



PENN NATIONAL
GAMING, INC.



SUBMITTED REMARKS

HB 2690 - An Act concerning the Kansas Indoor Clean Air Act.

Kansas Entertainment, LLC

March 12, 2012

Chairman Brunk and Members of the Committee:

Kansas Entertainment, LLC, the joint venture partnership of International Speedway Corporation and Penn National Gaming that has developed the Hollywood Casino at Kansas Speedway respectfully submits these written comments in support of HB 2690, which would make changes to the Kansas Indoor Clean Air Act to allow certain adult-only establishments to permit smoking.

The statewide smoking ban has drawn both praise and criticism since its enactment by the 2010 Legislature. Some critics have argued existing exemptions should be repealed while others suggest the act should be reopened to allow for reasonable exemptions in appropriate venues. We support the latter approach and believe there are ways to amend the Kansas Indoor Clean Air Act to allow for certain limited-venue appropriate exceptions to the Kansas Indoor Clean Air Act. Accordingly, we support HB 2690 which would permit smoking in certain private businesses where only customers and employees 21 years of age and older are allowed to enter.

The current statewide smoking ban includes a number of exemptions, including exceptions for tobacco shops, Class A and B Clubs licensed before January 1, 2009, up to 20 percent of hotel rooms, certain long-term care homes and the gaming floor of casinos.

By way of information for the Committee, Hollywood Casino has been constructed in a responsible manner that is inviting for both smoking and non-smoking patrons, but at the same time, it has not exploited the smoking ban exemption. Hollywood Casino has 40' ceiling heights and installed a \$1.7 million state-of-the-art air handling extraction system to address public health concerns.

Only patrons aged 21 or older are allowed in our facility. Furthermore, the exemption does not allow for smoking in other areas of the casino, including bars and restaurant facilities not located on the gaming floor or any offices (i.e., back end facilities). In addition, Hollywood Casino has designated non-smoking areas in its facility.

Before the passage of the Kansas Indoor Clean Air Act, a number of cities in Kansas adopted local ordinances that reflected community opinions on smoking in public places and businesses. Several adopted exemptions based upon stringent air handling standards, while others exempted adult-only venues.

House Federal & State Affairs

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We support small business in our state that have been negatively impacted by the smoking ban and believe there is room for a compromise that balances public health concerns with individual rights. We support HB 2690 as drafted or in the alternative, would support legislation that once again granted local units of government the ability to exercise local control for making these kinds of decisions.

On behalf of Kansas Entertainment, LLC, we thank the Committee for its consideration of our position on this important issue.

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