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REMARKS TO INTRODUCE SENATE BILL 50
BY
SENATOR RAYMOND D. RAWSON
BEFORE THE ASSEMBLY COMMITTEE ON JUDICIARY
MAY 7, 2003

INTRODUCTION

Senate Bill 50 has been introduced by the Task Force for the Fund for a Healthy Nevada.

- NRS 439.630 charges the Task Force to conduct public hearings to receive testimony on existing or proposed programs that, among other things:
 - Promote public health;
 - Reduce or prevent the use of tobacco; and
 - Offer information on health care in Nevada.
- One objective of the Task Force is to reduce consumption.

Senate Bill 50 does two things:

- It authorizes school districts to impose more stringent restrictions on the smoking, use, distribution, and promotion of tobacco and tobacco products on its property and vehicles; and
- It modifies smoking in areas of supermarkets that are operated for gaming. Current law allows stores that are principally devoted to the sale of food for consumption off the premises to allow smoking in areas devoted to gaming until 2010, after which that area must be renovated to provide for ventilation that substantially removes the smoke from that area. Senate Bill 50 changes the date by which the ventilation must be in place to 2007.

PRE-EMPTION

Currently, *Nevada Revised Statutes* (NRS) 202.249 prohibits—or pre-empts—any agency, board, commission, or political subdivision from imposing more stringent restrictions on the use of tobacco products than what is provided in the NRS.

ASSEMBLY JUDICIARY

DATE: 5-07-03 ROOM 3138 EXHIBIT H

SUBMITTED BY: Robin Comacho

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The Task Force heard testimony on the impact of pre-emption on the ability of local governmental entities to impact tobacco consumption. (Handout: Microsoft PowerPoint presentation from the Nevada Tobacco Prevention Coalition, January 15, 2002).

- Nevada ranks last in the number of smoke-free workplaces, and is the only state where fewer than 50 percent of workplaces have smoke-free policies.
- Las Vegas has an adult smoking rate of 29.7 percent, the highest rate among metropolitan areas in the western region.
- Reno has an adult smoking rate of 27.1 percent.

Are these statistics related to our pre-emption statute? The Task Force believes that they are.

A quote from a Tobacco Institute Lobbyist is provided for you on the last page of the excerpts from the PowerPoint presentation given to the Task Force at a meeting in January of 2002. (Page 4 of the Nevada Tobacco Prevention Coalition.)

- "We could never win at the local level...So the Tobacco Institute and tobacco companies' first priority has always been to pre-empt the field, preferably to put it all on the federal level, but if they can't do that, at least on the state level." (Victor L. Crawford, former Tobacco Institute Lobbyist.)

BALLOT QUESTIONS

Prior to the Task Force action to request a BDR to modify pre-emption, both the Washoe County Commission and the Clark County Commission voted to place on the ballot at last November's General Election advisory questions relating to local control of tobacco use.

- The handout on the results of those advisory questions is provided for you. You can see that:

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- By votes of 57 percent in Clark County and 59 percent in Washoe County, voters think the county boards of health should be able to adopt stronger regulations in order to protect people from second-hand smoke; and
- By votes of 67 percent in Clark County and 68 percent in Washoe County, voters think second-hand smoke should be completely prohibited in areas frequented by children.

EXPOSURE TO SECOND-HAND SMOKE

As these ballot results show, Nevadans are aware of the impact of second-hand, or environmental tobacco smoke, on health.

- In 1986, United States Surgeon General C. Everett Koop reported that involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers. He went on to note that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke. (*Surgeon General's Report on the Health Consequences of Involuntary Smoking*, U.S. Department of Health and Human Services, 1986)
- Health effects causally associated with involuntary smoking include:
 - Respiratory infections in children;
 - Asthma;
 - Middle-ear infections;
 - Lung cancer; and
 - Coronary heart disease.
- The Nevada Tobacco Profile 2002 (Nevada's State Health Division, Department of Human Resources) reported the percentage of adults exposed to second-hand smoke in the workplace was:
 - In Clark County, 20 percent;
 - In Washoe County, 21 percent;
 - In Elko County, 26.6 percent; and
 - In Nevada overall, 17.3 percent.
- The Youth Tobacco Survey 2001 (Nevada Department of Education) reported:

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- More than half of Nevada middle school students (52.4 percent) and nearly three-fourths of high school students (70.3 percent) were in the same room as someone who was smoking cigarettes within the seven days prior to the survey.
- When asked if they thought second-hand smoke was harmful, 88 percent of middle school students and 93 percent of high school students indicated they believe that environmental smoke is probably or definitely harmful.

