

Indiana lawmaker pursues statewide smoking restrictions

Associated Press Report

Article published Nov 14, 2008

Smoking would be snuffed out in almost all enclosed public places in Indiana — including restaurants, bars, bowling alleys and casinos — under a bill a powerful state lawmaker plans to push in the upcoming legislative session.

"It is a public health issue," said Democratic State Rep. Charlie Brown of Gary, chairman of the House Public Health Committee. Brown said his primary aim is protecting the health of nonsmokers who work in places where smoking is allowed.

Brown will have plenty of backing from a coalition called the Indiana Campaign for Smokefree Air, a group of more than 30 organizations that include the American Cancer Society, American Heart Association, American Lung Association and the Campaign for Tobacco-Free Kids.

The coalition held a town hall meeting in Fort Wayne this week to advocate a smoke-free ban in all enclosed workplaces in Indiana, and it plans similar events in other cities across the state, said Tim Filler, the group's grassroots committee chairman.

He said nonsmoking employees who work in enclosed public places where smoking is allowed are being treated like secondhand citizens because they are subject to secondhand smoke.

Opposition mounting

Legislator Brown will face opposition from some powerful lobbying groups, including the Indiana Licensed Beverage Association, which represents about 700 bars, restaurants and taverns. The Casino Association of Indiana, which represents 12 of Indiana's 13 casinos, will at least seek an exemption for casinos.

Both organizations said smoking bans in the venues they represent would hurt business badly.

"Tobacco is a legal product, and adults should be able to enjoy a legal product around other adults," said Brad Klopfenstein, executive director of the Licensed Beverage Association. He called advocates of a statewide ban "prohibitionists" whose real goal is to outlaw smoking.

Mike Smith, Casino Association of Indiana president, said if Brown's bill gains movement, his organization will lobby for an exemption for casinos. He said the

casino in French Lick has a smoke-free area, and he believed most other casinos also had such areas.

Smith said a blanket ban would put a big dent in casino revenues that he said already are sluggish because of the economy. He cited Illinois as an example.

A recent report in Illinois showed that state's riverboat tax revenue slumped from \$685 million to \$564 million during the budget year that ended June 30. Some Illinois lawmakers say the results should prompt a second look at the ban on smoking in casinos.

Illinois lawmakers approved the smoking ban in virtually all indoor public places last year starting Jan. 1. Almost immediately, casinos complained it was crippling their business.

But some lawmakers say the national economic slowdown, along with higher costs for fuel and other goods, are the main reasons for the drop in revenue.

Smokefree trend

There has been a growing trend in recent years for states to enact statewide smoking bans in many public places.

As of Oct. 2, 29 states, along with Puerto Rico and the District of Columbia, have smoke-free laws in effect that cover either workplaces, restaurants, bars, or combinations of some or all of such places, according to the American Nonsmokers' Rights Foundation.

Montana, Nebraska, Oregon and Utah have laws that will take effect next year.

Some states with smoking bans in public places exempt casinos, although neighboring Illinois does not.

There are 36 counties or communities in Indiana with smoke-free ordinances of some kind, and several colleges and universities have smoke-free campus policies, according to the Indiana Tobacco Prevention and Cessation agency.

Previous passage attempt

Brown filed a bill last legislative session that would have banned smoking in most enclosed public places, with exceptions for bars, bowling alleys, casinos and pari-mutuel horse racing venues. The bill got a brief hearing before the House Public Policy Committee, but no vote was taken.

The panel's chairman, Rep. Trent Van Haften, D-Mount Vernon, said it was too big an issue to consider in a short session that was dominated by the effort to pass a property tax relief and restructuring package.

The House approved a provision in the 2007 session that would have banned smoking in most public places. But it was an amendment to a bill that raised cigarette taxes to help fund a major health insurance program, and was removed out of fear that it would derail passage of that measure.

Brown said he has asked House Speaker Patrick Bauer, D-South Bend, to assign his new bill to the Public Health Committee that Brown chairs. Unlike the bill he filed last year, a draft version of the one he plans to push this session would not include exemptions for bars, bowling alleys or gambling venues. He said workers there deserve the same protections against secondhand smoke as employees elsewhere do.

He also said a statewide ban would bring uniformity to the patchwork of local smoke-free ordinances.