

SHOULD VIRGINIA GO SMOKE FREE

STATES
ACROSS
THE
COUNTRY
ARE
BANNING
SMOKING.

COULD IT
HAPPEN
HERE?

BY
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OUG CHAPLOW has to get off the phone, and fast. It's Tuesday, Feb. 8 and in just 20 minutes, his boss, state Senator William Mims (R-Loudon), will make a speech on the Senate floor.

Mims only has a few talking points written out, but Chaplow predicts the senator will capture his colleagues' attention.

And he must: Today is the last day to approve the Virginia Clean Indoor Air Act (Senate Bill 1191) — which bans smoking in public places.

It's "Crossover Day," the day when bills approved by the Senate go to the House, and vice versa.

If the bill isn't passed now, it's dead.

Chaplow and Mims have spent the morning on the phone. They argue the bill's merits, say it'll save lives, help businesses, improve tourism.

Counting up those who say they'll vote "yea," Chaplow says it'll be close.

No, no, he corrects himself:

He *hopes* it'll be close.

Eighteen of the forty senators have pledged support.

THE ASHTRAYS ARE GOLD and dirty at Harry's Famous Barbecue on Norfolk's Granby Street. Today, there's a ten-high stack on a ledge above a booth on the smoking side. The top one has a cigarette butt in it.

So does the two-high stack, and the three-high stack.

William Booker, owner of Harry's, is sitting on the smoking side, which has the same number of tables as the non-smoking side. Only three of Booker's twenty customers are smoking, and one is right next to him.

Gerri Ransom, Booker's longtime friend, grew up in Hampton Roads and now lives in Los Angeles.

She can't smoke in restaurants there, but it doesn't bother her.

"All that matters," she explains about eating out, "is affordability."

Ransom travels often and can rattle off cities' smoking laws. They're so strict in Houston that you can't smoke within 20 feet of the airport's door, and in Santa Monica, you can't even smoke on the beach. In New York, be prepared to leave the non-smoking bars and duck into a limousine. Entrepreneurs are renting seats to those desperate for nicotine.

That's not a concern in Atlanta, where you can smoke in restaurants, just like here.

But not everything is perfect about being a

smoker in Hampton Roads.

"You get a disabled room if you're a smoker," says Ransom with a laugh.

She's staying at the Portsmouth Renaissance, where her smoking room is equipped for someone with a physical disability and is located next to the stairs.

"That's good," jokes Ransom's other friend, Khanh Tran. "If you set the place on fire with your cigarette, you can escape fast."

Booker laughs along with his friends. He's in a good mood and will stay that way, even if a law banning smoking in restaurants is passed.

Smokers in his restaurant don't buy that much.

"They'll just sit and smoke and watch TV," he shares. "I've thought about making this a non-smoking place. If they make a law, I won't be the bad guy."

And he'd be playing on a level field. The 15 percent of his customers who smoke would likely still come to his restaurant if every other place was smoke-free.

Two booths behind Booker, a man in his sixties puffs on a Pall Mall and watches TV.

When he learns about Mims' anti-smoking bill from a reporter, he blows smoke out of his nose.

"They can leave that in California," he declares.

He comes to Harry's every day, usually for breakfast, and always brings his gold lighter and cigarettes.

He won't be happy if the law passes, but, as Booker predicted, he probably would still come to Harry's.

"You have to eat," he says, "and the food's good here."

Next door at AJ Gator's, the customers focus more on beer than food. Bartenders Carolyn Wade and Ashley Sadler have served up beers, all lights, to the four men at the bar.

Two of them are smoking.

"It's a sports bar!" Sadler exclaims as she points to the dozen TVs. "Most people smoke."

The 22-year-old's philosophy: If a place is public, everyone in that place should be able to do what they want. That's what people get here.

"They can smoke anywhere," says Sadler with a wave of her arm.

(Sadler says she doesn't know about the law that requires all restaurants to have a non-smoking section. A call to AJ Gator's corporate office to check its smoking policy wasn't returned as of press time.)

Smokers are not just welcomed at Gator's, they're catered to: They can buy cigars "to celebrate sporting events," says Sadler, and they get free matches, complete with the AJ Gator's logo.

The two men smoking at the bar think the law should stay as it is – especially at a place like this, which really is a bar, not a restaurant, but a strange Virginia law doesn't allow bars to be called bars.

