

## Smoking Ban is Inevitable for Nevada's Gaming Industry

*Editorial in the Reno Gazette Journal. April 20, 2010.*

Casino owners in Nevada have good reason to worry that smoking some day will be banned... The question no longer is whether it will happen but when...

Certainly there are potential customers who stay away from casinos and their restaurants because they don't like breathing second-hand smoke, even if they're just passing through on the way to dinner.

The smoke also has an economic impact: Smoke is bad for the electronics that today are the heart of every casino, shortening the life of equipment. It seeps into carpets, furniture, ceilings, wall coverings and other fixtures, increasing cleaning costs and speeding up deterioration.

Most important, however, that smoke is bad for the casino's employees, who are forced to breathe other people's smoke throughout the work shift. Yes, ventilation systems are getting better, but they are not good enough yet, and may never be. That raises health-care costs and eventually is going to result in a lawsuit that costs the casino a lot of money.

If the Legislature doesn't end smoking in the casinos -- which it probably won't -- either the voters or a judge one of these days will.

**Congrats to Michigan on its new Smoke-Free law that went into effect on May 1st!**

## Implementation of the Kansas Clean Indoor Air Act

The State of Kansas launched its new implementation web site, [www.KSsmokefree.org](http://www.KSsmokefree.org), on May 3, 2010 to aid businesses in the transition to becoming smoke-free on July 1, 2010. Below is some information from the Fact Sheet listed on the new web site.

Effective July 1, 2010, smoking will be prohibited in most of the following indoor locations in Kansas: public places, places of employment, restaurants, bars or within 10 feet of entrances and air intakes.

Effective July 1, 2010, businesses will be required to post signs stating that smoking is prohibited by state law .

Fines, for owners/operators and smokers:

- o 1st violation = not more than \$100
- o 2nd violation within 1 year = not more than \$200
- o 3rd and additional violations within 1 year = not more than \$500 per violation. Each individual smoking in an establishment where smoking is prohibited is a separate violation for the business.

The following locations are exempt from the Indoor Clean Air Act:

- o Tobacco shops that derive not less than 65% of gross receipts from the sale of tobacco.
- o Gaming floors of lottery gaming facilities or racetrack gaming facilities.

- o Up to 20% of hotel/motel sleeping rooms.
  - o Designated indoor areas of private outdoor recreational clubs (i.e. golf clubs, hunting clubs) where minors are prohibited.
  - o Designated smoking areas of adult care homes and long-term care facilities
- Class A and B private clubs licensed before January 1, 2009, that notify the Secretary of the Kansas Department of Health and Environment by September 28, 2010, of their intent to allow smoking.

Day care homes third or subsequent violations shall be grounds for suspension of license, certificate of registration or temporary permit.

Effective July 1, 2010, it will be unlawful to sell cigarettes or tobacco products by a self-service display except in a vending machine that is permitted under HB 2221, Sec. 7, subsection (t) or in a tobacco specialty store. This ensures tobacco products are safely placed behind the counter in places where minors may have access.

Where local clean indoor air laws have provisions stricter than the state law, these local provisions will prevail. Where local laws have provisions less strict than the state law, state law provisions will prevail effective July 1, 2010.



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## Outdoor Dining: A Benefit of Local Smoke Free Ordinances

Local smoking ordinances with patio exemptions have been a boom for patio dining options in the KC metro. In April KCFreePress.com ran an online story highlighting some of the best patio spots throughout the metro area.

In Westport the patios and decks abound. Patrons have their choice from McCoy's heavily tree shaded dog friendly porch to Kelly's brand-new rooftop deck.

Taking a walk through the Plaza you would find a plethora of outdoor dining options, the most well known probably being the Classic Cup. One of the newer locations for patio dining is Café Trio's new space on Main which boasts a nice Plaza view while blending seamlessly into the restaurant.

When The Well in Waldo opened last year with a rooftop deck, it became immediately popular with a clear tent top and sides that open to allow a cool spring breeze. Aixios French Restaurant in Brookside offers a hidden gem of a view down to KC's Trolley Track.



*Patio diners in Leawood*

The Cashew in the Crossroads District offers a smaller street side patio. When the weather is nice garage style doors open to the outdoors.

In Kansas City, Kansas a hot-spot among KU Med Students and faculty is Jaywalkers. At the Legends is the Yard House with a patio facing the heart of the shopping center.

Leawood restaurant Zest offers a more intimate patio in the newer dining and shopping area just north of the city park on Mission Road.

In Overland Park and Olathe, Fred P. Ott's offers up great ambiance on their secluded patios. YaYa's at 119th and Nall gives patrons a cozy patio you'd never believe is situated just off the hustle and bustle of the busy intersection.