



Senate

General Assembly

File No. 447

February Session, 2008

Substitute Senate Bill No. 419

Senate, April 4, 2008

The Committee on Public Health reported through SEN. HANDLEY of the 4th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE ESTABLISHMENT OF A COMMITTEE TO FACILITATE AN EXTENSION OF THE BAN ON SMOKING IN PUBLIC PLACES TO CASINOS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) (a) There is established a committee
2 to analyze and facilitate an extension of the state's ban on smoking in
3 public places to casinos. The committee shall consider and review any
4 factors, legal or otherwise, that could impede the state's ability to
5 implement a ban on smoking in casinos. After giving due
6 consideration to such factors, the committee shall take such actions as
7 it deems appropriate and necessary to facilitate the implementation of
8 a ban on smoking in casinos located in the state.

9 (b) The committee shall consist of the following members:

10 (1) The speaker of the House of Representatives, or a member
11 appointed by the speaker of the House of Representatives;

12 (2) The president pro tempore of the Senate, or a member appointed

13 by president pro tempore of the Senate;

14 (3) The majority leader of the House of Representatives, or a
15 member appointed by the majority leader of the House of
16 Representatives;

17 (4) The majority leader of the Senate, or a member appointed by the
18 majority leader of the Senate;

19 (5) The minority leader of the House of Representatives, or a
20 member appointed by the minority leader of the House of
21 Representatives;

22 (6) The minority leader of the Senate, or a member appointed by the
23 minority leader of the Senate;

24 (7) The Governor, or a member appointed by the Governor;

25 (8) The Attorney General, or a member appointed by the Attorney
26 General;

27 (9) The Commissioner of Public Health, or the commissioner's
28 designee;

29 (10) The Commissioner of Consumer Protection, or the
30 commissioner's designee;

31 (c) Any member of the committee appointed under subdivision (1),
32 (2), (3), (4), (5), (6) or (7) of subsection (b) of this section may be a
33 member of the General Assembly.

34 (d) All appointments to the committee shall be made no later than
35 thirty days after the effective date of this section. Any vacancy shall be
36 filled by the appointing authority.

37 (e) The speaker of the House of Representatives and the president
38 pro tempore of the Senate shall serve as the chairpersons of the
39 committee. Such chairpersons shall schedule the first meeting of the
40 committee, which shall be held no later than sixty days after the

41 effective date of this section.

42 (f) The administrative staff of the joint standing committee of the
43 General Assembly having cognizance of matters relating to public
44 health shall serve as administrative staff of the committee established
45 pursuant to this section.

46 Sec. 2. (*Effective from passage*) (a) On or before January 31, 2009, the
47 chairpersons of the committee, established pursuant to section 1 of this
48 act, shall certify in writing to the joint standing committee of the
49 General Assembly having cognizance of matters relating to public
50 health that the efforts of the committee have: (1) Resulted in an
51 agreement that will facilitate the implementation of a ban on smoking
52 in the state's casinos; or (2) not resulted in an agreement that will
53 facilitate the implementation of a ban on smoking in the state's casinos.
54 In the event that the efforts of the committee have resulted in an
55 agreement that will facilitate the implementation of a ban on smoking
56 in the state's casinos, the certification from the chairpersons of the
57 committee shall include the significant terms of such agreement,
58 including, but not limited to, the date on which the ban on smoking in
59 the state's casinos shall take effect.

60 (b) In the event that the chairpersons of the committee, established
61 pursuant to section of 1 of this act, certify in writing that the efforts of
62 the committee have not resulted in an agreement that will facilitate the
63 implementation of a ban on smoking in the state's casinos, then, on and
64 after February 1, 2009, no person shall smoke in any area of an
65 establishment with a permit issued for the sale of alcoholic liquor
66 pursuant to section 30-37k of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section

PH *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Spec. Revenue, Div. of	GF - Revenue Loss	Potential Significant	Potential Significant
Legislative Management	GF - Cost	Minimal	None

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes a committee to facilitate an agreement that extends the state's smoking ban to casinos. The committee must certify to the Public Health Committee, by January 31, 2009, whether its efforts have resulted in an agreement that facilitates such a ban. If they have not, the bill bans smoking in any establishment that sells liquor under a casino permit beginning February 1, 2009.

The smoking ban could significantly affect¹ state revenue from Indian gaming payments and other sources, including alcoholic beverage and cigarette taxes generated from sales at casinos, if the ban: (1) reduces the amount of time that players spend gambling or (2) causes players to choose to visit out-of-state casinos that permit on-premises smoking.

The bill appoints members of the General Assembly to participate on the committee, and requires the staff of the Public Health Committee to provide administrative assistance. The Office of Legislative Management would incur minimal costs associated with

¹ Although a number of states currently have either a total or partial ban on smoking in casinos/gaming establishments, data on the long-term fiscal impact on state revenue is inconclusive. However, the data does appear to indicate that there is a short-term financial impact.

mileage reimbursement of 50.5 cents per mile for legislators participating on the committee.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sSB 419*****AN ACT CONCERNING THE ESTABLISHMENT OF A COMMITTEE TO FACILITATE AN EXTENSION OF THE BAN ON SMOKING IN PUBLIC PLACES TO CASINOS.*****SUMMARY:**

This bill establishes a 10-member committee to facilitate an agreement that extends the state's smoking ban to casinos. The committee's chairpersons must certify to the Public Health Committee, by January 31, 2009, whether its efforts have resulted in an agreement that facilitates such a ban. If they have not, the bill bans smoking in any establishment that sells liquor under a casino permit beginning February 1, 2009. By law, a casino permit covers gaming facilities and other facilities on the same premises, including hotels, restaurants, nightclubs, bingo halls, and convention centers.

EFFECTIVE DATE: Upon passage

COMMITTEE ON CASINO SMOKING***Membership***

The committee consists of the six legislative leaders, the governor, the attorney general, and the public health and consumer protection commissioners. The members can appoint someone to serve in their stead; the governor and leaders' appointees can be legislators. All appointments must be made within 30 days after the bill takes effect. The appointing authority fills any vacancy.

The speaker and president pro tempore (or, presumably, their appointees) serve as the committee's chairpersons. They must schedule the first meeting within 60 days after the bill takes effect.

The Public Health Committee's administrative staff serves as this committee's staff.

Committee Duties

The committee must review any legal or other factors that might impede the state's ability to ban smoking in casinos. After considering these, it must take appropriate actions to bring about a ban.

By January 31, 2009, the chairpersons must certify in writing to the Public Health Committee whether or not its efforts have resulted in an agreement that would facilitate implementation of a smoking ban in casinos. If an agreement has been achieved, the certification must include its significant terms, including the date the ban is to begin.

BACKGROUND**Special Act**

OLR does not analyze most special acts. Although if enacted this bill would be a special act, we are analyzing it because, in the absence of an agreement with Native American tribes, it potentially effects a smoking ban in casinos that would otherwise require a statutory change. The state's existing ban on smoking in public places excludes establishments holding a casino permit (CGS §19a-342).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 24 Nay 6 (03/17/2008)