"People should expect there to be smoke," says Steven Morgan, 28. A fine-dining restaurant would be different; you don't want smoke

changing the taste of your food."

Not that it's a big deal either way to Morgan. He smokes two or three cigarettes a day if he's out with friends. Otherwise, two weeks can pass without a drag.

Morgan's friend Matthew Dehaven, 27, isn't as open to a new law.

"I don't like it," he says as he rests his Marlboro in a glass ashtray and shakes his head. "It's like segregation. You can't be yourself (if you can't smoke.)"

He's been smoking a pack a day for eight years, and if the law passes, he won't go out as much.

"During winter, you'd freeze going outside (to smoke)."

Above Morgan and Dehaven's heads is what bartender Sadler describes as a ventilation system.

"Sweetheart, I don't wash this," says Stevens as he puts his thumbs under his lapels and sticks out his chest. "I take it to the dry cleaners only once a month like the designer recommends. I don't want that smell for a month."

THE REACTION to Senate Bill 1191 is mixed on Granby Street. Manager Sandy Brooks at Tropical Smoothies Café, where most everything served is healthy, doesn't need a law. She doesn't even need to put up no-smoking signs. In eighteen months of business, only one customer has asked to light up. He had a cigarette hanging out of his mouth, but didn't fuss when told no.

Relative Theory's Josh Wright and Jamie "Petro" (who didn't give his real last name) don't allow smoking at the record store-video-store-art gallery-café. The second-floor space is also

Dave Coal, a nearing-middle-age man in a gray business suit, looks up from his seat at the bar and examines the thick white tubes on the ceiling.

"Yeah, it helps," he says. But a smoking ban still excites him.

"This would be groundbreaking for a tobacco state," he says as his eyes grow wider.

He and Rob Stevens, the man next to him in an almost identical suit, eat out daily.

Coal's biggest pet peeve: A non-smoking table located next to the smoking section.

"I've got a person right behind me smoking, behind this supposed magical wall," he complains. "Where's the protection from second-hand smoke there?"

Stevens rants: "I'm 100 percent for [a smoking ban in restaurants]. I would be so happy. I despise smoke. It hurts my health; I smell; my eyes are bloodshot. I go to hug my wife and she says 'my God, you smell.'"

The bartender has a solution: "Wash your clothes."

a secondhand clothing store, and smoke would linger on the clothes.

Yet, as smokers themselves, they don't want to be told what to do by some law.

"It should be left to the discretion of the owner," says Petro. "At some places, like a pool hall or nightclub, smoke is part of the atmosphere."

Or part of the effort to keep customers.

Although Blue Hippo Owner Chad Martin doesn't smoke, and his wife quit six months ago, he allows smoking at his small restaurant's bar.

"I provide whatever customers want. Americans are so dramatic and so drastic. We need to compromise," he says.

Martin brings his hands together to emphasize his point.

Baxter Simmons Sr. at Sterling's does what many Granby restaurants do: They allow smoking in the evening. At Sterling's, the time is 9 p.m. The approach makes sense to waiter

Connan Hill. Not many in his Gen-X crowd come to Sterling's at night. It's a fine-dining restaurant with a "quiet" bar. But if it were a "real" bar, with more drinking, more people and more partying, like the places Hill frequents after work, he'd be all for smoking. Baxter Simmons' new place, a "sports restaurant and lounge" (he can't legally call it a "bar" remember) scheduled to open this spring at 500 Granby Street, may be more like that, with smoking allowed at all times. When that restaurant opens, Simmons will be more concerned about an anti-smoking law, which he says "could hurt business."

OF THE SIXTEEN Granby Street business owners and supporters *Port Folio Weekly* talked to, one — Simmons at Sterling's — was familiar with Senator Mims' bill.

And Simmons only "vaguely heard about it."

How could a bill that would affect so many people go unnoticed? Or is that assumption — that it *would* affect so many people — wrong?

Maybe nobody noticed because so much media attention was given to Delegate Algie Howell's anti-droopy drawers bill?

The bill was publicized, say Donna Reynolds, director of community relations at the American Lung Association of Vir-

ginia, and Cathleen Smith Grzesiek, director of public advocacy at the American Heart Association Virginia Council.

They're members of the Virginians for a Healthy Future coalition and worked on the campaign to get the bill passed. In addition to commissioning a study to gauge citizens' support (see sidebar), they selected radio stations throughout the state to run ads in January.

