

Testimony by Montgomery County Councilmember Phil Andrews Regarding Proposed Smoke-free Workplace Bills, before the Council of the District of Columbia, June 14, 2005

Since some opponents of a proposed smoke-free workplace law for the District of Columbia have mischaracterized Montgomery County's experience, I am submitting testimony to set the record straight about the impact of Montgomery's Smoke-free Restaurant law, which I sponsored.

The Health Impact

By far the most important impact of the law -- and the reason that the Montgomery County Council approved it -- has been that restaurant workers and patrons are now breathing safe air rather than hazardous air. Given that state-of-the-art ventilation systems cannot make indoor air safe to breathe in the presence of second-hand smoke (according to the American Society of Heating, Refrigeration and Air Conditioning Engineers), indoor workplaces must be smoke-free to be safe. This is as important for public health as the adoption of food safety standards was decades ago. Public officials have a duty -- not a choice -- to protect the public health. The scientific evidence is clear: second-hand smoke is hazardous to human health.

The Economic Impact in Montgomery County in the First Year of the Smoke-free Restaurant Law

Sales tax revenues of county restaurants rose by more than 7% in the first year after the Smoke-free Restaurant law took effect on October 9, 2003, according to data provided by restaurants themselves to the Maryland Office of the Comptroller (see chart). The percentage increase in sales tax revenues of restaurants exceeded that of the other industries combined that pay sales tax in Montgomery County, according to the Montgomery County Department of Finance (see chart).

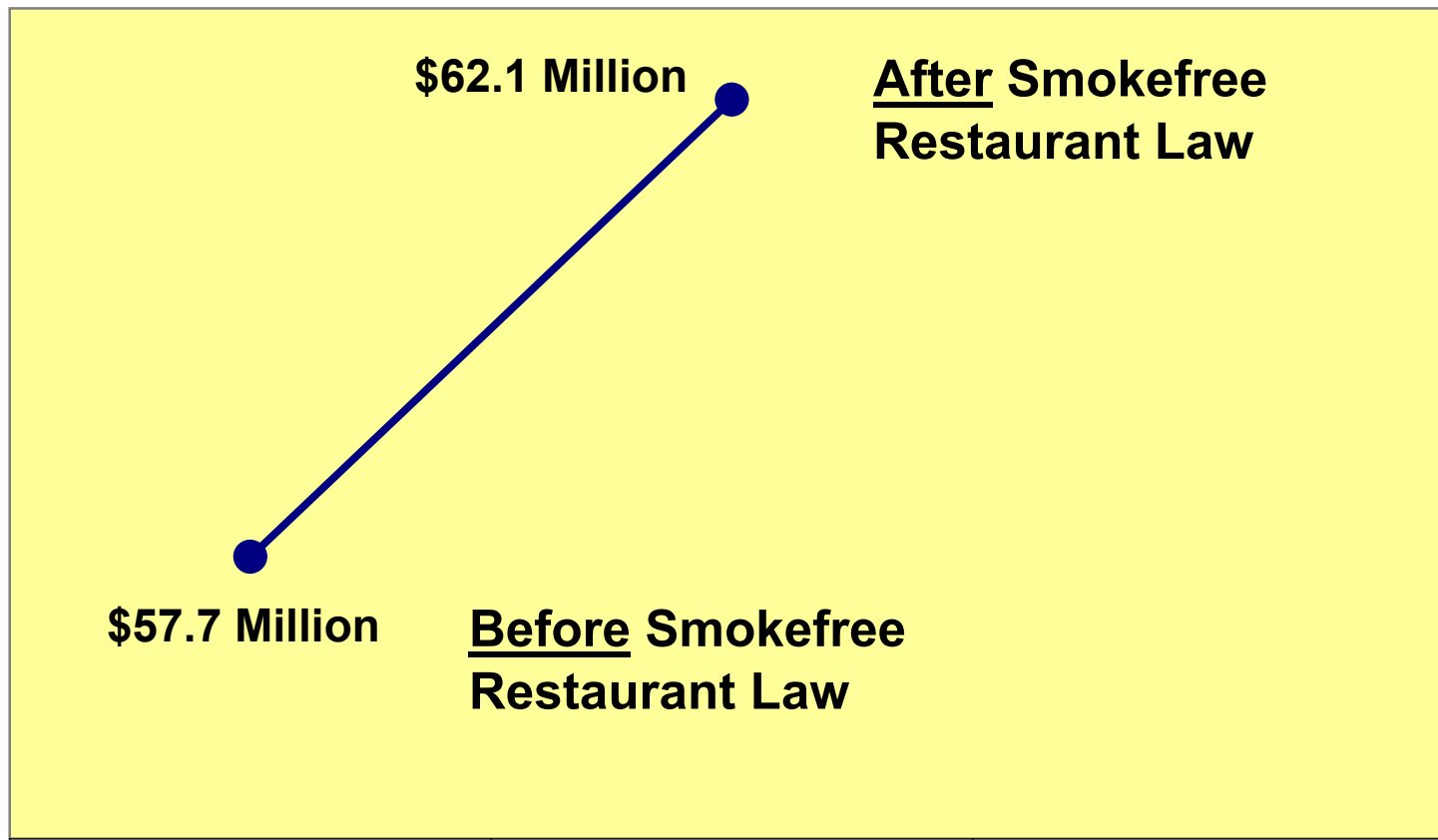
New restaurant applications increased by more than 8% in the first year after the Smoke-free Restaurant law took effect, according to information compiled from the Department of Health and Human Services (see chart). Dozens of non-fast food restaurants have opened their doors for business, indicating optimism among restaurant entrepreneurs (see list).

