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TO: HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE  
REPRESENTATIVE STEVE BRUNK, CHAIR

FROM: CHRISTOPHER J. MASONER,  
AMERICAN CANCER SOCIETY

DATE: MARCH 12, 2012

RE: HB 2690

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Representative Brunk, Members of the Committee, thank you for the opportunity to provide testimony today regarding the issue of clean indoor air in the State of Kansas, and in strong opposition to HB 2690.

The American Cancer Society has long supported a strong statewide smoke-free law to protect Kansans from the dangers of secondhand smoke. After many years of discussion and debate, the enactment of the Kansas Indoor Clean Air Act (HB2221) during the 2010 Session was a major public health victory for our State. Since the Act took effect, Kansans across the State have enjoyed protection from the harmful effects of secondhand smoke in the vast majority of workplaces. HB 2690, by allowing smoking to return to any number of venues across the State, would be a tremendous step backwards for the health of our State, and would be contrary to the wishes of an overwhelming majority of Kansas voters.

The key components of the Society's position are as follows:

- Secondhand Smoke Is A Public Health Hazard. When one person chooses to smoke a cigarette, they expose everyone around them to more than 7,000 chemicals contained in the smoke from their cigarette. Hundreds of these chemicals are hazardous, and at least 69 are known causes of cancer. Exposure to secondhand smoke can cause immediate consequences for non-smoking employees and patrons, such as heart attacks, asthma, and weakened immune systems, as well as long-term consequences like lung cancer.
- Workers and Patrons Deserve Protection From Secondhand Smoke—Regardless of Age. We appreciate that the sponsors of the bill acknowledge the health hazards associated with secondhand smoke and want to keep Kansans under the age of 21 from being exposed. However, Kansans 21 and over are also worthy of protection. Even workers over the age of 21 shouldn't have to choose between their lives and their livelihoods.
- The Indoor Clean Air Act is Working. Of course, the most significant advantage from prohibiting smoking in enclosed public places is that it improves the quality of the air inhaled by employees and patrons. A study conducted of hospitality venues throughout Kansas



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proves that the air in those venues sampled after the effective date of the Act was 94% less polluted than samples taken prior to that date. The study indicates an improvement in air quality from “Hazardous” prior to the Act to “Good” or “Moderate” after the Act took effect.

- The Indoor Clean Air Act Enjoys Broad Support. Prior to passage of the Indoor Clean Air Act, polls showed that 71% of Kansas voters wanted the Legislature to pass a comprehensive smoke-free law. A poll taken in January, 2011—six months after the Act took effect—shows that the level of support for the Act had risen to 77%. This support remains high across party lines (Republican, Democrat, Independent) and political ideology (Conservative, Moderate, Liberal). Now that the Act has been in place for an additional year, we believe support is likely to be even higher.
- Clean Air Policies Do Not Harm The Hospitality Industry. Objective data compiled by the Kansas Health Institute from information obtained from the Kansas Department of Revenue suggests those fears were not justified. In fact, FY2011 receipts from the liquor excise tax and sales taxes collected from drinking establishments and full-services restaurants all show significant increases over FY2010, even when the 1-cent sales tax increase is taken into account. Furthermore, the number of licensed drinking establishments in Kansas has risen from 1,665 to 1,695. In short, the doom and gloom predicted by many opponents of the Act has not come to pass.
- The So-Called “Casino Exemption”. Much of the criticism surrounding the Indoor Clean Air Act has centered on the exemption that permits smoking on the gaming floors of certain casinos in Kansas. The American Cancer Society has never supported the casino exemption, or indeed any other exemption in the law, and we welcome genuine efforts to make the law stronger to provide greater protection for more workers and patrons. But the existence of a bad provision in the law is not a justifiable reason for making the law worse. Taken as a whole, we believe the current Act provides very good protection for the vast majority of Kansans. HB 2690 would be a monumental step backwards.

For these reasons, we ask that you reject HB 2690 and any other attempts to weaken the Act.