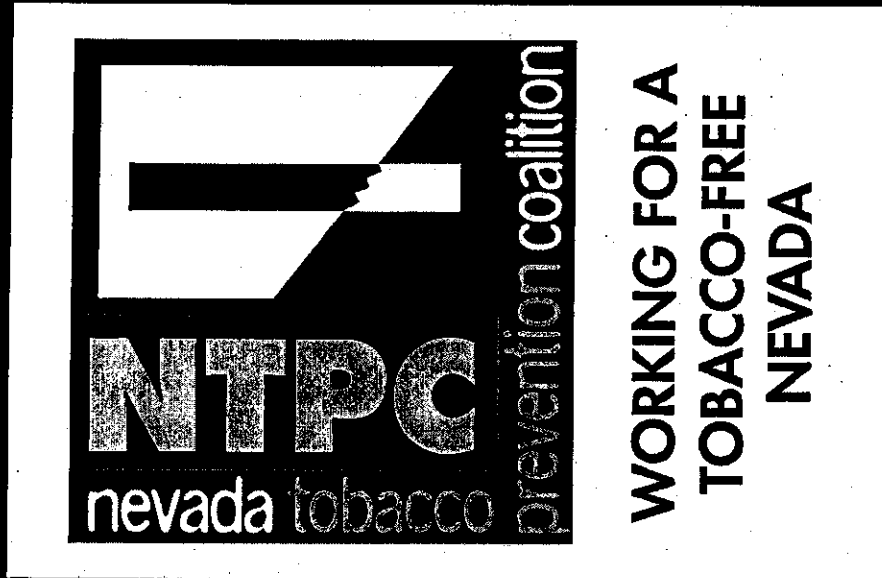
SENATE BILL 50

- The original BDR requested by the Task Force would have empowered all local governmental entities to impose more stringent requirements for use of tobacco products in areas that they control with an exception for gaming establishments, bars and restaurants.
- The Senate amended the bill to authorize only school districts to control tobacco use. While this compromise is less than had been hoped for by the Task Force, it is a compromise that I can accept.
- I urge your support for S.B. 50.

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IMPACT OF TOBACCO IN NEVADA



JANUARY 15, 2002

Where we are - Data

- Nevada ranks last in the number of smoke-free workplaces, and is the only state where fewer than 50% of workplaces have smoke-free policies
- Las Vegas ranks 6th amongst 99 metropolitan areas studied in adult smoking prevalence, with 29.7% of Las Vegans smoking, and has the highest rate in the western region
- Las Vegas ranks 3rd for women smoking out of the 99 metropolitan areas studied
- Reno had an adult smoking rate of 27.1%

Where we are - Policy

- Nevada's pre-emption law continues to be a barrier in moving forward with effective programs and policy development
- Recently, the Clark County school district was prevented from passing a ban on smoking on school campuses due to this law

THE TOBACCO INDUSTRY ON WHY IT
NEEDS PREEMPTION

“We could never win at the local level... So the Tobacco Institute and tobacco companies’ first priority has always been to preempt the field, preferably to put it all on the federal level, but if they can’t do that, at least on the state level.”