Revenues from the sale of liquor in restaurants also increased in the first year of the law as well, albeit slightly, according to the Montgomery County Liquor Control Dept (see chart).

In addition, **the number of places licensed to sell alcohol to the public for on-premise consumption increased by 6%** -- from 659 as of July, 2003 (the Council approved the Smoke-free Restaurant law on July 1, 2003) to 698 as of January, 2005, according to the Montgomery County Board of License Commissioners (see chart).

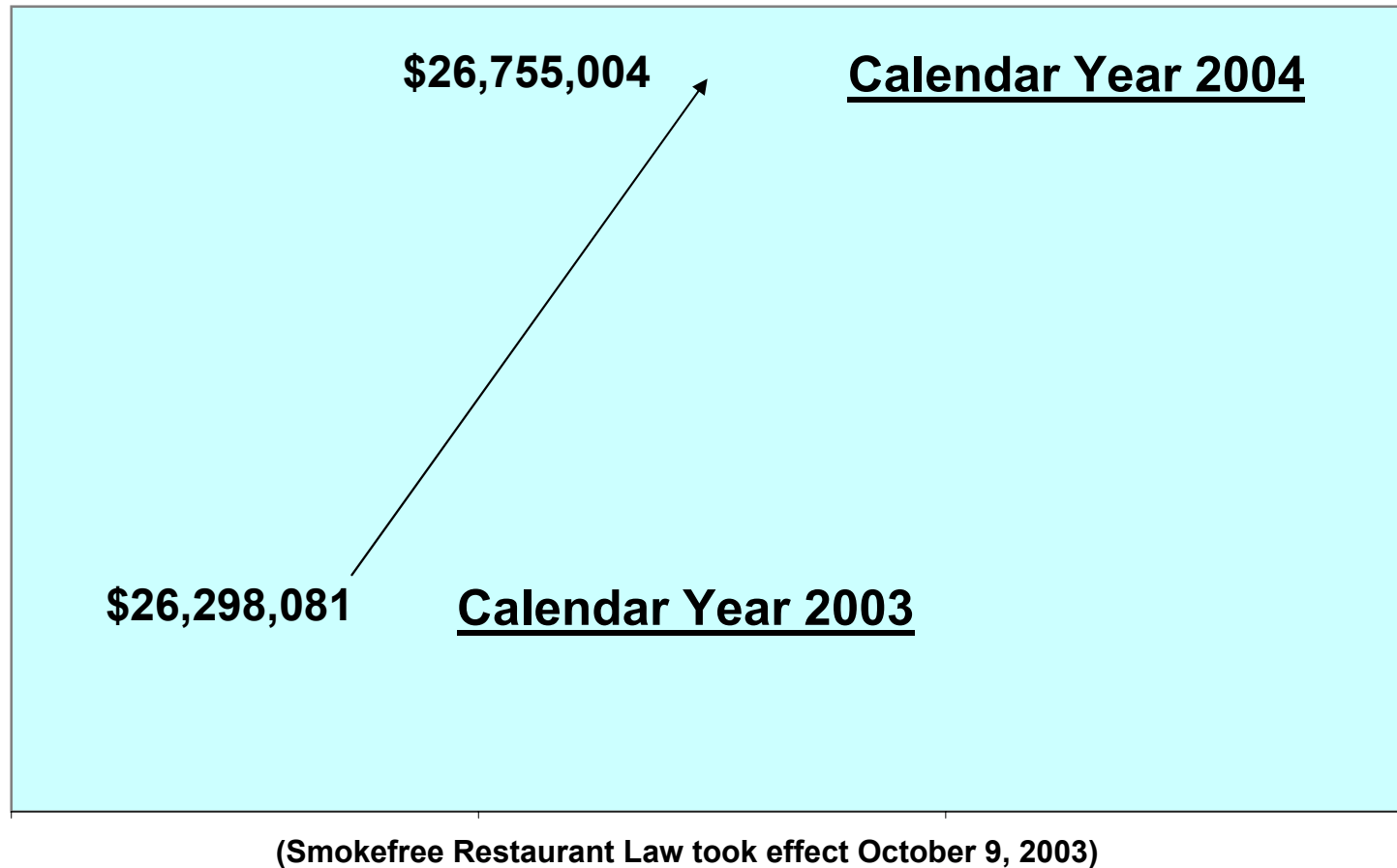
All of this data is objective and verifiable. None of the data is anecdotal or based on unscientific or selective sampling. Thank you for reviewing this testimony.

Restaurant Sales Tax Receipts Up 7.6% in Montgomery County In First Year After Smoking Ban



Oct. '02 thru Sept. '03 compared to Oct. '03 thru Sept. '04
(Smokefree Restaurant Law took effect October 9, 2003)

