

Senate Bill 372 guts statewide smoking ban

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Despite plenty of competition, the most cynical piece of legislation introduced during the current legislative session will receive its first hearing in the Senate Judiciary Committee this Friday, April 3rd in Carson City.

Senate Bill (SB) 372 would essentially dismantle the Nevada Clean Indoor Air Act (NCIAA) which was passed by a majority of Nevada voters in November 2006. The audacity of SB 372 is not simply that it would reverse most provisions of the NCIAA, but that it would set back tobacco control and prevention by at least two decades.

Lest you think I exaggerate, SB 372 would:

- Allow separated smoking areas in most public places and “circumstances,” such as grocery stores and restaurants, despite the facts that secondhand smoke knows no boundaries and there is no risk-free level of exposure to secondhand smoke,
- Permit smoking in bars that serve food where smoking is currently not allowed by law (think any sports bar prior to the NCIAA or “the stupid smoking ban” as Bully’s owner Paul Sonner recently put it in the RGJ),
- Eliminate the ability of local health districts and police agencies to enforce smoking laws,
- Remove the ability of city and county governments to pass stronger smoking and tobacco control laws,
- Allow smoking in convention facilities “during certain meetings and trade shows” (presumably the next time the Tobacco Merchants Association books the Reno-Sparks Convention Center), and
- Create a new type of establishment – “adult stand-alone bar, tavern or saloon” – that would allow smoking.

Despite long odds and wide-ranging opposition that included gaming, slot route operators, bar and tavern owners and convenience store owners, the passage and enactment of the NCIAA represents one of the most significant public health achievements in Nevada history.

It is critical to remember that the purpose of the ban was not only to protect children from secondhand smoke, but to protect the general public – including non-smoking patrons of bars and restaurants, employees, and even other smokers – from the dangers of secondhand smoke.

Moreover, the act has empowered local health departments and jurisdictions to enforce and extend provisions embodied in the act to protect the public’s health.

Jennifer Stoll-Hadayia, public health program manager with the Washoe County Health District, argues that provisions in SB 372 gut “the ability of local health authorities to enforce a significant public health law, thus undermining our role as the stewards of good health in our community.”

The stupidity of SB 372 flies in the face of the well established public health and economic costs of tobacco in Nevada.

Despite reductions in adult smoking over the past decade and the recent enactment of the smoking ban in 2006, the Campaign for Tobacco Free Kids reports that an estimated 3,300 Nevadans will die this year as a result of their own smoking – more than the number who will die as a result of alcohol, AIDS, car crashes, illegal drugs, murders, and suicides combined. Another 200 to 600 adults will die as a result of secondhand smoke in homes and businesses exempt from the smoking ban.

In 2008, an estimated 2,800 kids will take up smoking and 47,000 kids under the age of 18 will ultimately die prematurely as a result of smoking. The annual health costs in Nevada directly caused by smoking will exceed \$565 million, including \$123 million covered by the Nevada Medicaid program.

Finally, while it is too early to assess the specific health impacts of the 2006 smoking ban in Nevada, a recent review of research in the journal *Preventive Medicine* noted that at least ten studies in the US and Europe reported a significant reduction in the number of hospitalizations for acute myocardial infarction or AMI in the months following the introduction of regulations banning smoking in public places.

Michael Hackett, who ran the NCIAA campaign in 2006, contends that “smoke-free laws can significantly reduce future healthcare costs because diseases caused by smoking and exposure to secondhand smoke are among the most preventable.” He adds that “repealing the NCIAA will assuredly increase the demand on an already over stressed healthcare delivery system, increase the cost to the state, and ultimately the cost to all Nevadans for healthcare. It doesn’t make any sense.”

As preposterous as the bill’s proposed revisions to the indoor smoking ban appear to be at first blush, the public health community and the majority of Nevada voters who supported the smoking ban would be foolhardy to think that the tobacco industry’s efforts to create the next generation of addicts have ended – this year alone the industry will spend an estimated \$115 million on marketing in Nevada or \$28 for every dollar spent on tobacco prevention and control.

Suffice it to say that the tobacco wars continue and SB 372 must be seen as but the latest salvo in public health’s ongoing battle with Big Tobacco and its friends in the Nevada Legislature.

More information on SB 372 and Friday’s hearing can be found at <http://www.leg.state.nv.us/75th2009/Reports/history.cfm?ID=1008>.

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