

May 6, 2009

Dear Tavern League Member:

As I am sure you have already heard an agreement has been reached regarding a Statewide Smoking Ban. We have all worked long and hard on this very important issue and I believe the final package represents the best outcome we could have attained.

Over the past two years more of our Members have experienced municipal smoking bans. Local ordinances varied as did fines and regulations on outdoor smoking. We believe we had to act now or we may have jeopardized the ability for your customers to even smoke outside. We did the best job we could and we hope you can understand and appreciate why we ultimately supported the compromise which contained the two key elements necessary – Pre-emption and a phase in period.

After discussing the potential ban with the Board of Directors, they voted unanimously to support the proposed legislation. The main points contained in the legislation are as follows:

1. Pre-emption: This is a STATEWIDE BAN, after July 5, 2010 there are no local ordinances regarding smoking – only the state law. Municipalities can no longer pass ordinances relating to smoking at licensed establishments and their existing fines and regulations will be pre-empted by the state law.
2. Phase in: The ban will have a start date of July 5, 2010.
3. Outside Smoking: Smoking will be allowed outside your premises and may not be regulated at the local level.
4. Enforcement: Enforcement will be done by local law enforcement.
5. Fines for business owner: No fine may be issued on a first offense. Nor will there be a fine on the owner/bartender if they summon authorities. Second and subsequent violations would result in a fine of \$100 for any or all violations occurring on a single day. Regardless of how many fines a license holder may receive it can not be used as a reason to not renew his/her liquor license.

Had we continued to oppose the smoking ban we could have lost and been forced to comply with the Governor's proposal he included in his budget bill. His bill did not have pre-emption and would have allowed municipalities to ban outdoor smoking. It had \$500 fines for licensees, and would have taken effect this August. Accepting the compromise was a tough decision but given the alternatives I think it was the right one.

It is my hope you accept and support this decision. We must remain strong, we must remain united. Remember, this compromise bill would not have happened without the strong support and commitment of the over 5000 Members of the Tavern League of Wisconsin. We were up against over 40 other organizations supporting the Governor's proposal and we succeeded in making significant changes to the bill to hopefully make it more workable for you.

Sincerely,

Rob Swearingen  
President