



May 5, 2015

The Honorable Daniel DaPonte, Chair
Senate Committee on Finance
Rhode Island State House
Providence, RI 02903

RE: S 303 AN ACT RELATED TO PUBLIC HEALTH AND WORKPLACE SAFETY

Dear Senator DaPonte and Members of the Committee:

S 303, sponsored by Senator Goldin, would require smoking bar owners to demonstrate on a quarterly rather than annual basis that revenues generated from tobacco products exceed revenues generated from food and beverage sales. The purpose of the legislation is to establish a more effective compliance protocol for those businesses who claim the smoking bar exemption from the Rhode Island Public Health and Workplace Safety Act of 2004 (aka the "smoke free workplace" law). The American Lung Association and the Campaign for Tobacco Free Kids support this legislation and urge your support.

Hookah bars are growing in popularity in our state, particularly in our urban areas and near college campuses. Hookahs are flavored tobacco smoked in a water pipe. The exotic nature of hookah coupled with ignorance about the health risks, make it alluring to youth. In 2013, the U.S. Centers for Disease Control Youth Risk Behavior Surveillance System (YRBSS) began monitoring hookah use among youth. A full 13% of Rhode Island youth report smoking tobacco with a hookah. This is higher than the youth cigarette smoking rate of 8%.

Smoking hookah puts users at risk for the same serious health effects as smoking cigarettes. In addition to causing lung cancer, there is an increased incidence of cancers of the lower lip, esophagus and stomach from water pipe use. Wait staff, bar tenders, other workers and non-hookah using patrons in hookah bar establishments are exposed to second hand smoke that is just as dangerous as cigarette smoke. According to the U.S. Surgeon General there is no safe level of exposure to second hand smoke.

Over the past ten years, the Rhode Island smoke free workplace law has successfully contributed to reducing tobacco related death and disease in RI.

The exemption for smoking bars is defined narrowly and clearly as follows:

23-20.10-2(15) (a) "Smoking bar" means an establishment whose business is primarily devoted to the serving of tobacco products for consumption on the premises, in which the annual revenues generated by tobacco sales are greater than fifty percent (50%) of the total revenue for the establishment and the serving of food or alcohol is only incidental to the consumption of such tobacco products. The establishment must annually demonstrate that revenue generated from the serving of tobacco products is greater than the total combined revenue generated by the serving of beverages and food. The division of taxation in the department of administration shall be responsible for the determination under this section and shall promulgate any rules or forms necessary for the implementation of this section.

The Legislature's intent in the "smoking bar" exemption is very clear: it is for businesses whose primary function is the consumption of tobacco, for example cigar bars; it is not intended for establishments whose primary function is the consumption of food and/or alcoholic beverages, i.e. restaurants or bars that offer hookah pipe smoking in addition to food and alcohol.

A significant number of Rhode Island restaurants and bars have added hookah pipe smoking to their establishments and even though it appears unlikely that they are generating more than 50% of their revenue from hookah smoking sales, to date no establishment has been found in violation of the law.

S 303 will allow for improved compliance and enforcement. It provides common sense measures which are currently missing, such as requiring all hookah bars to register with the Division of Taxation so the State knows which establishments are allowing indoor smoking and can determine if they fit the "smoking bar" exemption in the smoke free law. In addition, the new quarterly reporting requirement would allow the state to pro-actively move on compliance and enforcement issues several times a year instead of yearly. Both of these changes would enable the state to significantly improve regulatory oversight of smoking and hookah bars.

Massachusetts requires hookah bars to submit filings to the state every 90 days.

We urge your support of S 303.

Sincerely,



Karina Holyoak Wood
Public Policy Director
American Lung Association in Rhode Island



Kevin O'Flaherty
Director - Northeast Region
Campaign for Tobacco-Free Kids

Cc: Senator Gayle Goldin