

Pro/Con Analysis of HB 1269 Smoke-free Casinos

For the Health District of Northern Larimer County Board of Directors

Bill Title: Concerning the Repeal of the Casino Exemption from the “Colorado Clean Indoor Air Act”

Issue Summary: Repeals the casino exemption from the “Colorado Clean Indoor Air Act”

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Bill Summary and History

HB 1269 removes the casino exemption from the “Colorado Clean Indoor Air Act” that passed last year. The bill was referred to the House Health and Human Services committee on February 2, 2007. The committee conducted a hearing on February 22, 2007 and passed the bill out favorably by a vote of 8-3. The bill passed House Second Reading on February 26, 2007.

Background:

During the 2006 legislative session, the legislature passed and the governor signed into law the Colorado Clean Indoor Air Act. The Colorado Clean Indoor Air Act prohibited smoking in most public indoor spaces with the goal of protecting the health of both the public and employees by reducing their exposure to secondhand smoke. The Clean Indoor Air Act contained a number of exceptions to the law including an exemption for casinos.

Exemptions to the Colorado Clean Indoor Air Act include:

- Private homes, private residences and private automobiles
- Limousines under private hire
- A hotel/motel room if the total percentage of such smoking rooms in the hotel/motel does not exceed 25%
- A retail tobacco business
- A cigar-tobacco bar
- Enclosed smoking areas at a municipally owned international airport that existed before Dec. 31, 2005
- The outdoor area of any business
- Businesses that are not open to the public that employ 3 or fewer employees
- A private, nonresidential building on a private farm or ranch

No other gaming industries are exempted by the law including dog tracks and bingo parlors. There are approximately 8,000 casino workers in 46 casinos in Colorado who would be affected by the law. Casinos on Native American Tribal lands are not subject to state law and would therefore still be able to allow smoking. The Colorado Gaming Association has no plans to oppose HB 1269.¹

Why is this issue important?

Secondhand smoke is a mixture of the smoke given off by the burning end of a tobacco product (sidestream smoke) and the smoke exhaled by the smoker (mainstream smoke).² According to the National Cancer Institute, secondhand smoke contains an estimated 4,000 chemicals and more than 60 chemicals that have been classified as carcinogens, including

¹ The Denver Post, “Lawmaker Senses Victory in Ban on Casino Smoking”, February 21, 2007.

² Centers for Disease Control. (2005). Tobacco Information and Prevention Source: Secondhand Smoke Fact Sheet. Available online at: http://www.cdc.gov/tobacco/factsheet/secondhand_smoke_factsheet.htm

formaldehyde, cyanide, arsenic, carbon monoxide, methane, benzene, and radioactive polonium-210.³ The U.S. Environmental Protection Agency (EPA) has classified secondhand smoke as a "Class A" carcinogen.⁴

Casino workers are exposed to high levels of secondhand smoke while at work. A recent study found that smoke filled casinos have up to 50 times more cancer-causing particles in the air than highways and city streets clogged with diesel trucks in rush hour traffic.⁵ A study published this month in the *American Journal of Public Health* concluded that nonsmokers exposed to high levels of tobacco smoke on the job double their risk of getting lung cancer. Furthermore, studies show that nonsmokers exposed over long periods of time to lower levels of tobacco smoke had a 50-percent higher risk of developing lung cancer compared to other nonsmokers.⁶ The Surgeon General has concluded that smoke-free workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure.⁷

Reasons to support bill:

- Casino workers are entitled to the same workplace protections that were put in place for all other state workers in the Clean Indoor Air Act.
- No other gaming enterprise was exempted in the 2006 bill. HB 1269 levels the playing field in the gaming industry by extending the same regulations to all gaming establishments.
- State revenue is not expected to be affected by including casinos in the Colorado Clean Indoor Air Act nor are state expenditures expected to change.

Reasons to oppose bill:

- The casinos on Native American Tribal lands will not be subject to this amendment to the Colorado Clean Indoor Air Act so the bill could put the casinos in Black Hawk, Central City, and Cripple Creek at a competitive disadvantage.

About this Analysis

This analysis was prepared by Health District of Northern Larimer County staff to assist the Health District Board of Directors in determining whether to take an official stand on various health-related issues. Analyses are based on bills or issues at the time of their consideration by the Board and are accurate to the best of staff knowledge. It is suggested that people check to see that a bill has not changed during the course of a legislative session by visiting the Colorado General Assembly web page at www.state.co.us/gov_dir/stateleg.html. To see whether the Health District Board of Directors took a position on this or other policy issues, please visit www.healthdistrict.org/policy.

About the Health District

The Health District is a special district of the northern two-thirds of Larimer County, Colorado, supported by local property tax dollars and governed by a publicly elected five-member board. The Health District provides medical, mental health, dental, preventive and health planning services to the communities it serves.

For more information about this analysis or the Health District, please contact Carrie Cortiglio, Policy Coordinator, at (970) 224-5209, or e-mail at ccortiglio@healthdistrict.org

³ National Cancer Institute. (1999). *Health effects of exposure to environment tobacco smoke* (NIH Publication No. 99-4645). Smoking and Tobacco Control Monograph, no. 10. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health.

⁴ U.S. Department of Health and Human Services. Public Health Service, National Toxicology Program, (2000). *Report on carcinogens, ninth edition*. Washington, DC: U.S. Government Printing Office.

⁵ Repace, J., "Respirable Particles and Carcinogens in the Air of Delaware Hospitality Venues Before and After a Smoking Ban." *JOEM*, September 10, 2004.

⁶ Stayner, L., et al. (2007) Lung Cancer Risk and Workplace Exposure to Environmental Tobacco Smoke. *American Journal of Public Health*, 10.2105/AJPH.2004.061275

⁷ U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, <http://www.surgeongeneral.gov/library/secondhandsmoke/>.