



**Legislative Update &  
Action Alert!!**  
March 19, 2007

*Please read and forward to your colleagues and networks!*

## **House Committee to VOTE on HB 259 Tuesday; Floor Vote May Come as early as Thursday!**

**If You Want To See a Smoke-Free North Carolina,  
Call Your House Member THIS Week!**

House Majority Leader Hugh Holliman's bill (HB 259) to ban smoking in all worksites and public places was heard by the House Judiciary 1 Committee last Thursday, March 15. As the committee meeting began, Rep. Holliman distributed a new version of the bill (known as a committee substitute) which removed the exemption for bars but expanded the exemption for private clubs.

Committee Chairwoman Rep. Deborah Ross generously allowed interested members of the public to speak on the bill. Approximately nine speakers made comments to a packed committee room, including several Alliance members and partners. As the end of the committee meeting approached, Rep. Ross indicated that another *new* committee substitute would be brought before the committee on Tuesday and a vote taken.

As considered by the committee last Thursday, HB 259 would ban smoking in all worksites and public places EXCEPT in the following locations:

- A private residence, except when being used commercially to provide child care or adult care services;
- A retail or wholesale tobacco shop, which is defined as a business establishment that receives no less than 75% of total annual sales from the sale of tobacco products and does not serve food;
- A tobacco manufacturing or processing facility, including manufacturers' offices;
- A designated smoking guest room in a lodging establishment. No greater than twenty percent (20%) of a lodging establishment's guest rooms may be designated smoking guest rooms;
- A private club, which is defined as an establishment that is organized and operated for a social, recreational, patriotic or fraternal purpose; is not open to the public, but is open to the members and their guests; and,
- A place of employment used for medical or scientific research to the extent that smoking is an integral part of the research.

The Alliance has been working with Rep. Holliman to make this bill as strong as possible. We expect to see language added to the bill that will limit exempt private clubs to only those with nonprofit status (501c3). We understand that the bar exemption is still under consideration and may return. To view HB 259 as originally introduced, go to:

<http://www.ncga.state.nc.us/Sessions/2007/Bills/House/HTML/H259v1.html>

Should HB 259 receive a favorable vote on Tuesday by the committee, the bill could be considered on the House floor as early as Thursday.

If you have not done so . . . **Please Contact Members of the House Judiciary 1 Committee and Urge Support of HB 259**

Even more importantly . . . **Please Help Contact All 120 Members of the NC House by Thursday at 2 p.m.!**

**Members of the NC House need to hear from YOU to understand firsthand that 86% of NC residents REALLY DO believe all employees deserve to work in a smoke-free environment.**

**The possibility that HB 259 may be debated on the House floor is historic for North Carolina. Keep the possibility of a smoke-free NC alive by calling your representative TODAY.** (see contact info below)

**Why does North Carolina need to eliminate secondhand smoke from worksites and public places? Because:**

**Secondhand Smoke Kills.** According to the US Surgeon General, there is **NO** safe level of exposure to secondhand smoke.

**North Carolina Citizens Support Smoke-Free Policies.** According to an Elon poll (Sept. 06):

- 86% of North Carolinians agree or strongly agree that employees in North Carolina should be able to work in a smoke-free environment;
- 64.7% of respondents support or strongly support a law in NC that would not allow smoking in restaurants & bars;
- 79.2% agree that restaurant employees in NC should be able to work in a smoke-free environment.

**Smoke-Free Policies are Good for Business.**

- No rigorous, scientifically conducted study has found negative economic impact from smoke-free policies; some, in fact, have found an increase in restaurant and bar sales following local or statewide restrictions on smoking in public places.
- The EPA estimates that smoke-free restaurants can expect to save about \$190 per 1,000 square feet each year in lower cleaning maintenance costs.

**Smoke-Free Policies Save Health Care Costs.**

- Most smokers want to quit and smoke-free policies help smokers quit smoking.
- Smoking costs in North Carolina are \$2.46 billion in direct medical costs. Smoking-attributable health care costs to the Medicaid Program are \$769 million annually.

