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TO: SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
SENATOR PETE BRUNGARDT, CHAIR

FROM: CHRISTOPHER J. MASONER,
AMERICAN CANCER SOCIETY

DATE: FEBRUARY 2, 2012

RE: SUB. HB 2340

Senator Brungardt, Members of the Committee, thank you for the opportunity to provide testimony today in support of smoke-free air in the State of Kansas.

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 on July 1, 2010, Kansans across the State have enjoyed protection from the harmful effects of secondhand smoke in the vast majority of workplaces.

The Kansas Indoor Clean Air Act is working. Employees and customers at Kansas businesses are breathing substantially cleaner air. Consequently, support for the Act has increased since it took effect. Prior to passage of the Act, polls showed 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—showed the level of support for the Act had risen to 77%. Now that Kansans have had the opportunity to enjoy another year of smoke-free air, we are confident support for the Act is even higher.

The Kansas Indoor Clean Air Act is not harming business. Prior to passage of the Act, many hospitality businesses claimed revenues would drop substantially if they could not allow their patrons to smoke. However, 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 Kansas Indoor Clean Air Act is not perfect. Although the Act is very good as it exists, we do believe it could be improved by eliminating some of the exemptions it contains. We support Sub.



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HB 2340's removal of the exemption for casino gaming floors, but we also encourage you to examine other exemptions to determine whether they are truly justified. In so doing, please keep in mind that the Society's position will always support less exposure to secondhand smoke in places that are open to the public.

While we unequivocally support expanding smoke-free policies to protect employees and patrons at casinos and other venues, we do so with the knowledge and understanding that some proponents of Sub. HB 2340 have been staunch opponents of smoke-free policies and might seek to exploit any opportunity to weaken the Act. Any effort to do so 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. Therefore, we urge the Committee to proceed with caution and to protect the existing Act first and foremost.

Thank you for your time and consideration.