

**Smoking ban could hinge on election; Corzine has voiced support, Forrester opposition.
A vote was expected this fall, but legislators are now uncertain.**

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TRENTON – In the race for New Jersey governor, whether you'll be able to smoke in a restaurant, a bar or even a casino may be determined by whom you vote for.

Acting Gov. Richard J. Codey has indicated that he wants to have an indoor ban enacted before he leaves office in January.

His plan was to have a vote during the lame-duck legislative session after the November election. A vote before then could create a campaign controversy that many legislative candidates would prefer to avoid.

But with powerful interests, including casinos and restaurants, geared up for a fight, passage this year is uncertain.

"We're going to try for this fall, but it could fall over into the new year," said Assembly Majority Leader Joseph J. Roberts Jr. (D., Camden), who will be among the leaders determining whether a vote takes place. "This remains a thorny issue."

If the issue is deferred, the next governor may be the deciding factor.

The question came up during last month's televised debate between candidates Douglas Forrester, a Republican businessman, and Jon S. Corzine, the Democratic U.S. senator. "I support a ban on smoking," Corzine said. "I would review the casino issue just to make sure that it isn't going to impact, overly, the competitive situation of Atlantic City."

Forrester said he opposed imposing a ban on businesses.

"I think it's best for individual businesses to be saddled with the responsibility of deciding how best to deal with that issue of curtailing smoking," he said.

He added, "I think that it's important that we not hamstring businesses with regard to handling such an important issue that affects their bottom line."

Corzine responded: "I think that answer means that he's not in favor of a ban for restaurants and other places."

The current law allows restaurants and bars to set aside nonsmoking areas voluntarily.

A smoking ban in New Jersey and a similar proposal in Philadelphia seemed poised for votes last spring, but both efforts stalled. The Assembly expressed an unwillingness to deal with the issue, arguing that its members were busy haggling over the state budget.

Health advocates have expressed dismay at the lack of action and yesterday vowed to launch their own campaign for a ban.

"Because resistance from Democratic leaders in the Assembly may leave this issue to be decided by the next administration, the American Cancer Society's Cancer Action Network will be working to make voters around the state aware of candidates' positions on this and other cancer issues," said Alfred R. Ashford, chief medical officer of the American Cancer Society of New York and New Jersey.

Alluding to a 2004 poll by New Jersey Breathes, an antismoking organization, he added: "Seventy-four percent of New Jersey voters favor a smoke-free-air law. As usual, the people are ahead of the politicians on this one. It's time for Assembly Democratic leaders to put the people ahead of the politics and pass the smoke-free-workplace law."

A bill sponsored by Sen. John H. Adler (D., Camden) that would ban smoking in restaurants, bars and casinos is pending. Adler acknowledges the controversy surrounding his bill and introduced it without a ban in casinos in hopes of gaining support. The casino prohibition, with his support, was added in committee.

Roberts, who has been a vigorous supporter of casino interests, said he now supported a ban in casinos, including on casino floors.

"I have given Sen. Adler a commitment that I will work to advance legislation which he cares very deeply about," Roberts said.

In Philadelphia, City Councilman Michael A. Nutter has indicated that he will soon renew his push for a citywide ban.

Antismoking proponents argue that a ban would be good not only for restaurant and casino customers but also for employees, who must endure secondhand smoke.

Casino representatives have warned that a ban could cost the industry 5,000 jobs because of business lost to competitors who allow smoking.

Smoking bans are in place in New York and in Delaware, where smoking is prohibited at racetrack slot parlors. At least five other states, including California, have bans.

The South Jersey delegation appears split on the casino prohibition.

Assemblyman David R. Mayer (D., Gloucester) said he supported a full ban.

"I don't think the economic arguments outweigh the health arguments," he said.

Assemblyman Louis D. Greenwald (D., Camden) reserved judgment.

"I have great concern about the effects secondhand smoke has on people's health," he wrote in an e-mail. "While I lean toward an indoor smoking ban with exceptions for certain facilities, I would have to analyze any proposal and weigh it against the impact on New Jersey businesses and the state's economy," Greenwald said.

State Health Commissioner Fred M. Jacobs, a former president of the American Lung Association of New Jersey, has said that there are 1.6 million smokers in New Jersey, and that 1,000 to 1,800 state residents die each year from the effects of secondhand smoke.