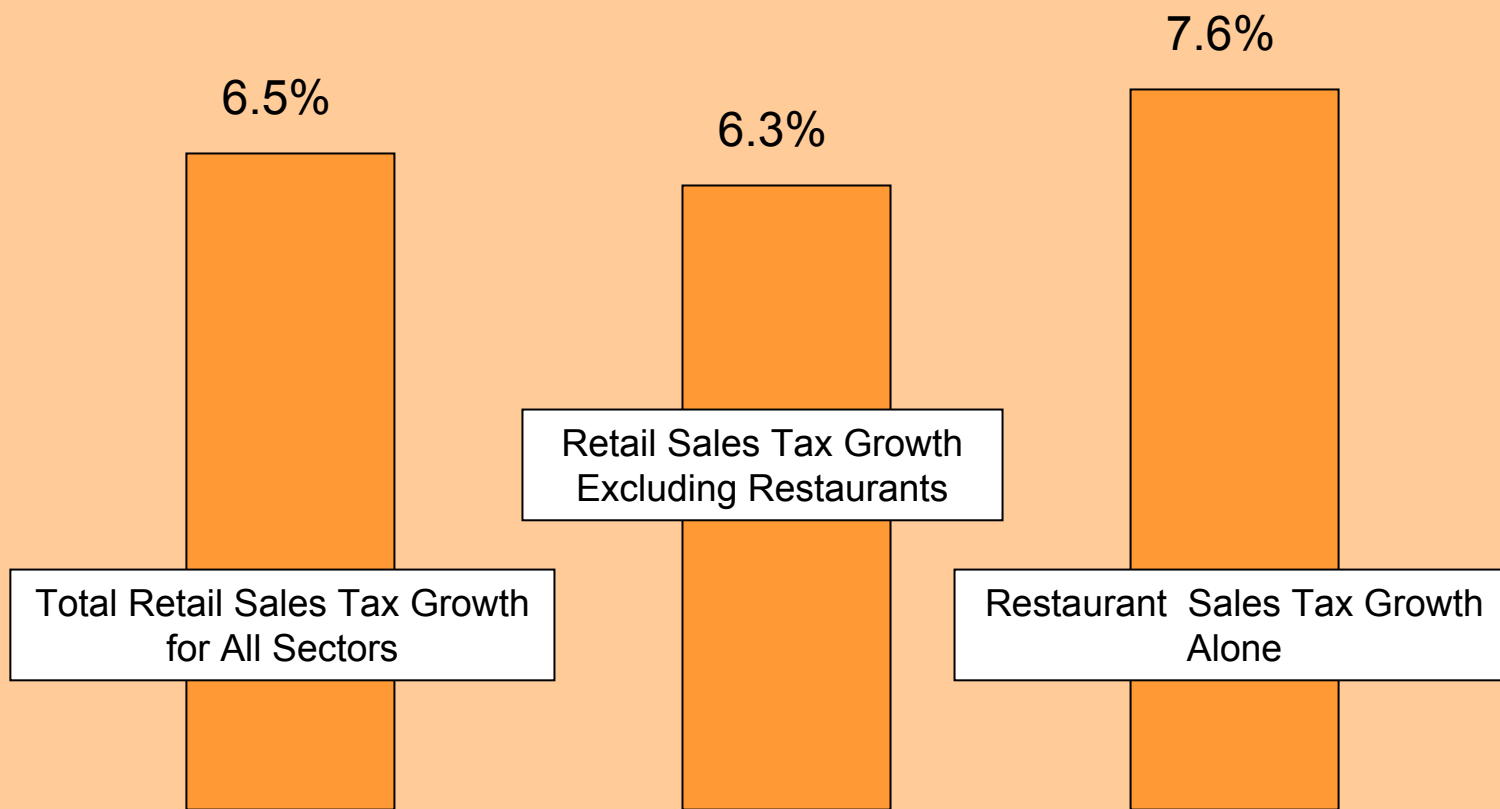
***Liquor Sales Revenues In Restaurants UP
in Montgomery County
in First Calendar Year Since Smoking Ban***



