

Mr Chairman and Representatives,

I respectfully request that my testimony to this committee be taken and recorded as being sworn. I also respectfully ask that all parties testifying today do the same. In particular those whom intend to testify as "experts"; further, those making claims of knowledge regarding possessing expertise on business losses in bars under private property tobacco use prohibitions, aka "smoking bans". I challenge those testifying scientific opinion also make known, under oath, to this committee any funding to the organizations they represent, or to themselves, by the Robert Wood Johnson Foundation, Tobacco Free Kansas, the American Cancer Society and/or any group that could be considered a conflict.

My experience in the House Committee on Health and Human Services, on Feb 10,2010, prior to the Statewide ban being passed, where several people who testified, including Dr. Eberhart-Phillips, Dr. Mike Munger, and a representative of the Kansas Health Institute, made statement that were knowingly or unknowingly, categorically untrue. When asked about their claims and whether or not they could be substantiated, they simply could not--and claimed to not have their supporting evidence "with them" that day.

I would request this committee inquire of any person testifying today, who will not testify under oath, to explain why they will not.

I drove a long way here. I am missing work and incurring expensive costs. It is worth it for me as I always thought THIS is where you come for justice and THIS is where people WANT to know the truth. We tried to make sure our elected officials all had this information before but not many listened to us. The paid pro ban lobbyists seemed to get the undivided attention of the majority. Kansas could have learned from the mistakes of other States by investigating all the pro ban claims BEFORE voting, but instead we are doing it the expensive and unnecessary way, learning from our OWN mistake.

I have some facts here I would like to talk about.

1. Tobacco Control proponents, whether inside the Kansas government, or inside these wealthy nonprofit lobby groups, DO NOT want tobacco banned. That would end their grant funding.
2. Kansas gets around \$50,000,000 per year from the Master Settlement Funds, with which it could have honorably bought almost every small family owned bar in Kansas and closed them. That would have ended grant funding.
3. "Advocates" are in schools and out in the public talking about not smoking, "lobbyists" are in this room to lobby lawmakers for legislation.
4. Nonprofits are the most profitable businesses in the world! The Cancer Society is sitting on over a billion dollars in their interest earning account, and pays their CEO \$2.7 MILLION last year. They are not supposed to LOBBY for legislation.
5. Nonprofit foundations are not supposed to be running the KDHE nor the Dept. of Revenue in Kansas. Yet we take their money and Kansas agrees to do what it is told for that money, even when it includes depriving TAX paying, business owning citizens of Kansas, their very property rights!
6. All this hysteria over second hand smoke has caused smoking to look very COOL again to kids and the smoking rate is rising. This is GREAT for anti-tobacco which is funded by promoting Nicoderm, Nicorette, Nicotrol, Nicoderm CQ, and Nicoderm Lozenges. You have to get kids smoking to have your future customers to hound and demonize onto those products!
7. The only future for these groups and their lobbyists is to make darn sure that tobacco is not banned! This "war" on tobacco started when a multinational pharma company bought a bunch of nicotine replacement products. Their latest "war" on obesity started the day they bought Splenda. And using the SAME grant money channels, already established, they are using the same government agencies to try and do to sugar users what they have done to tobacco users. DEMONIZE, ISOLATE, INSULT, DEHUMANIZE! And they have KANSAS PAYING THEM for patches already AND LOBBYING FOR THEM!!!!

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Let me ask you all this question: If tobacco is so bad that we have to ban its use by adults in adult-only businesses, why isn't the Kansas legislature working to ban the sale, use and possession of tobacco? The bigger question is why aren't the American Cancer Society, and all the other prohibitionists trying to ban it? The State of North Dakota tried to back in January, 2003. North Dakota Representative Wes Belter said anti-tobacco groups testified against the bill including the American Cancer Society. Why? Because they would lose lucrative funding an If the American Cancer Society cares SO much about banning smoking in adult quitline services? Isn't that why they get tax exempt status? In fact, in just ONE \$9,000,000[iii] in revenue from quitlines, according to one IRS 990 form.

