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UNIVERSITY OF NEVADA LAS VEGAS | School of Public Health

# POLICY BRIEF

SEPTEMBER 2006

## CLEAN INDOOR AIR POLICIES: The Effects of Second Hand Smoke on Children in Nevada

Two competing initiatives will appear on the November General Election Ballot which could substantially alter Nevada's public policy in regard to second hand smoke. Decades of research has shown that second hand smoke has devastating health effects, particularly for children. This policy brief will provide examples of the effects of second hand smoke on children, provide an overview and comparison of the competing initiatives, and will present the position of the Nevada Institute for Children's Research and Policy and the School of Public Health on clean indoor air policies, reflecting a mission of the School, which is to improve the health and quality of life of children in Nevada.

### Overview of Initiatives

The Nevada Revised Statutes (NRS) currently provide relatively lenient smoking prohibitions (NRS 202.249 – 202.2495). Efforts have been made to strengthen these prohibitions in an effort to improve air quality for children, for example, banning smoking in video arcades. However, the current law still provides exceptions which leave children in Nevada exposed to the hazardous toxins of secondhand smoke in places such as grocery

and convenience stores, as well as restaurants. In response to these policies, two competing initiatives have emerged that will appear on the November ballot.

The competing initiatives are *The Clean Indoor Air Act* (Ballot Question 5) and the *Responsibly Protect Nevadans from Second-Hand Smoke Act* (Ballot Question 4) (hereinafter "Responsibly Protect Nevadans Act"). Although many aspects of these initiatives may appear to be the same, they propose significantly different policies. Three major areas of differentiation include:

- Ability of localities to enact stricter regulations;
- Smoking in restaurants;
- Smoking in gaming areas of grocery, convenience and drug stores.

Current law restricts the ability of local government, other than school districts, to "impose more stringent restrictions" on smoking than are provided in the NRS. While the *Responsibly Protect Nevadans Act* (#4) reinforces and strengthens this restriction – repealing the authority of schools to enact stricter policies, the *Clean Indoor Air Act* (#5) would provide local government with the ability to enact stricter "tobacco control measures that meet or exceed the minimum applicable standards".

Current law allows smoking in restaurants, but provides that restaurants with a seating capacity of 50 or more "shall maintain a flexible nonsmoking area within the restaurant..." Both initiatives state that smoking would be banned in all "indoor areas within restaurants."

However, the *Responsibly Protect Nevadans Act* (#4) would allow smoking in areas of the restaurant “where persons under the age of 21 are not permitted”, as well as areas where gaming devices exist. Furthermore, restaurants located within casinos would not be subject to any smoking prohibitions. The *Clean Indoor Air Act* (#5) would ban smoking in all indoor areas of restaurants, without exception.

Under current law, smoking is allowed in gaming areas of grocery, convenience and drug stores if the area is segregated by two or more walls or partial walls (which may include a configuration of gaming devices which is similar to a wall) and contains a method of ventilation. Stores built prior to enactment of the law must have a ventilation system in place prior to January 2007. The *Responsibly Protect Nevadans Act* (#4) would make the law even more lenient by repealing the requirements for barriers and ventilation. The *Clean Indoor Air Act* (#5), however, would ban smoking in all areas of grocery stores, convenience stores and other retail establishments, as well as other locations where children are allowed.

***For a complete look at the initiatives with explanations, please visit the NICRP website at <http://nic.unlv.edu/>.***

### Effects of Second Hand Smoke on Children

Children are an especially vulnerable population who rely on the protection of their guardians, and often the government, to ensure their health, safety and welfare. Research has shown that secondhand smoke has devastating health effects on young children, including bronchitis, pneumonia, ear infections and asthma. The American Lung Association estimated that approximately 43,460 children in Nevada suffered from asthma in 2003. Tobacco smoke is one of the most potent triggers of asthma symptoms. The Campaign for Tobacco-Free Kids estimates that secondhand smoke results in the death of 330 to 580 people each year in Nevada alone. Some studies are also linking Sudden Infant Death Syndrome (SIDS) to secondhand smoke

exposure, which would ultimately increase the death toll related to secondhand smoke.

