

July 22, 2005

Dear Lawmaker,

Please vote no on Assembly Bill 414 and Senate Bill 202.

The language in these bills are a sheep in wolf's clothing. The shared title, "Smoke Free Dining Act," sounds hopeful. In reality, these companion bills would not protect Wisconsin workers and residents from cancer-causing secondhand smoke; in fact they would prevent future protection of any kind. On behalf of Americans for Nonsmokers' Rights, I urge you to stand firm in opposing these bills.

The goal of these bills is not to protect health, but to strip local control from Wisconsin's cities and towns, rendering them powerless to fight for strong health protection laws. For decades, the tobacco industry and its allies have been working behind the scenes to enact preemptive laws in each state. As you can see in the once-secret Philip Morris document (attached), the industry made aggressive attempts to pass preemptive laws as early as 1994. Since then, legislators in Wisconsin have successfully fought off industry attempts and retained local control.

The country's leading health organizations stand behind Wisconsin in its plight to protect local control. In fact, **Americans for Nonsmokers' Rights, American Medical Association, American Cancer Society, American Heart Association, American Lung Association, American Public Health Association, Centers for Disease Control and Prevention, the Institute of Medicine of the National Academy of Sciences, the Association of State and Territorial Health Officials, the State Attorneys General Working Group on Tobacco, and the Center for Tobacco Free Kids are all united in their opposition to preemption.**

State laws normally serve as a "floor," or minimum requirement, allowing communities the option to enact stronger ordinances, based on community support. Preemption reverses this norm, making the state law the "ceiling" and forbidding anything stronger. It does not make sense to reverse the normal operation of state law when the protection of the public health is at stake. States across the country, such as New York, Delaware, North Dakota, and Idaho, have recently passed smokefree laws *without* limiting local control. In fact, this year Illinois' State Legislature passed a bill to reverse their outdated preemptive law. Soon, all Illinois communities will enjoy the right to enact local smokefree workplace laws, if they wish. It took Illinois fifteen years to correct their mistake after passing a tobacco industry supported preemption provision in 1990. It would be a major disappointment for public health if Wisconsin ended up in a similar trap.

Americans for Nonsmokers' Rights is the leading national lobbying organization dedicated to protecting nonsmokers from secondhand smoke and youth from tobacco

addiction. In this role, we have been fortunate to assist thousands of communities, states, and other countries in their smokefree efforts over the past 30 years. Thanks to these experiences, including some mistakes, we have learned an important lesson: if a smokefree bill will prevent future progress, we must go back to the drawing board. If these bills pass, Wisconsin will be trapped, with cities no longer having the option to protect workers and improve public health for years to come.

Lastly, the ventilation language being proposed in the bill is no more than a smokescreen, since there are no health claims by anyone, including the tobacco companies and ventilation manufacturers, that smoking rooms or ventilation systems protect anyone from the health risks of secondhand tobacco smoke. Ventilation provisions are simply preferred by the tobacco companies as a way to enable product consumption and to make it less likely that venues will decide to adopt smokefree policies in the future.

On behalf of our members in Wisconsin and across the country, we urge you to oppose AB 414 and SB 202. Please call Americans for Nonsmokers' Rights at (510) 841-3032 if we can be of any assistance.

Thank you for your support,

Cynthia Hallett, MPH
Executive Director