**All NC Workers Deserve a Safe, Smoke-Free Workplace.**

- HB 259 will protect a majority of NC workers from the harmful effects of secondhand smoke.
- NC has been a leader in all types of workplace safety initiatives and policies—it only makes sense that we extend these policies to include protection from the known dangers of secondhand smoke.

For a full set of talking points about the dangers of secondhand smoke and HB 259 (along with source citations), go to the Alliance website:

<http://www.ncallianceforhealth.org/pdfs/HB259TalkingPoints3-07.pdf>

For talking points on the economic impact of secondhand smoke policies:

<http://www.rtpnet.org/alliance/pdfs/HB259TalkingPtsEcon3-07.pdf>

For talking points listing common business regulations that protect workers and why secondhand smoke should be regulated to:

<http://www.rtpnet.org/alliance/pdfs/HB259TalkingPtsBusinessRegs3-07.pdf>

**To contact your representative, see the chart at the end of this alert.**

## **Other Legislative Developments . . . . .**

You will recall that on March 7, the NC House voted overwhelmingly to approve to HB 24, to prohibit smoking in all state government buildings and allow local governments to enact regulations to prohibit smoking in local government buildings. This bill is sponsored by Rep. Jennifer Weiss (D-Wake) and Rick Glazier (D-Cumberland). This bill was received by the Senate and referred to the Commerce Committee. No action has been taken to date but we will keep you posted.

### **Several bills of interest were introduced last week:**

**SB 635, Prohibit Smoking/Public Places** (sponsored by Senator Janet Cowell – D, Wake), is similar to H 259, but is closer to “model” legislation in that it would also prohibit smoking in private clubs and bars. This bill has been referred to the Senate Commerce Committee.

**HB 347, Local Government Regulation of Smoking** (sponsored by Rep. Martha Alexander, D-Mecklenburg; Rep. Rick Glazier, D-Cumberland; Rep. Alma Adams, D-Guilford; Rep. Carolyn Justice, R-Pender) is identical to SB 124 previously introduced by Senate Majority Leader Tony Rand (D-Cumberland). This bill would restore authority to local governments to regulate smoking in public places by repealing the existing pre-emptive law. Current law prevents local governments from enacting laws to regulate smoking that are more restrictive than state law. This bill has been referred to the Judiciary I Committee.

**SB 641/HB 611, County Ordinances/Smoking** (sponsored by Senator Daniel Clodfelter; D-Mecklenburg/Rep. Martha Alexander, D-Mecklenburg) would enable counties (via vote of the county commissioners) with more than 695,000 people to enact ordinances regulating smoking in public places. Mecklenburg and Wake counties are the only counties in NC that are this populous. However, this bill would also only impact counties with a consolidated county commissioners/ board of health. SB 241 has been referred to the Senate Commerce Cmt. HB 611 has been referred to the Local Government II Cmt, and if favorable, to the Judiciary 1 Cmt.

**SB 667, Tobacco Tax – Affiliated Dealers** (sponsored by Senator Linda Garrou, D-Forsyth) would allow certain wholesale dealers to request relief from payment of excise taxes on other tobacco products. As best we can tell, this bill would transfer the tax burden from the manufacturer to the wholesaler and would be revenue neutral (would not raise or lower the excise taxes on tobacco products). This bill has been referred to the Senate Finance Committee.

**S 862/H 760, UNC Smoke-Free** (sponsored by Senator Bill Purcell, D-Scotland/Rep. Hugh Holliman, D-Davidson) would allow regulation of smoking on the campuses of the UNC health care system and the buildings and grounds of the institutions of the University of North Carolina. SB 862 has not yet been referred to a committee. HB 760 has been referred to the Cmte on Health and, if favorable, to the Judiciary II Cmte.

