

Lobbyists take aim again at the Nevada Clean Indoor Air Act

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Foes of the Nevada Clean Indoor Air Act remain unrepentant in their determination to reverse one of the most popular and influential public health measures in Nevada history.

Current opposition includes legal challenges to the act's constitutionality, efforts by Clark County Commissioners to muddy what differentiates a restaurant from a bar or tavern, and unrelenting legislative attempts to roll back portions of the act.

The eleventh-hour introduction of Assembly Bill 571 Friday afternoon is a reminder that it's not so much the case that the enemies of public health are back – they never left the lobbies of Carson City in the first place.

“Last minute legislation in any legislative session is always difficult for the public to comprehend,” said Michael Hackett, lobbyist for the Nevada State Medical Association and American Cancer Society Action Network. “The common reaction is ‘what are they trying to hide?’ This situation is even worse because the same game is being played at the expense of legislation passed by the voters.”

Approved by a solid majority of voters on November 7, 2006, the Nevada Clean Indoor Air Act prohibits smoking in any form within most indoor places of employment, including all indoor areas of restaurants, as well as bars and taverns that serve food. The act also prohibits smoking in a wide range of retail establishments, including convenience stores, shopping malls, grocery stores and pharmacies, and bans smoking in all government buildings and public places.

It is critical to note that while the statewide smoking ban captures most indoor environments, there are exemptions. Smoking is still permitted in gaming areas of casinos and stand-alone bars, taverns, and saloons that do not serve food.

AB 571 would provide a new exemption to the ban by creating age-specific stand-alone bars, taverns, or saloons that can serve food and allow smoking. Passage of AB 571 would also open the door in the future for restaurants containing a bar to allow smoking.

Proponents of AB 571 claim that bars and taverns need the exemption for economic and enforcement reasons. In Washoe County, compliance with the law has consistently approached 100 percent, and the number of bar and tavern permits issued in Washoe County have been on the rise over the last couple of years.

The enactment of the Nevada Clean Indoor Air Act represents landmark public policy and one of the most significant public health achievements in Nevada history – state law that is, incidentally, more popular with the public than the day it passed. Poll results released earlier this year by the American Lung Association in Nevada found that 83 percent of adults in Nevada support the act, with 65 percent strongly supporting it.

In its brief existence, the ban has already contributed to a significant reduction in hospital admissions associated with second hand smoke, thus improving the public's health and saving Nevada taxpayers and health plans millions of dollars annually. Moreover, smoking bans not only promote and protect the public's health, they also represent a proven strategy to prevent new smokers and to help current smokers quit.

Having lost both the public health and economic arguments, not to mention the support of most Nevadans, opponents of the smoking ban press on in their efforts to weaken the act.

At the end of the day, AB 571 is not only bad public policy, it reflects a stunning disregard for the wishes of Nevada voters and the health of thousands of Nevada workers no longer exposed to the state's most lethal workplace hazard.

“Not only will this expose more people – employees and patrons – to more second-hand smoke, it is unbelievable that the legislature is working to overturn the will of the people,” said Amy Beaulieu, Director of Tobacco Control Policy for the American Lung Association in Nevada.

This latest attack on the Nevada Clean Indoor Air Act is a reminder of the need for vigilance to safeguard and extend the statewide smoking ban, not to weaken it.

To let your Assembly representative know exactly where you stand on AB 571 and any attempt to gut the Nevada Clean Indoor Air Act, visit www.leg.state.nv.us and click on the “Share Your Opinion on Legislative Bills” tab on the right.

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