### Position Statement

The School of Public Health at the University of Nevada, Las Vegas is dedicated to improving the health and quality of life for people of Nevada, including one of our most vulnerable populations – children. Secondhand smoke impairs the health and quality of life for children in our State. Therefore, the School of Public Health supports all efforts that will limit children’s exposure to secondhand smoke. Including bans on smoking in all indoor areas of restaurants, grocery stores, convenience stores, drug stores, and all other public locations where children may be present. Additionally, the School of Public Health supports the ability of local governments to enact stricter guidelines as deemed appropriate and fair by the members of that community.

*Scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke. Eliminating smoking in indoor spaces fully protects nonsmokers from exposure to secondhand smoke. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposures of nonsmokers to secondhand smoke.*

**U.S Surgeon General’s Report:  
The Health Consequences of Involuntary Exposure  
to Secondhand Smoke\*  
June 2006**

***\*View the entire Surgeon General’s Report at:  
<http://www.cdc.gov/tobacco>***

The State of Nevada does not permit the sale of cigarettes and tobacco to children under 18 and discourages them from smoking; however we do permit them to be exposed to the same harmful effects through lenient smoking laws. It is the responsibility of the state to protect the health and welfare of their children from second-hand smoke.

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## **The Nevada Clean Indoor Air Act (#5) vs. The Responsibly Protect Nevadans from Secondhand Smoke Act (#4)**

The *Nevada Clean Indoor Air Act*, Question #5 on the November 2006 ballot, gives Nevadans a chance to approve new regulations that would provide greater protection for families and children from the dangers of secondhand smoke. If approved, smoking will be banned in most public places, primarily those where children are allowed. It will also allow local governments to enact stronger health measures in their jurisdictions than current state law.

The initiative is sponsored by the health advocacy group Nevadans for Tobacco Free Kids, a coalition of members of local chapters of the American Cancer Society, the American Heart Association, the American Lung Association, and the Nevada State Medical Association.

If the *Nevada Clean Indoor Air Act* (#5) passes in November, smoking would be banned in areas including, but not limited to, the following: grocery stores, convenience stores, child care facilities, indoor areas of restaurants, movie theaters, video arcades, school buildings and on school property, government buildings, shopping malls and other retail establishments. Smoking *would not be prohibited* in adult-only environments such as gaming areas of casinos, stand alone bars that don't serve full meals, and retail tobacco shops.

A competing initiative, the *Responsibly Protect Nevadans from Secondhand Smoke Act* (#4), will also appear on the ballot in November, but will not offer the same public health benefits as Question #5. This initiative is sponsored by the Slot Route Operators, the Petroleum and Convenience Store Association, Golden Gaming, Herbst Gaming, and more. If passed, Question #4 would continue to allow smoking in grocery stores, convenience stores, and restaurants where families frequent. It would also reverse the gains that health advocates have worked hard to secure in the last few years. If Question #4 passes, smoking would be allowed back on public school district grounds and in day care centers with less than 13 children. It would also reverse a former piece of legislation that would have mandated grocery stores to provide separate ventilation for smoking areas by January 2007. The *Responsibly Protect Nevadans from Secondhand Smoke Act* would essentially reverse course in Nevada and eliminate the public health gains that have been made.

If passed, The *Nevada Clean Indoor Air Act* would provide important public health protections for Nevadans. Secondhand smoke is dangerous and deadly to nonsmokers, especially children. Nevada has some of the highest rates of disease from secondhand smoke in the nation including lung cancer and asthma. If passed, the *Nevada Clean Indoor Air Act* would provide for healthier environments for our workers which could lead to improved productivity, decreased medical costs, and overall, healthier employees. As is often misstated, smoke-free laws *do not* hurt restaurant or bar patronage, employment, sales and profits, and tax collections. At worst, the laws have no effect at all; at best, they produce positive trends. Studies of sales tax data from 81 localities in six states have shown no negative effect on restaurant revenues following the implementation of smoking bans.