## **How to Contact Your House Representative:**

**(Members of the Judiciary 1 Committee are noted on this chart)**

If you are not sure of the name of your representative, check the General Assembly’s website at:

[http://www.ncga.state.nc.us/GIS/Representation/Who\\_Represents\\_Me/Who\\_Represents\\_Me.html](http://www.ncga.state.nc.us/GIS/Representation/Who_Represents_Me/Who_Represents_Me.html)

**(All phone numbers at 919 area code)**

<b>Representative</b>	<b>Member J1 Cmte</b>	<b>Email</b>	<b>Phone</b>	<b>Counties</b>	<b>HB 259 Co- Sponsor</b>
Alma Adams		Almaa@ncleg.net	733-5902	Guilford	
Martha B. Alexander	X	Marthaa@ncleg.net	733-5807	Mecklenburg	
Lucy T. Allen		Lucya@ncleg.net	733-5860	Franklin, Halifax, Nash	
Cary D. Allred		Carya@ncleg.net	733-5905	Alamance	
David Almond		Davida@ncleg.net	733-5908	Montgomery, Stanly, Union	
Marilyn Avila		Marilyna@ncleg.net	733-5602	Wake	
Jeff Barnhart		Jeffba@ncleg.net	715-2009	Cabarrus	
Larry M. Bell		larryb@ncleg.net	733-5863	Sampson, Wayne	
Curtis Blackwood		Curtisb@ncleg.net	733-2406	Union	
Dan Blue		Danb@ncleg.net	733-5477	Wake	
John M. Blust	X	Johnbl@ncleg.net	733-5806	Guilford	
Alice L. Bordsen		Aliceb@ncleg.net	733-5820	Alamance	
Joe Boylan		Joeb@ncleg.net	733-5903	Moore	
R. Van Braxton		Vanb@ncleg.net	715-3017	Greene, Lenoir, Wayne	
William D. Brisson		Williambr@ncleg.net	733-5772	Bladen, Cumberland	
Larry R. Brown		Larrybr@ncleg.net	733-5607	Davidson, Forsyth	
Harold J. Brubaker		Brub@ncleg.net	715-4946	Randolph	
Angela R. Bryant	X	Angelab@ncleg.net	733-5878	Halifax, Nash	<b>Co-Sponsor</b>
Becky Carney		Beckyc@ncleg.net	733-5827	Mecklenburg	
Walter G. Church, Sr.		Waltc@ncleg.net	733-5805	Burke	
Debbie A. Clary	X	Debbiec@ncleg.net	715-2002	Cleveland, Gaston	
George G. Cleveland		Georgec@ncleg.net	715-6707	Onslow	
Lorene Coates		Lorenec@ncleg.net	733-5784	Rowan	
Nelson Cole		Nelsonc@ncleg.net	733-5779	Rockingham	
Linda Coleman		Lindac@ncleg.net	733-5934	Wake	
James W. Crawford, Jr.		Jimcr@ncleg.net	733-5824	Granville, Vance	
W. Pete Cunningham		Petec@ncleg.net	733-5778	Mecklenburg	
William A. Current, Sr.		Billcu@ncleg.net	733-5809	Gaston	
Bill Daughtridge		Billd@ncleg.net	733-5802	Nash	
N. Leo Daughtry		Leod@ncleg.net	733-5605	Johnston	