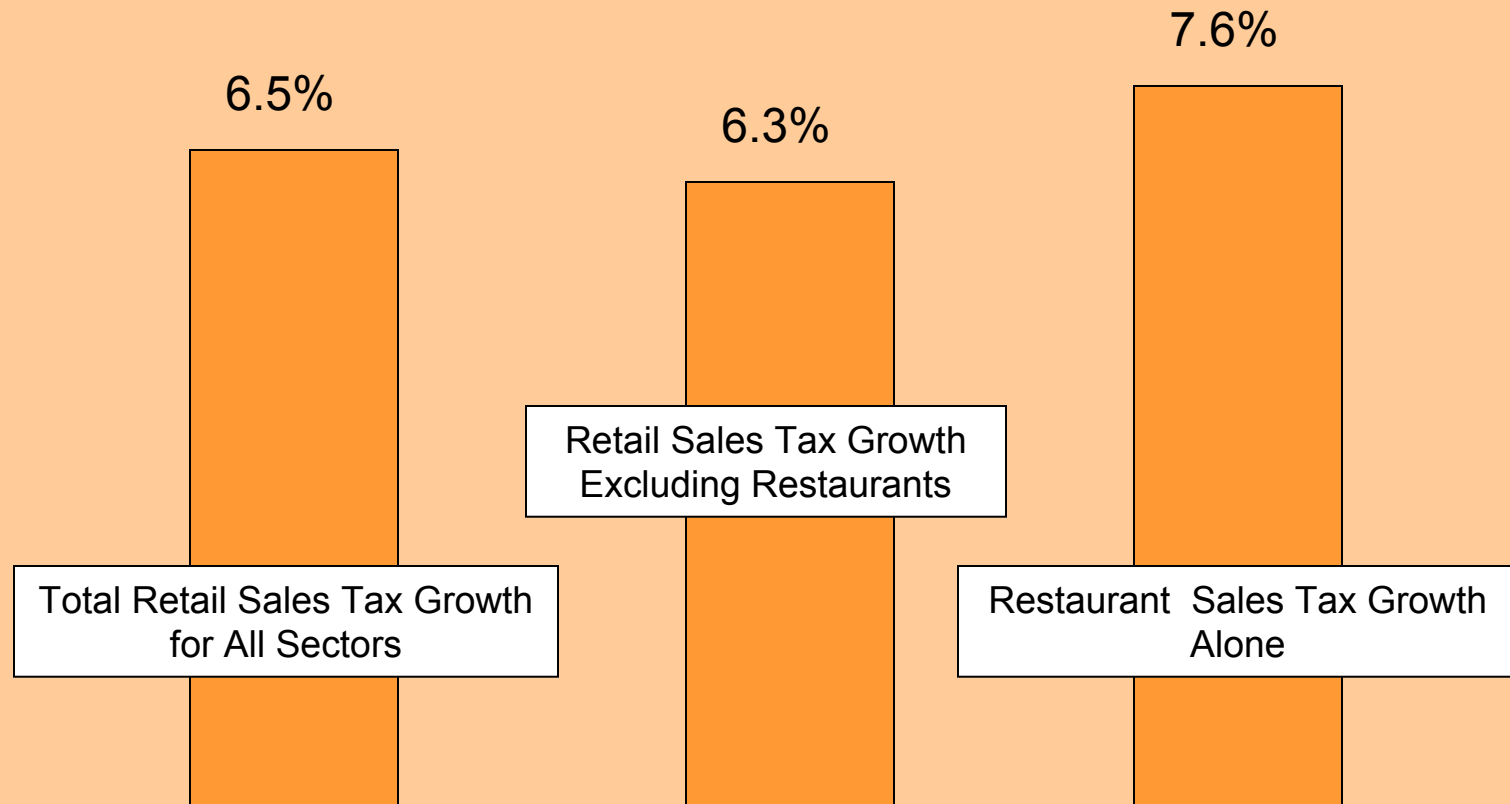
***Liquor Sales Revenues In Restaurants UP
in Montgomery County
in First Calendar Year Since Smoking Ban***



Source: Montgomery County
Dept. of Liquor Control

Restaurant Sales Tax Growth Exceeds Growth for Total Montgomery County Retail Sales in Year After Smoking Ban

