Wednesday February 9, 2011

To: **Members of the Public Health Committee**

From: **Vincent M. Valvo**

Re: **Senate Bill 884, An Act Prohibiting Smoking In Private Clubs**

Position: **Oppose**

In 2003, the Connecticut General Assembly passed legislation prohibiting smoking in enumerated public places. In its wisdom, the Legislature made specific exemptions to the ban that it was imposing. Now, this proposal would unfairly and unreasonably eliminate the exemption for private clubs. I implore the Public Health Committee today to step back from this unwarranted intrusion.

A private club is just that – private. Its confines are not open to the general public. It is run for the benefit of its membership, all of whom have a direct say in its policies, rules and operations. While a restaurant is an open accommodation for anyone wishing to use it, private clubs are not. There is no compunction to be a member, nor stay a member, if someone doesn't wish to be so, or if one disagrees with the majority of the club's members on policies, services, hours – or smoking.

Years ago, when the University Club still thrived on Lewis Street in Hartford, I was a new member there. I asked one of the staff if I could make a copy of an article I saw in a newspaper available at the Club. The staff member complied, but asked me if I'd rather just take the whole paper. I was surprised, and said the paper was the Club's. That staffer was kind with me, but firm, and I vividly recall his admonishment. "This is <u>your</u> club," he said. "That means this is <u>your</u> newspaper. This is <u>your</u> book over here. If you'd like them, they're yours."

I laughed, and told him in that case, I'd take the leather sofa. But his core message sunk in. I was not a patron of a restaurant. I was a member, and that conveyed much more authority on what I wanted.

In this nature, a private club is more akin to a private home than a bar or eatery. This committee would not seek to ban smoking in a private home, because that would be an over-reaching of governmental authority and an invasion of personal freedom.

And yet, we are on that slope. The nature of legislation is that, once passed, the urge is always there to expand the reach. Thus, a bill that bans smoking in restaurants is pushed to ban smoking in private clubs. Wouldn't private homes be an eventual goal, too?

This revision seems unjustified and initiated by no force other than a desire to impose a government mandate further than it was initially intended. Private club members haven't

demanded redress by the legislature. There has been no outcry from clubs that wanted to ban or eliminate smoking that have been prohibited from doing so.

Moreover, this legislation singles out private clubs in its zest to tighten a regulatory fist. Indeed, under this revision, prisoners will have more rights than private citizens who elect to form together under a common bond.

Such a ban inevitably threatens the economic stability of many private clubs, which exist based on membership dues, but who will lose members if their ability to offer this amenity is curtailed. In an economy as fragile as Connecticut, such losses will have a direct ripple effect, forcing such institutions to cut costs – and the first line of cost cutting will likely come by slashing payroll. Others may cease doing business altogether. At a time when Connecticut needs jobs, tax revenue and thriving enterprises, this is not a positive initiative.

The Legislature has a working statute that has no compelling need of revision. Indeed, the proposal before the committee will harm the economy, lead to loss of jobs, and will create an unnecessary intrusion of government into the private lives of its citizens. I call on this committee to reject this proposed bill.

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