Margaret Highsmith Dickson		Margaretd@ncleg.net	733-5776	Cumberland	
Jerry C. Dockham		Jerryd@ncleg.net	715-2526	Davidson	
Nelson Dollar		Nelsond@ncleg.net	715-0795	Wake	
Beverly M. Earle		Beverlye@ncleg.net	715-2530	Mecklenburg	
Bob England, M.D.		Bobed@ncleg.net	733-5749	Cleveland, Rutherford	<b>Co-Sponsor</b>
Bill Faison		Billf@ncleg.net	715-3019	Caswell, Orange	
Jean Farmer-Butterfield		Jeanf@ncleg.net	733-5898	Edgecomb, Wilson	
Susan C. Fisher		Susanf@ncleg.net	715-2013	Buncombe	<b>Co-sponsor</b>
Dale R. Folwell		Dalef@ncleg.net	733-5787	Forsyth	
Phillip Frye		Phillipf@ncleg.net	733-5661	Avery, Caldwell, Mitchell, Yancey	
Pryor Gibson		Pryorg@ncleg.net	715-3007	Anson, Union	
Mitch Gillespie		Mitchg@ncleg.net	733-5862	Burke, McDowell	
Rick Glazier		Rickg@ncleg.net	733-5601	Cumberland	<b>Co-Sponsor</b>
Bruce Goforth		Bruceg@ncleg.net	733-5746	Buncombe	
Melanie Wade Goodwin	<b>X</b> (ViceChair)	Melanieg@ncleg.net	733-5823	Montgomery, Richmond	
W. Robert Grady		Robertg@ncleg.net	715-9644	Onslow	
Jim Gulley		Jimg@ncleg.net	733-5800	Mecklenburg	
<b>Speaker</b> Joe Hackney		Joeh@ncleg.net	733-3451	Orange, Chatham, Moore	
R. Phillip Haire		Philliph@ncleg.net	715-3005	Haywood, Jackson, Macon, Swain	
Larry D. Hall	<b>X</b>	Larryh@ncleg.net	733-5872	Durham	<b>Primary Sponsor</b>
Ty Harrell		Tyh@ncleg.net	733-5828	Wake	
Jim Harrell, III		Jimha@ncleg.net	715-1883	Alleghany, Surry	
Pricey Harrison	<b>X</b>	Priceyh@ncleg.net	733-5771	Guilford	
Dewey L. Hill		Deweyh@ncleg.net	733-5830	Brunswick, Columbus	
Mark K. Hilton		Markh@ncleg.net	733-5988	Catawba	
Hugh Holliman		Hughh@ncleg.net	715-0873	Davidson	<b>Primary Sponsor</b>
Bryan R. Holloway		bryanh@ncleg.net	733-5609	Rockingham, Stokes	
George M. Holmes	<b>X</b>	Georgeho@ncleg.net	733-5654	Iredell, Surry, Yadkin	
Julia C. Howard		Juliah@ncleg.net	733-5904	Davie, Iredell	

Pat B. Hurley		Path@ncleg.net	733-5865	Randolph	
Verla Insko	X	Verlai@ncleg.net	733-7208	Orange	Co-Sponsor
Maggie Jeffus		Maggiej@ncleg.net	733-5191	Guilford	
Linda P. Johnson		Lindajo@ncleg.net	733-5861	Cabarrus	
Earl Jones		Earlj@ncleg.net	733-5825	Guilford	
Carolyn H. Justice		Carolynju@ncleg.net	715-9664	New Hanover, Pender	Co-sponsor
Carolyn K. Justus		Carolynj@ncleg.net	733-5956	Henderson	
Ric Killian		Rick@ncleg.net	733-5886	Mecklenburg	Co-sponsor
Joe L. Kiser		Joek@ncleg.net	733-5782	Lincoln	
James H. Langdon, Jr.		Jhl@ncleg.net	733-5849	Johnston, Sampson	
David R. Lewis		Davidl@ncleg.net	715-3015	Harnett	
Jimmy L. Love, Sr.		Jimmyl@ncleg.net	715-3026	Harnett, Lee	
Marvin W. Lucas		Marvinl@ncleg.net	733-5775	Cumberland	
Paul Luebke		Paull@ncleg.net	733-7663	Durham	Co-sponsor
Grier Martin	X	Grierm@ncleg.net	733-5758	Wake	
Mary E. McAllister		Marymc@ncleg.net	733-5959	Cumberland	
Daniel F. McComas		Dannym@ncleg.net	733-5786	New Hanover	
Pat McElraft		Patm@ncleg.net	733-6275	Carteret, Jones	
Wm. C. "Bill" McGee		Williamm@ncleg.net	733-5747	Forsyth	
Marian N. McLawhorn		Marianm@ncleg.net	733-5757	Pitt	
Henry M. Michaux, Jr.		Mickeym@ncleg.net	715-2528	Durham	
Annie W. Mobley	X	Anniem@ncleg.net	733-2962	Bertie, Gates, Hertford, Perquimans	
Tim Moore		Timm@ncleg.net	733-4838	Cleveland	
Wil Neumann		Wiln@ncleg.net	733-5868	Gaston	
Bill Owens		Billo@ncleg.net	733-0010	Camden, Currituck, Pasquotank, Tyrrell	
Earline W. Parmon		Earlinep@ncleg.net	733-5829	Forsyth	
Louis M. Pate, Jr.		Louisp@ncleg.net	733-5755	Wayne	
Garland E. Pierce		Garlandp@ncleg.net	733-5803	Hoke, Robeson, Scotland	
Ray Rapp		Raymondrr@ncleg.net	733-5732	Haywood, Madison, Yancey	
Karen B. Ray		Karenr@ncleg.net	733-5741	Iredell	

