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*TESTIMONY OF
ATTORNEY GENERAL RICHARD BLUMENTHAL
BEFORE THE PUBLIC HEALTH COMMITTEE
FEBRUARY 29, 2008*

I appreciate the opportunity to support the concept of Senate Bill 419, An Act Prohibiting Smoking in Regulated Areas of Casinos.

The dangers of second hand smoke are well known and well-proven. Second hand smoke kills. It causes all the fatal and intensely painful, costly diseases as does smoking itself because it contains potentially lethal doses of the same toxic and cancer-causing substances. Four years ago, Connecticut prohibited smoking in most places open to the public as well as most work areas. This law has spared millions from undesired and dangerous exposure to this public health menace.

I have been a strong and consistent advocate of banning smoking in all public places. My involvement in this cause began more than a decade ago. I have been proud to help lead national efforts, including our landmark state legal battle, against Big Tobacco. Connecticut has banned smoking in state-run and privately operated gambling facilities such as the OTB parlors. Casinos too should be smoke-free -- to protect patrons and workers.

I am proud to continue this historic public health battle in supporting the anti-smoking fight advanced by Senate Bill 419.

As a matter of policy, I believe all public places should be smoke-free. As a matter of law, I must recognize that public places on reservations belonging to federally recognized tribes have a different status under federal law and principles of tribal sovereignty.

Casinos on reservation lands have a different legal status because tribal ownership raises significant and serious issues of sovereignty, with potentially broad and sweeping consequences beyond the issue of smoking. I have been asked for my opinion on whether a state law -- such as proposed in Senate Bill 419 -- would be permitted under state or federal law and whether there would be impediments to enforcement of such legislation. I will carefully consider all legal aspects of this issue and render an opinion in the next few weeks.

Legislation is only one means of achieving the goal of smoke-free casinos. Another means -- perhaps one that could achieve the goal more swiftly and certainly with less cost and acrimony -- is an agreement between the state and Tribes setting a timeline for prohibiting

smoking. Such agreements are hardly unprecedented. The state and the Tribes have entered into a number of agreements including the Compact under which the casinos operate, and the slot machine agreement. My discussions with Tribal representatives indicate that such agreement is a realistic objective. I understand their concerns about the legal and sovereignty issues raised by this legislation. I am also encouraged by their desire to initiate good faith talks to reach the goal of smoke-free casinos.

Such an agreement would reflect a growing trend in many states to prohibit smoking in commercial gambling facilities and in non-Tribal casinos. Many states -- including Colorado, Illinois, Maryland, Minnesota, Montana, Nebraska and Washington -- now prohibit smoking in non-Tribal casinos. Massachusetts has stated that no smoking will be allowed in any Tribal casinos authorized in that state. At least three Tribes have voluntarily prohibited smoking in their casinos. In addition, Puerto Rico, Ontario, Quebec, the United Kingdom, France and Ireland all prohibit smoking in their casinos.

Finally, prohibiting employee exposure to second hand smoke may well be in the employer's best financial interest. Employee sickness and absenteeism declines when workers are spared the effects of second hand smoking. Restaurant and bar owners initially resisted smoking bans, but many have found that their business actually increased after going smoke-free, as customers welcomed and supported the healthier environment.

I urge the committee to take a strong position in favor of the goals of Senate Bill 419.