

## Activists seek ban on casino smoking

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Faced with increased competition from gaming in other states, Las Vegas hotels and resorts have been less than enthusiastic about an outright ban of smoking in their casinos.

A number of casinos on the Strip and in Las Vegas have tried to accommodate nonsmokers by setting aside smoke-free table games or slot machine areas. But anti-smoking activists say it isn't enough. They want an outright ban on smoking in Nevada casinos.

To update their strategy and message, activists and casino workers will gather for three days of strategy sessions and workshops.

"Casino workers and activists continue to strive toward a smoke-free environment within casinos in Las Vegas," said Karen Blumenfeld, executive director of the Summit, N.J.-based Global Advisors on Smokefree Policy and an organizer of the event, which runs May 9-11.

Blumenfeld was quick to point out that their event would be held at the Marriott, a nonsmoking hotel in Las Vegas.

Virginia Valentine, president of the Nevada Resort Association, said it was an individual's choice whether or not to gamble in a casino.

"We support the rights of individuals to choose smoking or non-smoking venues designed for adults," Valentine said. "Our properties provide both smoking and smoke-free opportunities to accommodate customer preferences."

Blumenfeld expects anti-smoking groups to step up their efforts in the coming months by filing Americans with Disabilities Act claims seeking to force casinos into an outright smoking ban.

The 20-year-old act requires buildings and workplaces to be accessible to people with visible handicaps, but it also offers similar protection for people with breathing problems. Past attempts have failed in Nevada, where smoking is permitted by law in most casino

gaming areas.

But recent changes in the act widen the range of disabilities covered and specify that medical conditions routinely controlled by medication or ones that rarely flare up are covered if they otherwise hamper a person's ability to breathe and move.

The new regulations issued last month by the U.S. Equal Employment Opportunity Commission were mandated by the ADA Amendments Act of 2008 and will take effect May 24.

"It's not a new angle, but breathing problems are exacerbated by secondhand smoke, making it a barrier to access where smoking is permitted," Blumenfeld said.

She cited a New Jersey case in which a former casino employee who said his lung cancer was caused by 25 years of exposure to secondhand smoke at work settled a lawsuit against his former employer for \$4.5 million.

Vince Rennich, who claims to have never smoked a cigarette, filed his lawsuit against the Tropicana Atlantic City in 2006, after he learned he had lung cancer.

Rennich, 52, who had part of a lung removed and now works in a nonsmoking casino in Delaware, was a high-profile supporter of a movement that has curtailed smoking in Atlantic City's 11 casinos where smoking is allowed on only 25 percent of the casino floor.

Blumenfeld isn't satisfied with New Jersey's partial ban. According to the American Gaming Association, a minority of states, among the 22 that allow commercial and racetrack casinos, have implemented outright bans on smoking.

Delaware, Maryland, Illinois and New York are among eight states that ban smoking in all parts of a casino property. Five states, including New Mexico and Mississippi, have no smoking ban.

In Nevada and most other states with casino gambling, the rule is smoking is banned in nongaming parts of the property, except for the casino floor. The Clean Air Act, which was passed by Nevada voters and took effect on Dec. 8, 2006, banned smoking basically anywhere except casinos, bars that don't serve food and brothels.

As a result, McCarran International Airport eliminated its indoor smoking areas. Airport officials have blamed that decision and several other economic factors for the airport's declining gaming revenues.

Since McCarran reported gaming revenues of \$40.9 million for fiscal year 2007, revenues have steadily declined year over year to \$25.7 million in fiscal year 2010.

For the first six months of fiscal year 2011, gaming revenues were \$12.5 million, a 3.2

percent decline from the \$12.9 million for the same period last year.

The decline was also attributed "to the general downturn in the economy" and the "discontinuation of late-night hubbing" at McCarran by U.S. Airways.

Meanwhile, the gathering of anti-smoking advocates comes during a meeting of the ADA National Network, which is being held at Paris Las Vegas. Blumenfeld also said the American Heart Association's annual dinner is scheduled for Saturday at the Mirage.

The American Lung Association's conference on advances on respiratory care is being held next month at Harrah's.

"The number one trigger for asthmatics is secondhand smoke," she said. "Anyone receiving respiratory care should not be exposed to any levels of secondhand smoke."

All three hotels permit smoking. Blumenfeld urged all three health advocacy groups to find other venues.

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