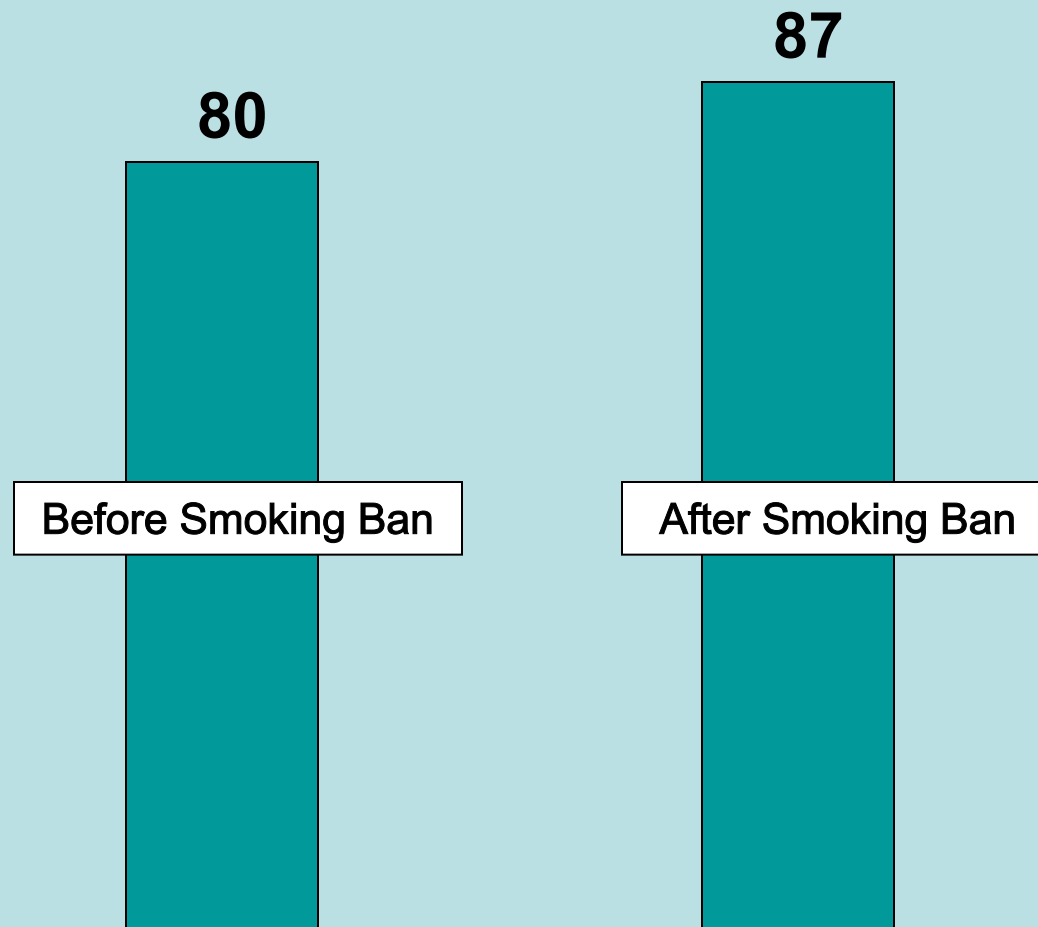
Percentage of Growth Observed by Comparing Oct. '02 through September '03 Sales Tax Receipts with Oct. '03 through Sept. '04



