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Panel to air smoking-ban bill

Some businesses are seeking exemptions

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INDIANAPOLIS -- Indiana would go smoke-free in all public places -- including restaurants, bars and casinos -- if legislation to be heard in committee next week becomes law.

But House Bill 1213 will face considerable opposition as some businesses try to carve out exceptions they say are necessary to protect their livelihoods.

The bill's author, Rep. Charlie Brown, D-Gary, said he didn't include any exemptions because he doesn't believe anyone should have to work in a smoke-filled environment.

"When people are desperate for a job, they'll take one anywhere," said Brown, who has pushed for smoking bans during past sessions. "That's not right."

But opponents say jobs will disappear if a ban takes effect.

Brad Klopfenstein, executive director of the Indiana Licensed Beverage Association, said bars lose an average of 20 percent to 30 percent of their income when smoking bans take effect. That puts some owners out of business, he said.

"Certainly in these trying economic times, putting people out of work or out of business is not going to be good for (the) economy," he said.

Members of the House Public Policy Committee are expected to hear as much as four hours of testimony at a hearing at 9 a.m. Wednesday in the House chamber.

Doctors, health groups, anti-smoking organizations and others are scheduled to have two hours to make their case that a ban will save lives now lost to diseases caused by second-hand smoke.

Then opponents -- including casinos, restaurant owners and some local government officials who don't want to cede authority to the state -- will have two hours to make their case.

"We're hoping to fill the House chamber with people," said Tim Filler, grass-roots chairman of the Indiana Campaign for Smokefree Air. "We're going to turn out a good crowd so the representatives will see first-hand the widespread grass-roots support that exists" for a smoking ban.

Already, officials in more than two dozen cities and counties in Indiana have adopted smoking bans, including at least nine that include all workplaces, with no exceptions for bars, restaurants or other locations, Filler said. Another eight or so have local ordinances that restrict smoking without outright bans.

But Brown said that patchwork of laws isn't good enough.

"It makes sense to have a uniform law across the state," he said.

Twenty-four states -- including Ohio and Illinois -- have statewide bans. And others, including Michigan, are considering proposals. If Indiana doesn't act soon, Filler said, "we'll get left behind and be the ashtray of the Midwest."

But opponents point to some of those places as examples of why Indiana should not approve a ban. In Illinois, where the statewide ban covers casinos, gambling revenue is down.

A Pennsylvania study of gambling in nonsmoking areas found it was significantly lower than in casinos that allow smoking, said Mike Smith, executive director of the Casino Association of Indiana.

And an analysis by Michael Pakko, a researcher for the Federal Reserve Bank of St. Louis, found that three racinos -- which offer horse racing and casino games -- suffered "statistically significant losses" after the Delaware Clean Indoor Air Law took effect in December 2002.

That's important as casino tax dollars have become an increasingly large part of the state's revenue. Brown, however, is convinced that bar and casino owners can't see through the haze.

"There are 10 times more nonsmokers than smokers," he said. "They may double or triple their business by getting customers who have stayed away because of the smoke."

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