House Federal & State Affairs

Date: 3-12-12

Attachment #

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The quitline vendor in Kansas [iii] is Alere Wellbeing. According to the American Cancer Society's website[iv], the American Cancer Society's Quit For Life Program is operated by Alere Wellbeing and that the Quit For Life Program serves 600 employers and health plans and 27 state agencies, including Kansas. Should the ACS be allowed to lobby for a law from which they profit? Why wouldn't this be a conflict of interest for the ACS? They are paid by the Kansas Department of Health and Environment.

The ACS has received funding from multiple tobacco-control, prohibitionist organizations like the Robert Wood Johnson Foundation, created by the founder of Johnson & Johnson, funded with J&J stock. Johnson & Johnson owns Nicorette gum, Nicorette lozenges, Nicoderm and Nicoderm CQ. The more smoking bans, funded with RWJF grant money, the more money RWJF and J&J make. Until questioned by States Attorneys General, both the American Cancer Society and American Lung Association were paid annual installments of \$1 million and \$1.5 million respectively for the use of their logos[v] on nicotine replacement products. Tobacco Free Kansas' website [vi] claims funding from RWJF from 1994 - 2003. Tobacco-Free Kids, who interjects their say into adult-only bars, was created [vii] and funded [viii] by RWJF with \$84,000,000 just to start. Americans for Non Smokers' Rights have received 10s of millions of dollars in funding by RWJF [ix]. It's a small return-on-investment since Glaxo Smith Kline, who markets J&J's NRT, issued a press release[x] claiming in January, 2008, 1,000,000 boxes of NRT were sold. What's the average price of patches and gum? \$40? \$50? 2008 was 2 years before Kansas' ban, or Michigan's ban or North Carolina's ban. \$50,000,000 in sales in one month is worth RWJF's investment of grants to anti-tobacco prohibitionists.

Smoking bans are about making money for those who lobby for them. It's about selling nicotine "replacement" products for those who fund the lobbying. Smoking bans in bars are about closing bars. These prohibitionist lobbying organizations are also anti-alcohol. Just search the ACS' website to find over 4,600 anti-alcohol publications. RWJF is a prohibitionist foundation. These non-profits and foundations are nothing more than corporations hiding behind feel good names and tax exempt status. But they are about making money, protecting current funding and guaranteeing future funding. They use biased researchers to conduct flawed studies on the economic impact of smoking bans on bars. Even the CDC exposed their agenda when they issued a press release in November announcing a future economic study on bars with the CDC Director announcing no economic harm from smoking bans in the same press release!

The problem is these nonprofits and foundations don't have their own money invested in the economic future of their organizations. Bar owners do. It's hard enough to wade through the bureaucracy, rules and regulations, this-tax and that-tax when you own your own business. Families put everything on the line, current and future, to take the risk to open a business. They work long, hard hours. What they get in return is nanny organizations that flood legislative members with fill-in-the-blank, mass produced emails from membership lists, many of whom don't even live in Kansas. They stack the deck with "polls" and "surveys" by writing questions to solicit the responses they want or selectively pick daytime hours to call residences because they know moms are home with their young children and that they're the perfect demographic to get the responses they want. We're well aware of the Goliath we're up against. We know their tricks and their intimidation tactics. We know they combine restaurants with bars in studies knowing full well that restaurants outnumber bars 5:1 while restaurant employees outnumber bar employees 10:1. Restaurants sell a person ONE meal. Once that meal is consumed, free refills of coffee prohibit another person from taking that seat to purchase ONE meal. Bars are entirely the opposite and are completely different business models. However, the prohibitionists like to lump them all into the "hospitality industry" category which is as insane as saying the business model for Tractor Supply is the same as for Victoria Secrets because they are both "retail". Like I said, we know their tricks and tactics.

