

## MONTGOMERY SMOKING LAW

# Ban's Supporters Cite Boom in Business

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Bar and restaurant business has increased in Montgomery County since a ban on smoking went into effect two years ago, according to data released yesterday by supporters of the law.

Council member Phil Andrews (D-Gaithersburg-Rockville) and former council member Isiah Leggett (D), who sponsored the anti-smoking bill, said restaurant sales tax receipts have risen by 19 percent.

In the year before the ban, which started in October 2003, receipts totaled \$57.7 million. That climbed to \$62.1 million during the first year and \$68.8 million the second year of the ban, according to data Andrews and Leggett gathered from the Maryland Comptroller's Office.

"The restaurants are doing well, and the air is safe," Andrews said during a news conference in the County Council building.

"We now see the evidence and living proof of what we started to do many years ago," Leggett said.

Montgomery's smoking ban was

fiercely opposed by the restaurant industry when the council approved it in 1999. But because of court challenges, the law did not take effect until 2003.

Opponents said the new data are flawed because they measure all restaurants, including fast food establishments that have long banned smoking.

The findings also provided an opportunity for sniping between the two leading candidates for county executive: Leggett and council member Steven A. Silverman (D).

Leggett noted yesterday that Silverman had threatened not to vote for the ban without the passage of an amendment delaying its implementation by two years.

Silverman said he voted for the ban in 1999 and again in 2003, but he acknowledged pushing for a longer transitional period. "The idea was to give small businesses the opportunity to transition out," he said.

Leggett's supporters provided reporters with a copy of a 1999 letter sent to Leggett by Douglas M. Bregman, then an attorney for the National Smokers Alliance, urging

the council to vote against the ban. Bregman is now Silverman's campaign treasurer.

"I think he owes an explanation as to why he sought the delay," Leggett said. "I just find it curious that [Bregman] turns out to be his treasurer."

Silverman said his association with Bregman did not influence his position.

"There's no linkage there whatsoever," Silverman said. "He's my treasurer now, and he wasn't my treasurer at the time of the vote."

Four county municipalities, including Rockville and Gaithersburg, ban smoking in restaurants. Other counties, such as Howard, have followed Montgomery's lead. Several states have adopted similar laws, but efforts to impose a state-wide ban in Maryland have failed.

A similar study by New York City, which instituted its smoking ban in 2003, found an increase in jobs, liquor licenses and business tax payments after the first year of its ban.

Melvin Thompson, vice president for government relations for the Restaurant Association of Maryland, called the data mislead-

ing. More than half the county's 1,200 restaurants had voluntarily prohibited smoking before the ban, he said. A better assessment of the law's effects would focus on the restaurants that changed their policies, he said.

"He's trying to credit himself," Thompson said of Andrews. "He sponsored the legislation. He's certainly not going to release data that shows the smoking ban has been bad for business."

The restaurant association released a study last year showing that business in establishments with liquor licenses was stagnant.

Claude Andersen, corporate operations manager for Clyde's Restaurant Group, said business has been down at the bar at Tower Oaks Lodge in Rockville and at Clyde's of Chevy Chase.

"I'm never going to build another restaurant in Maryland," Andersen said.

Andrews said the association is basing its conclusions on anecdotal evidence.

"They're grasping at straws at this point," he said. "But they never want to talk about the health impact of secondhand smoke."