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100s of Bars & Restaurants

Support for Prop. 188 Swelling Among Alcohol Licensees

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SACRAMENTO—At least 600 to 700 bars, restaurants and hotels are now backing a tobacco industry initiative that would nullify the newly-enacted statewide working place smoking ban.

They contend that the controversial Proposition 188 will give the alcoholic beverage industry much more latitude in how they cater to both their smoking and nonsmoking clientele while putting an end to the various and varying local anti-smoking laws that cities and counties across the state have implemented.

Under Proposition 188, bars would not be regulated, leaving it up to the owner whether smoking should be banned or limited in their establishments.

Smoking sections in restaurants would be permitted for up to 25 percent of the seating capacity if certain ventilation requirements are met and maintained, and signs are posted at entrances indicating that smoking and nonsmoking

seating are available.

Under legislation signed by Governor Pete Wilson on July 21, after Jan. 1, 1995—unless the state's voters approve Proposition 188 in November's election—smoking would be banned entirely in restaurants but allowed in bars for about two years when smoking would likely be banned in bars as well.

Beverly Mathis-Swanson, co-

owner of the One Double Oh Seven bar in Santa Cruz and a spokesperson for the Tavern Owners United For Fairness, called the two-year "smoke 'em while ya got 'em" reprieve for bars a "step in the right direction, but no big win" for bar patrons and bar owners.

Mathis-Swanson believes this because the legislation Wilson signed allows local jurisdictions to retain the even stricter smoking

bans that they have enacted locally.

A State Senate Office of Research analysis reported last month that currently the state has about 270 local anti-smoking ordinances that control smoking in the workplace and/or restaurants.

Opponents of Proposition 188 say 85 local ordinances currently

ban smoking altogether in workplaces, and ban smoking in about 96 restaurants.

The California Restaurant Association, a major cosponsor of the anti-smoking law Wilson signed in July, contends that that law provides a level playing field for the industry and makes it easier

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Prop 188 Gaining Popularity

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to avoid workers' compensation claims over health problems attributed to second-hand smoke in the workplace.

Yet, the CRA does not speak for all restaurateurs.

Jeannette Roache of the San Diego Tavern and Restaurant Association spearheaded a petition drive to dissuade Wilson from signing the anti-smoking law last July. She and her association argued unsuccessfully that the measure was anti-competitive and interfered with business' ability to be flexible in meeting customers' needs.

Roache is the lead signer on the ballot pamphlet arguments in favor of the tobacco industry's Proposition 188, asserting that it not only provides freedom of choice in smoking but also im-

poses strict laws to discourage minors from smoking.

Proposition 188 would also ban tobacco advertising within 500 feet of schools, double the current fines for selling tobacco to minors (up to \$2,000 for the third offense), ban cigarette vending machines in unsupervised areas where minors have access, and make illegal tobacco purchases by those under 18 years of age punishable by fines of up to \$500 or up to 100 hours of community service.

The opponents of Proposition 188, which includes the Parent Teachers Association, the American Cancer Society and the Nurses Association, contend the measure is merely a trick by the Philip Morris Agency and the tobacco industry to promote smoking. Opponents assert that, if passed, an "estimated half million more Californians will begin to smoke."

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