James Madison wrote "What prudent merchant will hazard his fortunes in any new branch of commerce when he knows not that his plans may be rendered unlawful before they can be executed?" It is the Legislature's job to protect the property rights of those who own their properties. Families who invested their life savings into owning their piece of the American Dream did so under one set of rules, only to have those rules changed afterward. How many of these families would have opened a bar had they known they would have to ostracize and alienate smoking customers? What happened with that flood of "new non-smoking" customers bar owners were promised? How long do we wait for them? Why not require the American Cancer Society, American Heart Association, Tobacco Free Kansas and the entire prohibitionist grant funded organizations to compensate any business losses from the smoking ban? They claim there's no economic harm so, with the ACS sitting on over \$1 billion in cash reserves, why not compensate businesses for their losses and they can have their smoking ban?

Since the Kansas Department of Health has also been repeating all this, why shouldn't the State compensate small business owners for their unwilling participation in this "behavioral experiment"?

[i] <http://www.freerepublic.com/focus/news/827172/posts>[ii]

<http://www.cancer.org/acs/groups/content/@finance/documents/document/acsd-005945.pdf> (pg. 11) [iii]

<http://map.naquitline.org/profile/usa/ks/>

[iv] <http://www.cancer.org/Healthy/StayAwayfromTobacco/quit-for-life>

[v] <http://www.jpands.org/vol15no2/correspondence.pdf>

[vi] <http://www.tobaccofreekansas.org/about.php?page=faq>

[vii] <http://www.rwjf.org/programareas/resources/product.jsp?id=18079&pid=1141&gsa=1>

[viii] http://www.rwjf.org/files/publications/books/2005/chapter_01.pdf (pg. 5)

[ix]

http://www.rwjf.org/search/gsa/search.jsp?name=GRANTS&q=American+Nonsmokers%27+Rights&src=sw&search_options=GRANTS

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The 2006 Surgeon General's Report,
The Health Consequences of Involuntary Exposure to Tobacco Smoke effectively ended the debate considering the harm of secondhand smoke – there is no risk-free level of exposure to secondhand smoke.

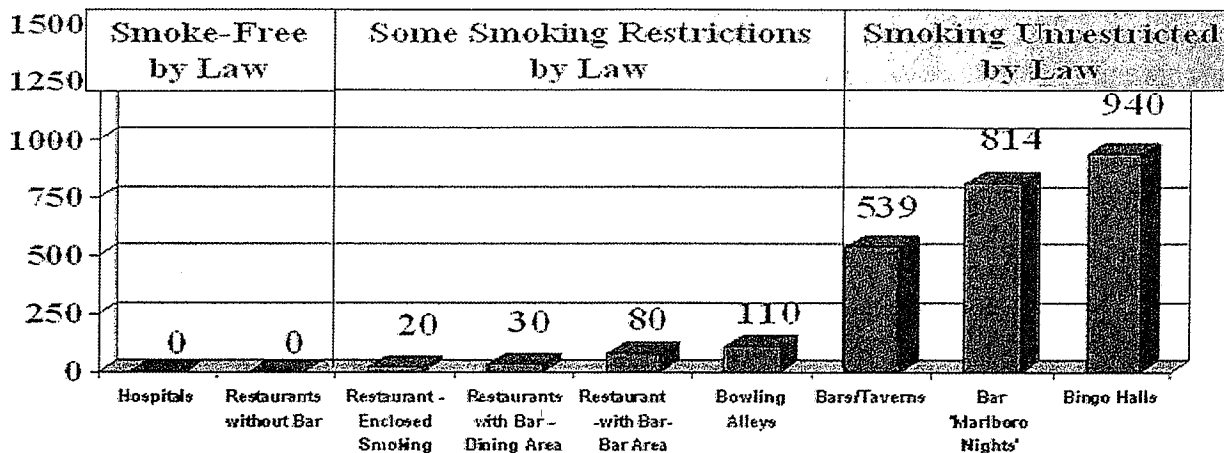
WHAT THE ACS FAILS TO MENTION IS THAT THEY DID THEIR OWN STUDY AND REPORTED:

Clearing The Air

Private pharmaceutical nicotine entities (RWJF / Johnson & Johnson Co.) fund the smoking ban movement in order to promote their financial interests...

Well I am sorry to report that the American Cancer Society conducted air quality testing at several smoking venues which prove the Surgeon General flat out wrong.

