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Testimony Re: HB 2340, Smoking Ban in Casinos Exemption
Senate Federal and State Affairs Committee
Presented by Ronald R. Hein
on behalf of
Kansas Restaurant and Hospitality Association
February 2, 2012

Mr. Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Kansas Restaurant and Hospitality Association (KRHA). The Kansas Restaurant and Hospitality Association, founded in 1929, is the leading business association for restaurants, hotels, motels, country clubs, private clubs and allied business in Kansas. Along with the Kansas Restaurant and Hospitality Association Education Foundation, the association works to represent, educate and promote the rapidly growing industry of hospitality in Kansas.

The KRHA requests that either the current smoking ban be amended to provide an exemption for restaurants and hospitality businesses, or that HB 2340 be passed, so that all entertainment competitors are treated equitably and fairly in this state.

For a number of years, the Kansas Restaurant and Hospitality Association has been one of the leading defenders of the right of business owners to make their own business decision about the use of legal products in private businesses operated by our members. In short, the KRHA believes that our business owners know best what food to serve, what business decisions to make, and what customers they seek for the best success for their personal businesses. The KRHA has always believed that the business owner, not the government, is in the best position to determine their customer base. As such, the KRHA has generally opposed governmental smoking bans.

The KRHA has explored alternatives that allow for increasing the number of locations which are non-smoking, while recognizing the adverse economic impact which smoking bans have on numerous other food and beverage businesses.

In the past, the KRHA has agreed to a major concession, which is that the KRHA would be neutral on a ban which would prohibit smoking areas in restaurants if smoking was permitted in a separate and distinct room, separated by floor-to-ceiling walls and separately ventilated. This should eliminate any exposure for non-smokers. We have testified that all entertainment venues should compete on a level playing field.

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Attachment 2

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When the Legislature passed the smoking ban, they intellectually agreed with the KRHA that it is rationale to make exemptions to the smoking ban. The Legislature decided that a smoking ban would threaten the State's business (state owned and operated gaming casinos and slots at tracks), but not privately owned and operated businesses. There is NO justification for that finding.

It is decidedly unfair and hypocritical for the state to exempt their own businesses from the ban, and then force private citizens to be subject to the ban, to the businesses' economic detriment.

It is also important to the KRHA that any smoking ban provides a level playing field between entertainment venues. To allow the state-owned businesses to be exempt from the smoking ban and to deny that exemption to our restaurants that compete with them is objectionable to the KRHA.

Therefore, KRHA supports the passage of HB 2340 UNLESS the committee amends the bill to provide an exemption for restaurants and other hospitality businesses which compete with the state-owned casinos.

Thank you very much for permitting me to testify, and I will be happy to yield to questions.