

December 11, 2009

<http://detnews.com/article/20091211/POLITICS02/912110394>

## Michigan approves smoking ban

Gov expected to sign bill; Detroit casinos, cigar bars exempt

MARK HORNBECK AND CHRISTINE MACDONALD

*The Detroit News*

*Lansing* -- Michigan will become the 38th state to ban smoking in public places on May 1, following passage Thursday of the prohibition by the House and Senate and a vow from Gov. Jennifer Granholm to sign the bill.

The long-awaited smoking ban makes exceptions for the gaming floors at the three Detroit casinos, cigar bars, specialty tobacco shops, home offices and motor vehicles, including commercial trucks. The legislation won overwhelming passage in both chambers after more than a year of haggling over whether there should be exemptions.

Smoking will be banned in workplaces and food service establishments, including bars, restaurants, food courts at shopping malls, cafeterias and private clubs.

Violators face fines of \$100 for a first offense and \$500 for subsequent ones.

"We're finally dealing with the secondhand smoke issue that has plagued this state for many years," said Sen. Ray Basham, D-Taylor, who has been pushing a smoking ban for most of a decade.

Granholm called the move a "terrific gift to Michigan." But not everyone was happy -- especially bar owners and the 20.4 percent of residents who light up in Michigan. Nationwide, 18.4 percent do.

"It's stupid. It violates smokers' rights," said Drew Dobt, as he smoked a cigar in downtown Detroit. "That's why you go (out) -- to smoke and drink."

An amendment calling for a total ban was rejected in the Senate because the House has opposed that version.

Senate Majority Leader Mike Bishop, R-Rochester, called the measure a "blatant overreach by government into the private business environment." And Lance Binoniemi, president of the Michigan Licensed Beverage Association, said it will cost thousands of jobs.

"Michigan taxpayers will be outraged when they hear our elected officials passed a smoking ban that they have acknowledged will cripple our hospitality industry," Binoniemi said, noting that about a third of the state's bars and restaurants -- about 6,000 -- have already voluntarily gone smoke-free.

## Ban expected to save money

The state also could lose about \$27.5 million in tobacco tax revenue from smokers who quit because of the ban, but will save money on medical costs, according to a House Fiscal Agency analysis.

Over time, the ban will reduce smoking by 5 percent to 20 percent; and the state will save \$6.4 million for every percentage point in Medicaid costs that are reduced as a result of the dropoff in smoking, according to the analysis.

Sen. Tom George, R-Kalamazoo, a physician, said cutting smoking is "probably the biggest thing we can do to become a healthier state." Polls show 70 percent of residents support the ban, said Sen. Ron Jelinek, R-Three

"When it comes down to it, it's just something that makes sense for Michigan," said Susan Schechter, directory of advocacy for the American Lung Association Michigan chapter. "It's long overdue."

## Loophole battle emerged

The ban faced opposition from the Michigan Licensed Beverage Association, Detroit bar and restaurant owners and some lawmakers who object to an exemption allowing smoking in the three Detroit casinos.

Proponents of the loophole argued the casinos needed to compete with tribal facilities, where the law wouldn't apply.

Jamaine Dickens, a spokesman for MGM Grand Casino in Detroit, said the exemption prevented 2,100 layoffs at the city's casinos.

Although restaurant owners objected, the ban could help business because nonsmokers will go out more often, said Jelinek, who shepherded the bill through the Senate.

John Colbert, an owner of Baker's Keyboard Lounge in Detroit, agreed. He said he often gets calls from those who ask if the landmark jazz club is smoke-free.

"Health is an issue," Colbert said. "People who don't come now, will probably come."

Others seemed resigned to the ban.

"We fought for so many years, I guess we have lost the fight and need to deal with it and move on," said Toby Brown of Pinz Bowling Center in South Lyon, who worries the law will drive folks away from night-time league bowling. "We knew it was going to happen sooner or later."

[mhornbeck@detnews.com](mailto:mhornbeck@detnews.com)">[mhornbeck@detnews.com](mailto:mhornbeck@detnews.com) (313) 222-2470 Darren A. Nichols contributed.