Quality of Breathable Air for Western New York Workers: Comparison of Nicotine Particulate Levels in Secondhand Tobacco Smoke



Area AQ testing of SHS funded by the American Cancer Society

■ Average Amount of Nicotine in Nanograms per 8 Hours of Exposure

Take a look at the above table; do you see the 20 reading? It represents a restaurant with an enclosed (separate) smoking area. And the 20 is actually 20 Nano grams, a Nano gram is 10⁻⁹. So.....let me put a number to that Nano gram for you: 0.000000020 of a gram/cubic meter was the secondhand smoke concentration for the restaurant with the enclosed smoking area. Which is 25,000 times SAFER than OSHA regulations for the secondhand smoke measured airborne component. Thus the American Cancer Society destroys the Surgeon General's and RWJF (Nicoderm) funded James Repace argument that separation and ventilation don't work.

The Surgeon General can stomp his feet, and scream at the top of his lungs...like a little Napoleon "....because I said so....." all he wants. But it doesn't change the facts.....and the facts show he is telling a bold faced lie to the American public.

UPDATE: The above post was later referenced in "The Free Republic" and "Forces"where you can find additional information. <http://www.cato.org/pubs/regulation/regv30n1/v30n1-5.pdf>
Mike Werimont

THESE PRO BAN LOBBYISTS KEEP USING THEIR DEBUNKED REPORTS AND IT'S TIME FOR THIS TO STOP!
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I have asked the Dept. of Rev repeatedly for information on bar records. I have been told they don't KEEP THEM, or I will have to figure things out for myself, or OOPS, that information was just a mistake, or that information would come. (Which it FINALLY did when I had an intense conversation with the Dept. of Rev employee!) I was told they had NO WAY of differentiating between a Red Lobster and a neighborhood bar! If Dept. of Revenue employees have their own opinions on smoking bans, they should LEAVE THOSE OPINIONS AT HOME!

So I have done what I could in spite of them to get the truth for this Committee.

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CLOSED CLOSED CLOSED CLOSED CLOSED CLOSED

Racks, Salina, Bruff's, Emporia, Lola's, Wichita, Arena, Wichita, Bootleggers, Salina, Bowling Alley, Hutchinson, Harry and Ollie's, Wichita, Crossroads, Wichita, Triangle, Wichita, VFW, Salina, VFW, Lawrence, Cruisers, Liberal Sunset Billiards, Salina, Rendezvous, Salina, R Bar, Hutchinson, Pat and Bros, Wichita, Charlie's, Wichita, Mary's, Wichita, Rock and Roll Tavern, Hutchinson, Lucky Dogs, Topeka, Frances O 'Dooley's, Topeka, CP's Branding Iron, Topeka, Sharkey's, Topeka, Seabrook Tavern, Topeka, Horton's Pub, Horton, Southern Bowling, Topeka, Corkey's, Hutchinson, just a few of the many who have closed.

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Claire Mitchell
Clic's Tavern-Hutchinson

We NEED adult only businesses to be exempt from the ban. since the ban my business has taken a tremendous loss. Instead of employing the 5-6, I now only employ 1 and that is only 4 days a week. I am now 67 years young but covering all the open hours myself has been very difficult. I have had to move my hours from 4 pm to 6 pm and close early if the flow of business is not there. Beings there are nights with no business, income has dropped tremendously, making monthly payments a struggle. There is no income available to make any daily repairs and therefor the business upkeep is increasingly failing. On the personal side of this disaster my medical upkeep is out of the question as I cannot pay out of pocket expenses and insurance is unaffordable. Have developed osteoporosis but am unable to have the medical care to take proper treatments or checkups as my outstanding medical expenses are being turned over to collections. The medical expenses have also been incurred due to my husband's heart failure in Feb of 2011, which were not covered by Medicare and became out of pocket expenses. We are certainly unable to afford medical coverage on the open market.

My business has taken at least a 47% drop since the ban went into effect. My patrons just stopped coming in because of the nuisance of having to leave their comfortable atmosphere inside, to go outside to have a smoke, which is one of the reasons they had come in for relaxation. This ban has no longer made their visit relaxing or enjoyable.