Source: Montgomery County
Dept. of Finance

Restaurant Applications Up 8.7%

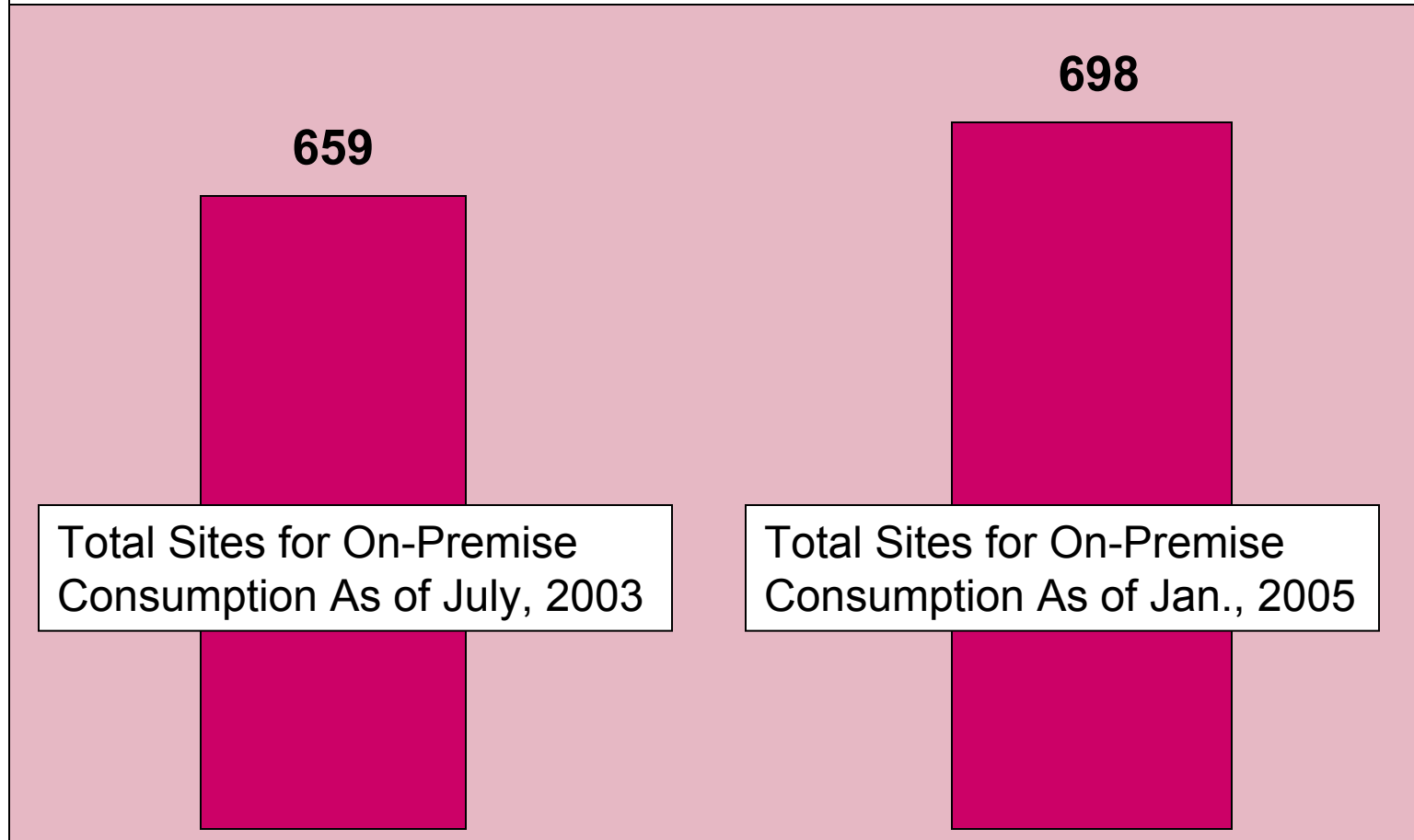
in Montgomery County in First Year After Smoke-Free Law



