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INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA – UAW

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February 7, 2021

To: Senator Abrams Daugherty, Representative Steinberg and Members of the Public Health Committee

From: Beverley Brakeman, UAW Region 9A Director

Re: Banning Smoking in the State's Casinos

Good afternoon Senator Abrams Daugherty, Representative Steinberg and Members of the Public Health Committee. My name is Beverley Brakeman and I am here on behalf of our union and its members at UAW Local 2121 who are casino dealers at Foxwoods Resort and Casino.

While there is currently not a bill before your committee, we ask this committee's support to amend Senate Bill 326 An Act Prohibiting the Sale of Flavored Cigarettes, Tobacco Products, Electronic Nicotine Delivery Systems and Vapor Products to include banning smoking in our state's casinos. We have provided language on how this can be written.

Some of you may remember that from 2008 to 2011, we brought before this legislature bills to ban smoking in the casinos. In 2010, by a 24 to 11 margin that crossed party lines, we passed a bill in the State Senate.

As members of the Public Health Committee, I don't need to expound upon the dangers of second-hand smoke except to say, when people think of the dangers of second-hand smoke they don't typically think of it as a workplace health and safety hazard.

Because of the pandemic, the Tribes have banned smoking in their establishments. And the difference for our dealers has been professionally life-changing. They can literally breathe with more ease and less fear – and they want this change to be permanent.

Historically, there are three arguments we've encountered to oppose banning smoking in the casinos.

## **Sovereignty**

The UAW respects sovereignty. In fact, our contracts with Foxwoods are bargained and enforced under Tribal law. This is because the UAW negotiated with the Mashantucket Tribe, when the dealers first organized, changes to Tribal Law to allow us to negotiate with them under their laws.

Additionally, in a 2008 opinion by former Attorney General Richard Blumenthal (Exhibit A), when asked about the legality of proposed legislation to extend the State's smoking ban to the casinos, it was concluded that "the extension of the smoking ban to the Casinos would be a health and safety law that may legally be applied to the Casinos under Section 14(a) of the Compacts. Should the smoking ban be amended to include the Casinos, we believe the ban would be enforceable in court under Section 13(c) of the Gaming Procedures or under the State's liquor laws".

Quite simply, the Casinos have their own state issued liquor license, 30-37k of the General Statutes, which is currently exempt from the state's non-smoking law. To change the law, would simply require adding 30-37k to Subsection b of Section 19a-342 of the General Statutes (Exhibit B)— something opined by a former Attorney General as permissible and enforceable.

## **Reduced Gambling and Revenue Loss to the State**

This argument is not illegitimate, however, much has changed since we first brought this legislation before you.

1. **Gaming enthusiasts will go to other states to smoke if we ban smoking in CT:** [MA, ME, VT, and NY](#) are 100% smoke-free in state-regulated gambling facilities (Exhibit C) defeating the argument that if CT goes smoke-free, gamers will go to nearby states;
2. **COVID 19 Casino Smoking Bans:** Many casinos, both state and sovereign nation run, have banned smoking during COVID dramatically improving the health and safety of its workers. This moment presents a huge opportunity for a seamless transition to a permanent smoking ban in casinos that can actually benefit business. Entertainment and hospitality businesses looking for new "hooks" to increase foot traffic as we head out of this pandemic have an opportunity to build off of people's desire and need for healthier environments in which to work, have fun, travel and live. (Exhibit D)
3. **Foot Traffic and Gaming Revenue is Down Due to Covid:** According to the American Non-Smokers Rights Foundation in an article written in October 2020 during the pandemic, "nearly 1,000 casinos, including at least 135 Tribal gaming properties and Park MGM on the Las Vegas Strip, are permanently smoke-free. Pennsylvania recently instituted a temporary smoking ban and year-over-year gaming revenue has actually increased. We urge gaming companies to stop relying on outdated myths about revenue loss and instead consider that a smoke-free environment will attract new and younger visitors and align with the 94 percent of casino visitors who prefer smoke-free casinos.
4. **Informal studies indicate more and more gamers want a smoke free environment: 94%** of all respondents prefer smoke-free casinos over a smoking one. 88% of smokers also prefer smoke-free indoor air casinos vs a smoking one as long as there is an outdoor smoking patio (Exhibit F)

**Non-Smoking Areas will fix the problem:**

5. In 2009, UAW in partnership with the Roswell Cancer Research Center conducted our own indoor air quality study and found insignificant difference in the average fine particle air pollution in the casinos' smoking versus non-smoking areas. (Exhibit G)
6. The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) position remains that the only means of effectively eliminating health risks associated with indoor exposure is to ban smoking activity. The US Surgeon General agrees as you can see by the attached document. (Exhibit E)

We ask that you strongly consider our request and allow us the opportunity to be healthy and safe at work – like almost all other workers in our state.

Thank you,

A handwritten signature in blue ink, appearing to read "Bw B" followed by a long horizontal stroke.

Beverley Brakeman

UAW Region 9A Director