I should have the right to make my business what the patron wants, CASINOS are allowed the choice. I pay my taxes and I am a registered voter.

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March 7, 2012
To whom it may concern,

The smoking ban has forced me to cut back on hours open. To reduce staff. My business revenues are down approximately 40%.

Paul Weigand, owner
Shooters Billiard Club and Restaurant
2726 S. Hydraulic
Wichita, Ks 67216
316-262-0072

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Sharkey's Tiki Bar
5217 Southwest 28th Court
Topeka Kansas
and
Capitol City Amusement
1424 SW Oakley
Topeka Kansas

My name is Ernie Jolly. I opened Sharkey's Bar in 2007. It was a 4,000 foot sports bar/ billiard hall. I was open 7 days per week. I had 25 employees. My business did well until the City of Topeka passed its smoking ban six months prior to the statewide ban. I went from 5 employees per shift to 2, on average. I closed this business in July 2011 due to lack of business. For the last 16 months in operation I had to take money from my other job to cover the expenses of my bar. My bar produced around \$24,000 in tax revenue to the State yearly, prior to the ban.

I invested \$25,000 in remodeling the first year. After the second year I had paid off the startup and was beginning to show good results for my hard work and time, and then the smoking ban hit. After a year and a half of trying to pay the bills post ban, I finally accepted defeat, laid off my few remaining employees, and locked the door behind me.

Exempt adult only businesses from the ban or ban the selling of all tobacco products!

Capitol City Amusement is the vending company that I have owned and operated since Jan 2007. I did business with 15 taverns and 2 bowling alleys prior to the start of the ban. Now I service 10 bars and 0 bowling alleys. My revenue is down over 50%. The two bowling alleys closed after the ban, as did 5 of the bars.

I am trying to survive on the vending business revenue.

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I am a 38 year old man. I have worked very hard to start and run two businesses for myself, after working for others for 15 years. I am still running one business I started despite the bans devastating effect on it. If we can get adult only businesses exempted from the ban, I can resume business growth, create jobs, and produce tax revenue. I have no options for growth if I do not have a choice.

Ernie Jolly
785 221 6634

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My name is Julie Crow, I am the owner of Julie's Passtime Bar, 424 S. Washington, Wellington Ks. I have owned this adults only business for four years I pay sales tax, liquor taxes, property tax, and employment tax.

The first 3 years were very good and I was able to put some money into savings.

Since July 1st 2012 sales have continued to fall to critical levels. I have exhausted all my saving to stay open this far, hoping that the state would come to their senses and allow adult businesses to make their own decision on whether or not to be a smoking, tax paying business. I know my smoking customers will return if you make the right decision to allow me to declare my business a smoking business. I don't allow kids under 21 in my business now, so there should be no reason that my customers shouldn't be allowed to smoke in the bar.

My husband has been laid off, so now we have no health insurance for the first time in 30 years. If my business was at the level it was before the smoking ban, I could afford to buy insurance.

I think if the state allows smoking in the casino same choice to allow smoking in my business. I can show you numbers since July 1st that I have lost 45% of my gross sales.

If the smoking ban is not reversed I am not sure how long I will be able to keep my business open. This will mean less tax money for the state and more unemployment for me and my employee's. I hope you will make the decision to respect MY decisions about my property, and allow me to continue to send you tax revenue!

Thank you for taking the time to read my letter

Julie Crow

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R BAR HUTCHINSON CLOSED

March 7, 2012

To Kansas House and Senate Officials

I bought an established bar, the R Bar, in Hutchinson , Kansas , in September 2010. (I closed it in October 2011.)

This business had been in operation for 40 years prior to my buying it. In that time, smoking was allowed, and the bar was one of the busiest in Hutchinson . I purchased the bar just after the smoking ban was enacted, but since I was told that "smoking bans were good for business", and the nonsmokers "would replace the smokers", and that smokers did not mind going outside", I thought I would do fine.

I did some remodeling and opened the doors, and the regulars did not come in, the nonsmokers did not come in to replace them, and now the building sits empty on Fourth Street .

I lost my investment, the State lost the tax revenue, and I, who was very proud to own my own business, am now working for a collection agency.