Locally, their choices were WNIS and WTAR. The ads were aimed at citizens who like to eat out and asked if you "wanted a side order of toxic chemicals with your meal." If not, listeners were encouraged to contact their state legislators.

Reynolds wouldn't say how much they spent on the ads, only that in some areas of the state they were "very effective."

"A few of the senators' aides told me they were flooded with calls after the ads ran," she says.

One thing she might have changed, though: The ad didn't mention that a bill was pending in the Senate.

That information may have grabbed more attention.

Not surprisingly, the Virginia Hospitality and Travel Association is pleased that citizens took little notice of the bill.

"We do not support it at all," says Julia Ciarlo, the Association's director of government relations. "We support the law as it currently is: Restaurants must have non-smoking sections."

She knows about secondhand smoke health concerns and doesn't mean to be insensitive — but she has to think about how the law would impact the 1,300 restaurants, hotels and tourists attractions she represents.

Business studies completed in other states with anti-smoking laws don't apply to Virginia, she says. Yes, maybe in other states business stayed the same or even improved, but in those other states, the law distinguishes between restaurants and bars. However, the business studies lump them together. If bars were studied separately, she believes researchers would find bars are negatively impacted when they implement smoke-free or limited-smoking laws.

If the law is passed in Virginia, restaurant-bars would have to create separate rooms for smokers — at who knows what cost.

That's what her members are worried about.

And maybe so are some of the 40 state senators — 24 of whom are Republicans, the traditionally "business friendly" party.

It's possible, of course, that something else was on their minds as they voted last Tuesday.

Maybe, as *The Daily Press* pointed out, the tobacco leaves decorating the ceiling of the Senate chamber reminded them of the crop's importance in Virginia's history.

Or the \$30,000 that the Altria Group, which includes cigarette manufacturer Philip Morris, donated to the senators' coffers last year could have influenced them.

A lack of significant constituent interest could have been to blame, too.

Or they played follow the leader.

Whatever the reason, the senators killed the bill with a 26-14 vote. Senators from the Seven Cities were almost evenly divided: Mamie Locke (D-Hampton), Louise Lucas (D-Portsmouth), Yvonne Miller (D-Norfolk) and Frederick Quayle (R-Chesapeake) voted "yea." Harry Blevins (R-Chesapeake), Nick Rerras (R-Norfolk), Ken Stolle (R-Virginia Beach), Frank Wagner (R-Virginia Beach) and Martin Williams (R-Newport News) voted "nay."

Ashley Sadler, the AJ Gator's bartender who recommends simply washing your clothes when covered with smoke, was ecstatic after the vote.

"I saw it on TV," she said. "I was, like, yeah!" ●

What Virginians Think About Secondhand Smoke

At the request of Virginians for a Healthy Future, Mason-Dixon Polling and Research surveyed 625 registered Virginian voters in early January about their views on secondhand smoke:

73% felt that secondhand smoke is a moderate or serious health hazard.

59% somewhat or strongly favored a statewide law that would prohibit smoking in most public places.

65% somewhat or strongly favored a law that would allow smoking in a restaurant's bar area only if the area was separately enclosed.

84% somewhat or strongly agree that Virginia workers should be protected from secondhand smoke in the workplace.

80% somewhat or strongly agree that it would be nice to go out ...without smelling like cigarette smoke when they got home.

81% somewhat or strongly agree that restaurants and bars would be healthier for customers and employees if they were smoke-free.

The complete results are available at www.healthyva.org.

Senator Mims' Virginia Indoor Clean Air Act

The law would have prohibited "smoking indoors in most buildings or enclosed areas frequented by the public." Exceptions include private homes; private residences; private automobiles; private functions; hotel rooms designated as "smoking" (which are not to exceed 25 percent of all rooms); specialty tobacco stores; and private, separately enclosed office or work areas "that are not entered by the general public in the normal course of business or use of the premises unless a person who works in such private separately enclosed office or work area objects to smoking in such area." Signs stating "Warning: Smoking Permitted" must be posted by the proprietor of any exempt building or area when smoking is allowed. " Fines would be \$100 for a first offense and \$250 for subsequent ones. "Failure to comply with the building restrictions will subject proprietors to a \$200 civil penalty for the first offense and \$500 for subsequent offenses." "Enactment clauses ... postpone the effective date for prohibiting smoking in such bars and lounges that are not separately enclosed from other establishments until July 1, 2006..."

The complete text is available at <http://legis.state.va.us>.