For more information on these initiatives, visit [www.nevadacleanair.com](http://www.nevadacleanair.com).

For voters interested in supporting the *Nevada Clean Indoor Air Act* rather than the *Responsibly Protect Nevadans from Secondhand Smoke Act* the following slogan may be helpful: "Stay Alive with #5! Slam the Door on #4!"

	<b>Question 4</b> <b>Responsibly Protect Nevadans from Secondhand Smoke</b>	<b>Question 5</b> <b>The Nevada Clean Indoor Air Act</b>
<b>Proponents</b>	<b>The Smoke-Free Coalition:</b> Herbst Gaming, Golden Gaming (dba PT's Pub) United Coin Machine (slot route operators), Nevada Tavern Owners Association, Nevada Petroleum Marketers and Convenience Store Association.	<b>Nevadans for Tobacco-Free Kids:</b> American Cancer Society, American Heart Association, American Lung Association, Nevada State Medical Association, Nevada Academy of Family Physicians.
<b>Schools (K-12)</b>	Smoking is prohibited on all school property, but only in public school buildings. Repeals current law that lets school districts adopt regulations tougher than state law.	Smoking is prohibited in all school buildings and on all school property.
<b>Child Care Facilities</b>	Allows smoking in licensed facilities that care for fewer than 13 children. Allows smoking in child care facilities in private homes.	Smoking is prohibited in all licenses child care facilities.
<b>Restaurants</b>	Allows smoking in areas where gaming devices are present and alcohol is served. Smoking sections become "adults only" sections; non-smoking sections become "family" sections. Repeals law requiring restaurants seating 50 or more to offer non-smoking sections. Smoking is allowed anywhere in any casino restaurant.	Smoking will be prohibited in all indoor areas.
<b>Bars, Taverns and Saloons</b>	Smoking is allowed anywhere, including those with food-handling licenses to prepare food consumed on the premises. This includes sports bars and others where children are allowed.	Smoking will be allowed unless it has a food-handling license to prepare and serve meals consumed on the premises, in which case smoking is prohibited.
<b>Grocery Stores</b>	Proposes what is currently in state law. Repeals law that requires adequate ventilation in areas where smoking is allowed.	Smoking is prohibited in all areas.
<b>Convenience Stores</b>	Proposes what is currently in state law.	Smoking is prohibited in all areas.
<b>Drug Stores</b>	Proposes what is currently in state law.	Smoking is prohibited in all areas.
<b>Hospitals and Medical Offices</b>	Proposes what is currently in state law.	Does not include as smoking is already prohibited.
<b>Movie Theaters, Concert Halls, etc.</b>	If alcohol is sold for consumption on premises, smoking is allowed in those areas.	Prohibits smoking in movie theaters.
<b>Video Arcades</b>	Proposes what is currently in state law (law was enacted in 2005, after initiative language was drafted)	Proposes what is currently in state law (law was enacted in 2005, after initiative language was drafted)
<b>Retail Establishments and Malls</b>	Prohibits smoking. Does not include booths, carts, kiosks or other temporary outlets. Does not address malls	Prohibits smoking in all retail establishments and indoor areas of malls.
<b>Government Buildings</b>	Prohibits smoking in government buildings.	Prohibits smoking in government buildings.
<b>Casinos</b>	Smoking is allowed everywhere.	Smoking is allowed only in gaming areas. Smoking is prohibited in restaurants, shops, common areas.
<b>Indoor Places of Employment</b>	Smoking is prohibited only in those places listed in first column. Smoking would be allowed in any indoor area where there is a gaming device or that has a liquor license.	Prohibits smoking in all indoor areas of employment, except areas in casinos where minors are prohibited by law, bars without food-handling licenses, strip clubs, brothels, retail tobacco stores, and private residences.
<b>Local Control</b>	Prohibits local governments from regulating tobacco and smoking.	Permits local governments to adopt regulations more restrictive than state law.