If I had been allowed the choice, after my attempt to attract the nonsmokers, to allow smoking in my adults only business, I would be running my own business today.

William Miles Everhart
34 Sunset Street
Hutchinson, Ks. 67502

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BK AMUSEMENT COMPANY JUNCTION CITY SERVICES BARS DOWN 12%

Re: House Bill 2690 to restore bar owners' right to decide whether to allow smoking, testimony NEXT MONDAY TUESDAY OR WEDNESDAY

Wednesday, March 7, 2012 2:57 PM

From: "admin@bkcoin.kscoxmail.com" <admin@bkcoin.kscoxmail.com>

To: "sheila martin" <anono1955@yahoo.com>

Hi Sheila,

As far as my own business losses are concerned- I've been able to determine the actual losses to my business, due to the ban, is at 12% currently and I'm not happy about that.

-Rob Blanken
Owner BK Amusements
417 North Franklin
Junction City, Ks 66441

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2-5

Robert Queen
Liberty Lounge
Hutchinson

My tavern has suffered losses due to the smoking ban. I now close at 10 PM, when before the ban, I had business until midnight. I bought this bar in 1995, and I feel that I know how best to operate it and how to produce revenue for myself and for the State! When I bought my business this was still a free country. What happened to Kansas?

Bob Queen

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Published 3/4/11 Hutchinson News

Smoking ban overkill

Eight months since it took effect, the local jury is in on Kansas' statewide smoking law. It has hurt sales at some drinking establishments -- no doubt, in turn, hurting state and local sales tax receipts -- and it was doubtful that it stopped anyone from smoking or saved many from exposure to secondhand smoke.

In a story in the Sunday, Feb. 27, editions, The Hutchinson News found that sales are off significantly for Hutchinson and Reno County bars since the law took effect July 1.

Some of it can be blamed on the economy. Business for bars already was down. But since July 1, business remained down for Reno County bars -- down 13 percent from the year before -- while restaurants have enjoyed 6-percent revenue growth.

Restaurants already were smoke-free by ordinance in Hutchinson. It worked well, protecting nonsmokers when they wanted to dine out while allowing some bars to cater to smokers. The statewide law, however, extended the smoking ban to bars.

Reno County bar owners report that with the new smoking ban they simply lost much of their clientele. They believe that smoking customers are staying home more or socializing at friends' homes.

The smoking ban may prove good for Hutchinson's lone bowling alley, though the owner doesn't think he has attracted anti-smokers to the lanes yet. Meanwhile, for bars that catered solely to a smoking clientele, they are struggling to re-establish themselves as venues for nonsmokers.

This isn't to say that the smoking ban law wasn't a noble effort. But it was heavy-handed to do as a blanket policy statewide. Especially when local governments, such as Hutchinson's, seemed to be doing just fine fashioning their own local ordinances.

Any statewide law should have established a lower threshold -- such as limiting the ban to eating establishments -- and let locals decide whether to go further. One outspoken club owner in Hutchinson proposes another alternative -- allow bars that want to be smoking establishments to purchase an additional license for that.

Such approaches balance rights of nonsmokers with free enterprise, creating an environment where people can choose whether to patronize or work in a bar that allows smoking. That is the way it was working in Hutchinson, where smokers and nonsmokers had a choice and where the more-far-reaching state law wasn't necessary.

By John D. Montgomery/Hutchinson News Editorial Board

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State law has been taking fiscal toll on local venues

By John Green - The Hutchinson News - jgreen@hutchnews.com

Since a statewide smoking ban took effect last summer, Delynn Mowat said she's seen sales plummet some 40 percent at her East Fourth Avenue bar.

At Clic's, a Second Avenue night spot popular with pool and poker players, owner Clara Mitchell said revenues are down 47 percent.

Though several other Hutchinson bar owners say they've not witnessed such impacts, state tax numbers do show drinking establishments in Hutchinson and Reno County overall took a significant hit last year.

The result, the bar owners said, has been layoffs, reduced hours and a substantial drop in sales tax revenues flowing into city, county and state coffers.

