



AMERICANS FOR PROSPERITY K A N S A S

March 11, 2012

Mister Chairman and Members of the Committee:

Americans for Prosperity Kansas supports House Bill 2690. But we take this opportunity to restate our arguments for opposing the statewide smoking ban that this body passed three years ago.

We opposed the smoking ban legislation because it infringes upon business and personal property rights and freedoms.

Kansas citizens can and do choose the businesses and locations they visit.

And in fact, the marketplace was working without government interference. Many Kansas workplaces and businesses had already made their locations smoke-free. They made this decision based on market conditions.

Smoking bans violate property rights. The proprietor of an establishment should have the right to set policies for the use of his or her property. That in essence, is what HB 2690 would allow for although a repeal of the smoking ban legislation would be better. This is fundamental to our economic system. The smoking ban legislation told bar and restaurant owners that the government will determine how they run their businesses.

There is little justification for usurping private property rights by banning smoking in private establishments, when citizens already have the option of visiting smoke-free establishments without such a ban.

Smoking bans are a reckless expansion of government and set a dangerous precedent. While the science of second hand smoke is still disputed, even if it is dangerous exposure is voluntary. Smoke is visible and avoidable. In addition, no employee who wants to avoid smoke is forced to take a job in a bar or restaurant.

Consumer protection is not an adequate justification for smoking bans. Unlike health and sanitation regulations that protect consumers, smoking bans stop an activity that is clearly visible to consumers who can make their own informed decisions. To the contrary, allowing proprietors to determine their own smoking policies has been successful, with restaurants offering separate smoking and non-smoking sections for customers.

Sincerely,

Derrick Sontag
AFP Kansas State Director

House Federal & State Affairs

Date: 3-12-12

Attachment # 11