Oct. 9, 2002 thru Oct. 8, 2003 compared to Oct. 9, 2003 thru Oct. 8, 2004
(Smoke-Free Restaurant Bill Took Effect on October 9, 2003)

Source: Montgomery County DHHS,
Public Health Service, Licensure & Regulatory Affairs

6% Increase in Number of Places Licensed to Sell Alcohol for On-Premise Consumption in Montgomery County



Source: Montgomery
County Bd. Of License
Commissioners

(Council Approved Smoke-Free Restaurant Law 7/1/2003; It Took
Effect October 9, 2003)

Food Service Permit Applicationa
Montgomery County Department of Health

	A	B	C	D	E	F
1	<i>Date of Application</i>	<i>Name of Facility</i>	<i>Plan number</i>	<i>Area</i>	<i>Purpose</i>	<i>Type</i>
2	10/16/2003	Noodles & Company	04-10-47F	10	New	restaurant
3	10/21/2003	Quiznos		8	New	restaurant
4	10/22/2003	Gallery Café		10	New	restaurant
5	10/22/2003	Siena's Pizzeria	04-10-49F	6	New	restaurant
6	10/23/2003	Sarku Japan Sushi Bar		9	New	restaurant
7	11/6/2003	Roy Rogers	04-11-52F	17	New	restaurant
8	11/24/2003	Woodside Deli	04-11-59F	13	New	restaurant
9	11/25/2003	Red Dog Café	04-11-60F	5	New	restaurant
10	11/26/2003	Noodles & Company	04-11-62F	1	new	restaurant
11	11/28/2003	Eddie's Chicken and Subs	04-11-63F	15	new	restaurant
12	12/4/2003	Ziki Japanese Steakhouse	04-12-66F	18	new	restaurant
13	12/9/2003	Shanghai Village		6	New	restaurant
14	12/9/2003	Mama Fu's Noodles	04-12-69F	10	new	restaurant
15	12/10/2003	Jen's Chinese & Japanese Restaurant		18	New	restaurant
16	12/11/2003	Russian Gourmet	04-12-71F	8	new	restaurant
17	12/17/2003	Hughes Shady Grove Café	04-12-75F	16	new	restaurant
18	12/22/2003	Lebanese Taverna	04-12-76F	1	new	restaurant
19	1/5/2004	Red Heifer	04-01-78F	4	new	restaurant
20	1/7/2004	Jai Govinda		9	New	
21	1/13/2004	Giuseppi's Pizza Plus	04-01-83F	19	new	restaurant
22	1/21/2004	El Mexicano	04-01-89F	19	new	restaurant
23	1/21/2004	Jackie's Restaurant	04-01-88F	1	new	restaurant
24	1/29/2004	Tastee Tropics	04-01-92F	2	mew	restaurant
25	1/29/2004	Ambrosia Restaurant	04-01-93F	10	new	restaurant
26	1/30/2004	Bombay Indian Restaurant	04-01-94F	2	new	restaurant
27	2/4/2004	Downstairs Café	04-02-97F	18	new	restaurant
28	2/4/2004	Chick-Fil-A	04-02-98F	1	new	restaurant
29	2/10/2004	Pho Quyen Vietnamese Noodle House	04-02-100F	15	new	restaurant