The smoking ban can't be blamed entirely for the decline, since sales were down significantly before it became the law. But a look at restaurants that serve alcohol indicates the smoking ban is having an impact.

Local restaurants mirrored the substantial drop in sales through the first half of the year. Sales tax figures, however, show restaurants have recovered since August, while stand-alone bars have not.

For the year, revenues in drinking establishments are down 33 percent, according to figures from the Kansas Department of Revenue. Since July, revenues are down 13 percent from the same period a year ago.

Restaurants, in contrast, saw declining revenues through the first six months of the year, but since August reported a 6 percent growth in sales.

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Smoking ban blamed for fizzling lottery sales

The Associated Press

WICHITA - Kansas Lottery sales remain flat at a time when other states are seeing big increases, including 17 that set records last year.

Wichita-area retailers blame the Kansas slump on a weak economy and a statewide smoking ban that went into effect last year.

The Wichita Eagle reported Kansas sold \$232.4 million in lottery tickets in fiscal year 2011, which ended June 30. That was down from \$235.4 million in FY 2010, but slightly higher than \$230.5 million in 2009. The state's all-time high was \$240 million in 2007.

Meanwhile, a USA Today analysis found that 28 of 41 state lotteries had higher sales in FY 2011 than in the previous year, and 17 -- including Missouri, which hit \$1 billion in sales for the first time -- set records.

Michael Choi, who owns the top Kansas Lottery outlet, Heritage Restaurant in south Wichita, estimates his lottery ticket sales have dropped 15 percent in the past few years. They were hurt even more by a fire that closed the restaurant for four months.

Choi blames much of the drop on the smoking ban. He said smokers now spend longer amounts of time outside, reducing the time they spend indoors playing lottery games.

"They usually come in and smoke cigarettes and sit down and play the lottery," Choi said of customers. "Now they can't smoke inside, so they have to keep walking in and out. That really hurts lottery sales.

"The economy is down, too, but most of the reason is the smoking ban."

Sales of Keno tickets and the multi-state Powerball and Hot Lotto games took the biggest dive in Kansas last year.

Dennis Wilson, the Lottery's new executive director, said Keno sales fell nearly 10 percent from last year. He said the smoking ban and the unwillingness of some retailers and clubs that distribute tickets to meet Americans with Disabilities Act requirements contributed to that decline.

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From: The Emporia Gazette <newsroomeg@yahoo.com>

Subject: Smoking ban story

Date: Thursday, July 30, 2009, 1:12 PM

After the Ban

BY RUSS MORGAN

morgan@emporiagazette.com

Whether it's the faltering economy, the time of year, the effects of Emporia's new smoking ban or a combination of the three, Emporia's bar business is suffering. "It's serious," said Keith King, manager of King Liquor. King distributes to several area bars and restaurants. "I'm really afraid some of the bars aren't going to make it. Our wholesale is just way off." King said his wholesale business is down about 35 percent, a drop that, he said, happened suddenly after the smoking ban was passed. "It's definitely the smoking ban," he said.

Steve Corbin, owner of Town Royal at 405 Commercial St., said business at his bar is down 25 percent since the smoking ban passed in early April. "I know a lot of it is the economy, but the drop in May, which I just filed my taxes for, was \$6,290 less than April," Corbin said. "I'd say about \$2,000 of that is because of the smoking ban." Corbin's sales have been steadily declining since April, and the recent drop is the biggest he's seen, he said. The Town Royal's gross sales for April were \$25,564; in May the gross sales were \$19,274. "Some of that is because school's out and we go through this every year at this time," Corbin said. "It usually drops a little, but not 25 percent."

Corbin, who relies mostly on regulars for business, said many of those regulars still come in but they don't stay as long and they don't spend as much as they once did. "I've got regulars who still come in but only spend about half what they used to," Corbin said. The story is the same for Bruff's Bar and Grill, 2640 W. 18th Ave.

"We haven't really had to lay off anybody yet, but hours have been cut and everybody's tips are down because people aren't staying as long," said Bruff's manager Sandy Bastin. "People come in and eat and then leave right away instead of sticking around and having that one extra round."