Deborah K. Ross	<b>X (CHAIR)</b>	Deborahr@ncleg.net	733-5773	Wake	
Ruth Samuelson		Ruths@ncleg.net	715-3009	Mecklenburg	
Drew Saunders		Drews@ncleg.net	733-5606	Mecklenburg	
Mitchell S. Setzer		Mitchells@ncleg.net	733-4948	Catawba, Iredell	
Timothy L. Spear		Tims@ncleg.net	715-3029	Dare, Chowan, Hyde, Washington	
Paul Stam	<b>X (ViceChair)</b>	Pauls@ncleg.net	733-5780	Wake	
Edgar V. Starnes		Edgars@ncleg.net	733-5931	Caldwell	
Fred F. Steen, II		Fredst@ncleg.net	733-5881	Rowan	
Bonner L. Stiller	<b>X (ViceChair)</b>	Bonnerr@ncleg.net	733-5974	Brunswick	
Ronnie Sutton		Rons@ncleg.net	715-0875	Robeson	
Cullie M. Tarleton		Culliet@ncleg.net	733-7727	Ashe, Watauga	
Charles C. Thomas		Charlest@ncleg.net	715-3012	Buncombe	
Thom Tillis		Thomt@ncleg.net	733-5530	Mecklenburg	
Joe P. Tolson		Joet@ncleg.net	715-3024	Edgecomb, Wilson	
Russell E. Tucker		Russellt@ncleg.net	715-3021	Duplin, Onslow	
Alice Graham Underhill		Aliceu@ncleg.net	733-5853	Craven, Pamlico	<b>Co-sponsor</b>
William L. Wainwright		Williamw@ncleg.net	733-5995	Craven, Lenoir	
Trudi Walend		Trudiw@ncleg.net	715-4466	Henderson, Polk, Transylvania	
R. Tracy Walker		Tracyw@ncleg.net	733-5935	Wilkes	
Edith D. Warren		Edithw@ncleg.net	715-3023	Martin, Pitt	
Ray Warren		Rayw@ncleg.net	715-8361	Alexander, Catawba	
Jennifer Weiss		Jenniferw@ncleg.net	733-5781	Wake	<b>Co-Sponsor</b>
Roger West	<b>X</b>	Rogerw@ncleg.net	733-5859	Cherokee, Clay, Graham, Macon	
Laura I. Wiley		Lauraw@ncleg.net	733-5877	Guilford	
W. A. (Winkie) Wilkins		Winkiew@ncleg.net	715-0850	Durham, Person	
Arthur Williams		Arthurw@ncleg.net	733-5906	Beaufort, Pitt	
Larry Womble		Larryw@ncleg.net	733-5777	Forsyth	
Michael H. Wray		Michaelw@ncleg.net	733-5662	Northampton, Vance, Warren	
Thomas E. Wright		Tomw@ncleg.net	733-5754	New Hanover	

Douglas Y. Yongue	Douglasy@ncleg.net	733-5821	Hoke, Robeson, Scotland	
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**What *MORE* can you do to promote the secondhand smoke issue?**

Have your organization, its board members, staff and volunteers sign the Alliance’s secondhand smoke resolution to demonstrate your support for making NC’s worksites and public places smoke-free. Access the resolution by going to the Alliance’s website at:

<http://www.rtpnet.org/alliance/resolution.html>

The website is now capable to taking signatures directly on–line. Also available on our website are fact sheets, talking points and other resources on secondhand smoke and the cigarette tax.

**Stay tuned for further developments on efforts to make North Carolina’s worksites and public places smoke-free!**

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**For additional information about secondhand smoke issues or NC’s cigarette tax, access the Alliance website at [www.ncallianceforhealth.org](http://www.ncallianceforhealth.org) for talking points and other resources.**

Call 919-463-8328  
or e-mail [ncalliance@heart.org](mailto:ncalliance@heart.org) for more information