30	2/10/2004	Tony's Sports Bar and Grill	04-02-101F	7	new	restaurant
31	2/10/2004	Red Rock Café	04-02-102F	18	new	restaurant
32	2/19/2004	Phillips Famous Seafood	04-02-105F	1	new	restaurant
33	2/27/2004	Miss Saigon Restaurant	04-02-110F	19	new	restaurant

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34	3/2/2004	Chesapeake Chicken & Rockin' Ribs	04-03-111F	5	new	restaurant
35	3/4/2004	The Breeze Restaurant	04-03-112F	1	new	restaurant
36	3/23/2004	Taipei Tokyo	04-03-124F	6	New	restaurant
37	3/31/2004	Black Market Bistro	04-03-128F	8	New	restaurant
38	3/31/2004	Mama Lucia	04-03-129F	4	New	restaurant
39	3/31/2004	Noodles & Company		1	New	restaurant
40	4/14/2004	Inka's Chicken and Subs	04-04-132F	7	new	restaurant
41	4/16/2004	Chipotle Mexican Grill	04-04133F	18	new	restaurant
42	4/19/2004	Cafe Mabuhay		17	New	restaurant
43	4/20/2004	Flavors Indian Restaurant	04-04-134F	19	new	restaurant
44	4/21/2004	CiCi's Pizza	04-04-135F	18	new	restaurant
45	4/28/2004	Peking Eastern House Restaurant	04-04-137F	1	New	restaurant
46	5/4/2004	Vignola's Pasta Gourmet	04-05-141F	10	New	restaurant
47	5/6/2004	Five Guys Famous Burger & Fries	04-05-143F	13	new	restaurant
48	5/6/2004	French Quarter Café	04-05-142F	13	new	restaurant
49	5/13/2004	Cluck U Chicken	04-05-144F	3	new	restaurant
50	5/14/2004	Mandalay Restaurant & Café	04-05-145F	1	new	restaurant
51	5/24/2004	Redrock Canyon Grill	04-05-149F	18	new	restaurant
52	5/26/2004	Pollomas	04-05150F	1	new	
53	6/4/2004	Morton's, The Steakhouse	04-06-152F	4	new	restaurant
54	6/4/2004	Steak n Soul	04-06-153F	18	new	restaurant
55	6/8/2004	Don Pollo	04-06-155F	8	new	restaurant
56	6/9/2004	Subway	0406-156F	9	new	restaurant
57	6/21/2004	Caribbean Café	04-06-161F	17	New	restaurant
58	6/29/2004	Milch Masala	04-06-165F	18	New	
59	6/29/2004	California Pizza Kitchen	04-06-166F	18	New	restaurant
60	6/30/2004	Subway	04-05-168F	15	New	restaurant
61	7/7/2004	Polo Campero	05-07-01F	1	New	restaurant
62	7/16/2004	Taco Bar	05-07-07F	18	New	restaurant
63	7/20/2004	Ceviche Restaurant	05-07-10F	1	New	restaurant
64	7/21/2004	Thai at Silver Spring	05-07-11F	1	New	restaurant
65	8/5/2004	Galaxy Billiards Café	05-08-13F	1	New	restaurant
66	8/10/2004	Washingtonian 2		18	New	restaurant