Bastin said sales at Bruff's are down 30 percent this May compared to last May. Bastin attributes a little of the drop to the economy but said the smoking ban has played a part, too. "I'm sure the economy is a small part of it, but there are customers we haven't seen since the ban was enacted," she said. Like Corbin, Bastin said the sudden drop in business is the biggest she's seen. Corbin said if things don't pick up he may have to take drastic measures.

"We usually start picking back up in July and August," he said. "If I don't see an increase then, we are going to cut hours or wages or something. I hate to cut someone out of a job. I hope it doesn't get to that."

One bar that's seen perhaps the biggest drop in business is one that went smoke-free a month before the ban was voted in.

S.C. Dixon, co-owner of the Noose at 323 Commercial St., said business there is down 40 percent from last July. "We had regulars we have not seen since the ban passed," Dixon said. "When the ban was being debated, we kept hearing all

these glowing reports about how all of these people would come in and enjoy the smoke-free bar, and you know what? Where are these people?"

Dixon, who was a vocal opponent of the ban from the start, said if business doesn't pick up the bar might have to limit the number of days a week it is open.

"When this bar was the Lariat, its claim to fame was that they were open seven days a week, 365 days a year. Now we're talking about being open four, maybe five, days. So somebody's going to lose their job."

Dixon said the drop in business isn't because college is out, either. "I've been in business 33 years. I know what said. "Here's the deal – college was out last July, and yet our sales were almost double what they are now. ... The college kids don't even play into our figures anyway. We're a neighborhood bar. We had people who came in to see us multiple times a week and they are not here. "And there's nobody to replace them."

The only places King hasn't seen a drop are Montana Mike's and Applebee's. Montana Mike's already was a smoke-free restaurant, and at Applebee's, smoking was restricted to the bar area. "All the bars that are not eating establishments are down drastically," King said.

He added that he is taking measures to cut overhead, such as leaving open positions unfilled. "We have not replaced a lot of employees. At one time we were up to seven employees, but basically we're down to four. "It's a very, very bad deal," King said.

Migration

But the loss of sales in Emporia is benefiting businesses outside the city limits. Jena Johnson, owner of the New Breck Cafe in Americus, said she has seen a 30 percent jump in business recently. "Business is up," Johnson said. "We're not advertising it, but people that know about it, they know that people can smoke at the bar until 9 and then after the kitchen closes they can smoke anywhere. "The New Breck has been seeing a lot of Emporia faces since the smoking ban passed, Johnson said. "We've had to order in some special alcohol products for that," she said. "You can pretty well tell the Emporia people because we're not used to them being here. "We've got our regulars and then we've got an influx of people we're getting to meet and know. They're willing to drive the extra eight miles up here so they can have their choice." The same holds for TK's Bar & Grill in Hartford. Kimberly York, who co-owns the business with her husband, said business has picked up from 10 to 20 percent since the smoking ban passed.

"A lot of them say that they specifically drove out from Emporia for the fact that they can relax and smoke cigarettes," York said. "My city council still believes it's a legal substance. It's a matter of choice," she said, echoing one of the arguments opponents of Emporia's ban used when the ban was under debate.

Emporians have migrated to Olpe, too. Paula Lambert, manager of Dog Gone Bros. Saloon, said business has picked up there as well. "I've had people say that specifically that's the reason they come down here, is the smoking ban," Lambert said. "We had a huge influx of people right after the ban, and we still have regular customers that weren't regulars before."

The slowdown in Emporia hurts more than the liquor distributors, The Noose's Dixon said. "No one understood the trickle-down effect," he said. "We would spend maybe \$150 every other day at Reeble's because we don't just sell alcohol. We sell food, we buy fruit for the drinks. We're not spending anywhere near that now. We're spending half that."

Dixon said he and Bernie Toso bought the former Lariat because it was the oldest bar in Emporia and it was closing. If the ban had been in effect then, they wouldn't have bought it.

"In many ways, had we known what we were getting into, if we had seen this coming from back then, it would be an empty storefront," he said.

"And we're going to see some of those, I'm afraid. There are a couple of bars for sale in town. Who in the world is going to buy them?"

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