



**LEGISLATIVE UPDATE & ACTION ALERT
APRIL 4, 2009**

Please read and forward to your colleagues and networks!

**HB 2 Passes NC House
Greatly Weakened by Amendments;
HB 2 moves to Senate**

On Thursday, April 2, HB 2 - Prohibit Smoking in Public and Work Places, passed the NC House on third reading by a vote of 72 to 45. Final passage came after lengthy debate which included the approval of 5 amendments which significantly weakened the public health protections in the bill. A 6th amendment was defeated.

Each amendment approved during debate added another exemption to the type of business or facility that would be required to be smoke-free. The amendments made to HB 2 include:

- An exemption for cigar bars (at least 60% of quarterly gross revenue must come from the sale of alcohol and 25% from the sale of cigars, and minors are not allowed) ;
- An exemption for tobacco grower and processor facilities;
- An exemption for businesses where the owner is the only employee, the business is not open to the public and does not allow people under 18 to work there or enter to premises;
- An exemption for private clubs operating for social, recreational, patriotic or fraternal purposes and are not open to the public. To be exempt, these private clubs must also be tax exempt 501c3 organizations; and,
- An exemption for public or workplaces that do not admit, serve or employ persons under 18 and that post signs at all entrances (and in advertizing) saying smoking is permitted on the premises. (This is known as a minors-only exemption with signage.)

In other words, any business that wishes to continue to allow smoking simply needs to post a sign and restrict entrance to those over 18. This amendment does nothing to protect worker health. Furthermore, it does not require that a business restricts minors at all times. Experiences from other states have shown that restaurant/bars/businesses will allow minors until 9 or 10 p.m., and then become adult-only from 9 p.m. – closing to allow smoking.

In addition, HB 2 no longer restores clear authority to local governments to regulate smoking in indoor places. Each amendment approved above was also listed as exempt from local government authority, preventing local governments from passing any smoking regulations that might be stricter than the state in these areas. It severely, if not completely, limits local government authority to do more to regulate secondhand smoke if they chose.

To view the amendments directly, go to the General Assembly website at:

<http://www.ncga.state.nc.us/gascripts/BillLookUp/BillLookUp.pl?Session=2009&BillID=H2&votesToView=all>

HB 2 now moves to the Senate for consideration where we will focus efforts on strengthening the bill back to or near to its original form – a strong comprehensive bill that will protect the public health.

While health advocates are disappointed with the lack of public health protections in the bill as it now stands, it is important to note that this is the farthest the smoke-free issue has ever gotten in North Carolina. It would not have come this far without all the calls, emails and visits to House members from all of the dedicated advocates across the state.

And it would not have gotten this far without the leadership and dedication of the four primary sponsors of HB.

2. Please send a quick thank you to:

[Rep. Hugh Holliman](#) (D-Davidson)

[Rep. Rick Glazier](#) (D-Cumberland)

[Rep. Jeff Barnhart](#) (R-Cabarrus)

[Rep. Jennifer Weiss](#) (D-Wake)

**Thank you so much for your efforts up to this point.
But we need you NOW MORE THAN EVER
to demand that HB 2 be corrected and strengthened by the Senate.**

We must keep up the momentum.

Please Contact Senators this week and next.

**Tell them the current version of HB 2 will not protect the public from
the dangers of secondhand smoke and must be corrected.**

**Urge Senators to remove all amendments to HB 2
and restore the bill to its original form.**

How to Contact Your Senator

To email your Senator, go to the [General Assembly's Website](#), find the name of your Senator and double click on the email address.

To call your representative, please call 919-733-4111 and ask for your Senator by name to be transferred.

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

<http://www.ncleg.net/GIS/RandR07/Home.html>

On this page, you may look up your representative by district number, by County, or by Zip Code +4. (Use the Postal Service's **ZIP Code Look-Up Engine** to find your zip code +4).

Additional HB 2 Talking Points:

- No one should have to risk their life to keep a job. Every workplace – including restaurants, bars, government buildings, bowling alleys, and other public places – should be smoke-free. Smokers are free to continue to smoke—as long as they don't expose others involuntarily to cancer-causing chemicals. When one person's right to engage in certain behaviors conflicts with another person's right not to be harmed, limits have generally been placed on the harmful behavior.
- Remind your legislator that approximately 80% of North Carolinians are non-smokers and that nearly 87% of North Carolinians agree or strongly agree that employees in North Carolina should be able to work in a smoke-free environment (Elon University poll, 2006).
- According to a recent study by Blue Cross and Blue Shield of NC, \$288.8 million is spent each year in North Carolina to treat health conditions caused by exposure to secondhand smoke, based on healthcare costs in 2006 and adjusted to 2008 dollars.
- Smoke-free policies save health care costs. A recent study in Pueblo, Colorado found the rate of heart attacks declined 41% after a smoke-free law went into effect.[\[1\]](#)

What *MORE* can you do to promote the smoke-free issue?

- 1) VISIT www.smokefreenc.org and tell others about it! Simply point and click to send a message to your legislators. Forward to friends, family and colleagues so they can also show their support for a smoke-free North Carolina by visiting the Alliance's website.
- 2) **Sign the Alliance Resolution Supporting a Smoke-free NC.** Have your organization, its board members, staff and volunteers sign the Alliance's resolution to demonstrate your support for making NC's worksites and public places smoke-free. Access the resolution at: <http://www.ncallianceforhealth.org/resolution.html>. The website is now capable of 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.
- 3) Visit the Alliance website www.ncallianceforhealth.org for [talking points about the dangers of secondhand smoke](#). See also the Alliance's new talking points on [Small Businesses and Smoke-free Worksites](#).

Alliance Quarterly Membership Meeting Reminder

The Alliance QUARTERLY MEMBERSHIP MEETING will be held Monday, April 6 from 1:30 – 3:30 at the offices of the American Heart Association. We will be hearing updates and discussing next steps around HB 2, to make worksites and public places smoke-free, and several obesity-related bills (particularly SB 977). Please join us as there is A LOT going on at the General Assembly related to the Alliance's policy priorities.

Additional questions about this meeting should be forwarded to Alliance Policy Director Pam Seamans at pamseamans@nc.rr.com, or Alliance Executive Director Lisa Familo at lisa.familo@ncallianceforhealth.org.

For additional information about the North Carolina Alliance for Health please contact

Alliance Executive Director Lisa Familo at lisa.familo@ncallianceforhealth.org;

or Alliance Policy Director Pam Seamans at pamseamans@nc.rr.com.

Or visit www.ncallianceforhealth.org for talking points and other resources.

Call 919-463-8328

or e-mail ncalliance@heart.org for more information

To unsubscribe, please email Lisa Familo at lisa.familo@ncallianceforhealth.org