

February 18, 2009

## House OKs limited workplace smoking ban

### ***Bars, betting venues excluded from measure***

*By Bill Ruthhart  
bill.ruthhart@indystar.com*

A watered-down version of a statewide smoking ban passed the Indiana House on Tuesday, but its proponents vowed to pressure lawmakers in the Senate to strengthen the bill.

As introduced, House Bill 1213 would have banned smoking in all workplaces across the state, but the version that passed the House includes exemptions for bars, casinos, horse tracks and off-track betting parlors.

HB 1213 would require casinos to set aside 20 percent of their space for nonsmokers and would allow nursing homes to have smoking areas. Restaurants that serve alcohol would have to prohibit customers younger than 18 if they choose to continue allowing smokers, or else ban smoking outright.

The measure now moves to the Senate after the 70-26 House vote. Rep. Charlie Brown, D-Gary, the bill's author, scolded fellow lawmakers for not supporting a stronger ban but still called for its passage. Despite some disappointment, he said, "This still goes a long way toward us taking a step in the right direction to protect our constituents."

Aaron Doeppers, director of the Midwest Region for the Campaign for Tobacco-Free Kids, said his group was unhappy with the exemptions. If the Senate does not strengthen the bill, Doeppers said, he and other advocates of the ban would urge lawmakers to vote against the legislation.

"As it was originally written, this legislation would have taken a significant step forward in protecting people from secondhand smoke in the workplace," said Tim Filler, grassroots director for the Indiana Campaign for Smokefree Air. "This bill as it stands now doesn't make many places smoke-free that weren't already smoke-free."

The legislation would allow local municipalities to adopt stronger smoking bans if they choose. An earlier amendment placing a January 2010 deadline on cities wanting to do so was stripped away.

Rep. Matt Bell, R-Avilla, argued HB 1213 would place undue hardship on businesses during difficult economic times, even with all its exemptions. Bell said it was not the legislature's place to enact a ban, and that businesses should do so based on input from employees and patrons.

"We're not deciding that we're going to make this case on every street corner in our community. We're deciding we're going to ask for a policy to be pushed down from Indianapolis on all the businesses in our communities," Bell said. "I struggle with (the argument) that this is where government belongs in a day and age where, in my community, 14 percent of the people are out of work."

Brown said he would push to eliminate the exemptions as the bill moves to the Senate. He did say the casino exemption was understandable, because eliminating smoking at those facilities would lead to a drop in business -- and state revenue -- given the current economic conditions.

But Brown said the argument for exempting bars was a weak one, and he's counting on his counterparts in the Senate to eliminate it. "I'm hopeful," he said.

If the Senate passes a different version of HB 1213, it would move to a conference committee, where lawmakers from each chamber would work to iron out their differences