Source: Montgomery County
Dept. of Liquor Control

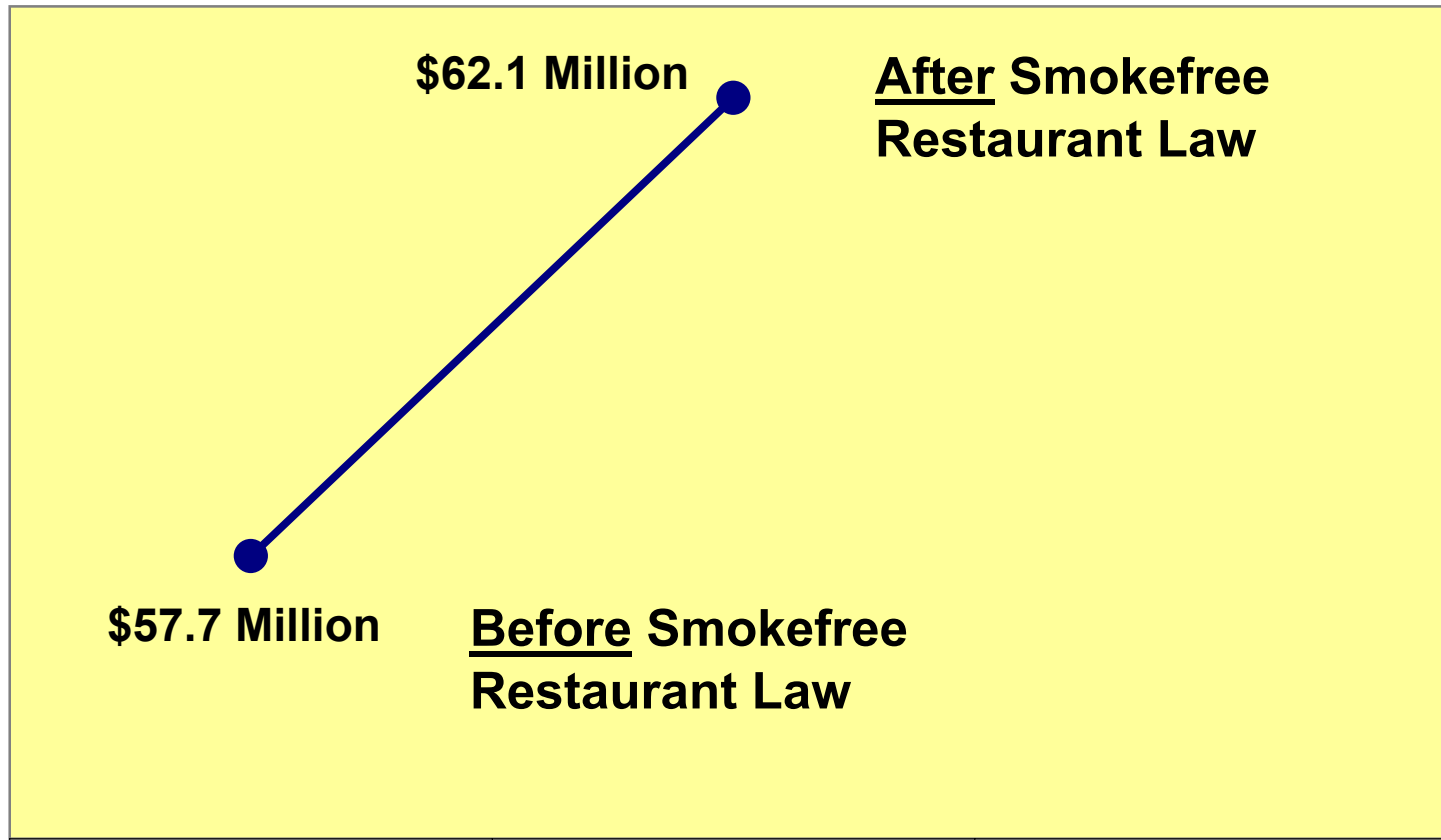
Restaurant Sales Tax Growth Exceeds Growth for Total Montgomery County Retail Sales in Year After Smoking Ban

Percentage of Growth Observed by Comparing Oct. '02 through September '03 Sales Tax Receipts with Oct. '03 through Sept. '04



Source: Montgomery County
Dept. of Finance

Restaurant Sales Tax Receipts Up 7.6% in Montgomery County In First Year After Smoking Ban



Oct. '02 thru Sept. '03 compared to Oct. '03 thru Sept. '04
(Smokefree Restaurant Law took effect October 9, 2003)