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67	8/12/2004	Silver Fountain Restaurant	05-08-16F	8	New	restaurant
68	8/13/2004	California Tortilla	05-08-17F	13	New	restaurant
69	8/17/2004	Mandalay Restaurant & Café		1	New	restaurant
70	8/17/2004	Subway		5	New	restaurant
71	8/20/2004	Grape Times	05-08-20F	9	New	restaurant
72	8/26/2004	Redrock Canyon Grill	05-08-22F	1	New	restaurant
73	8/27/2004	Pollo Campero	05-08-23F	7	New	restaurant
74	9/1/2004	Potbelly Sandwiches	05-09-26F	18	New	restaurant
75	9/3/2004	Le Palais	05-09-27F	18	New	restaurant
76	9/8/2004	Pansa Llena	05-09-28F	2	New	restaurant
77	9/9/2004	Cuba De Ayer	05-09-29F	3	New	restaurant
78	9/16/2004	West Deli	05-09-30F	19	New	restaurant
79	9/17/2004	Old Homestead Steak House	05-09-31F	5	New	restaurant
80	9/23/2004	Bistro Asiatique	05-09-32F	4	New	restaurant
81	9/23/2004	Thai Taste	05-09-33F	9	New	restaurant
82	9/30/2004	Pho Hiep-Hoa Restaurant	05-09-34F	1	New	restaurant
83	10/4/2004	Bonefish Grill	05-09-37F	18	New	restaurant
84	10/4/2004	Moby Dick	05-10-38F	13	New	restaurant
85	10/5/2004	Baily's Pub & Grille	05-10-41F	13	New	restaurant
86	10/7/2004	India Palace Restaurant	05-10-43F	19	New	restaurant
87	10/8/2004	El-Tipico		19	New	restaurant
88	10/13/2004	Asian Bistro	05-10-45F	1	New	restaurant
89	10/14/2004	Sabor Restaurant		2	New	
90	10/18/2004	Manny's and Olga's	05-11-60F	4	New	restaurant
91	10/26/2004	La Frontera Z	05-10-49F	8	New	restaurant
92	11/9/2004	Bagel City Café	05-11-56F	7	New	restaurant
93	11/19/2004	Chipotle Mexican Grill	05-11-64F	8	New	restaurant
94	11/19/2004	Peruvian Chicken & Steak	05-11-65F	7	New	restaurant
95	11/30/2004	Texas Bar-B-Q Factory	05-11-71F	7	New	restaurant
96	12/3/2004	Pho Real Vietnamese Restaurant	05-12-75F	2	New	restaurant
97	12/15/2004	Negril	05-12-79F	1	New	restaurant
98	12/17/2004	Grand Mama		18	New	restaurant
99	12/21/2004	Southern Wings	05-12-83F	7	new	

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100	12/29/2004	Jerry's Subs & Pizza	05-12-85F	16	new	restaurant
101	12/29/2004	Bourbon Street	05-12-86F	7	new	restaurant
102	12/29/2004	Green Leaf Grille	05-12-87F	7	New	restaurant
103	1/4/2005	The Melting Pot	05-01-90F	16	new	restaurant
104	1/7/2005	Blimpie	05-01-93F	5	New	restaurant
105	1/11/2005	Bamboo Buffet	05-01-94F	1	new	restaurant
106	1/19/2005	Metropolis Express	05-01-95F	4	new	
107	1/21/2005	Goldberg's New York Bagels		8	new	restaurant
108	1/25/2005	Forest Café at Rockledge		9	new	restaurant
109	2/2/2005	Quiznos	05-02-101F	14	new	restaurant
110	2/2/05	Quiznos	05-02-102F	2	New	restaurant