Victor L. Crawford, Former Tobacco Institute Lobbyist, Journal of the American Medical Association, 7/19/95

Ballot Advisory Questions, General Election, November 2002

CLARK COUNTY ADVISORY QUESTION NO. 12

SHOULD THE CLARK COUNTY BOARD OF HEALTH BE ABLE TO ADOPT REGULATIONS THAT ARE STRONGER THAN STATE LAW IN ORDER TO PROTECT PEOPLE FROM SECONDHAND SMOKE? (THIS DOES NOT INCLUDE BUSINESSES THAT EXCLUDE PERSONS UNDER THE AGE OF 21.)

	% of Vote	Total Votes
YES	57.3%	172773
NO	42.7%	128950

CLARK COUNTY ADVISORY QUESTION NO. 13

SHOULD SECONDHAND SMOKE BE COMPLETELY PROHIBITED BY STATE LAW IN PLACES FREQUENTED BY CHILDREN SUCH AS SCHOOLS, GROCERY STORES, RESTAURANTS, AND GOVERNMENT BUILDINGS?

	% of Vote	Total Votes
YES	55.8%	202050
NO	33.2%	100314

Washoe County ADVISORY QUESTION NO. 8 - PROHIBITING TOBACCO USE IN CERTAIN PUBLIC PLACES

SHALL THE WASHOE COUNTY DISTRICT BOARD OF HEALTH BE ABLE TO ADOPT REGULATIONS THAT ARE STRONGER THAN STATE LAW IN ORDER TO PROTECT PEOPLE FROM SECONDHAND SMOKE? THIS DOES NOT INCLUDE BUSINESSES THAT EXCLUDE PERSONS UNDER THE AGE OF 21.

	% of Vote	Total Votes
YES	59.2%	80977
NO	40.8%	42076

Washoe County ADVISORY QUESTION NO. 9 - PROHIBITING TOBACCO USE IN CERTAIN PUBLIC PLACES

SHALL SECONDHAND SMOKE BE COMPLETELY PROHIBITED BY STATE LAW IN PLACES FREQUENTED BY CHILDREN SUCH AS SCHOOLS, GROCERY STORES, RESTAURANTS AND GOVERNMENT BUILDINGS?

	% of Vote	Total Votes
YES	67.5%	70233
NO	32.1%	33233

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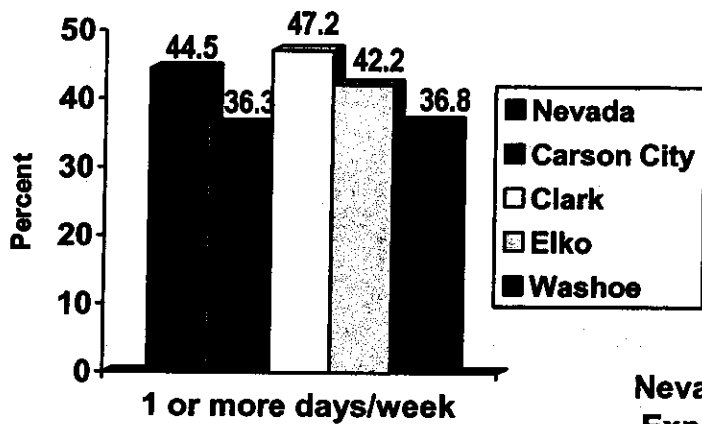
Involuntary Smoking – Second-Hand Smoking – Environmental Tobacco Smoke

“Involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers.

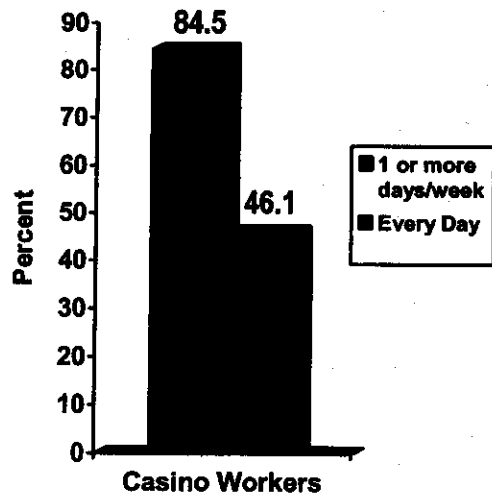
The children of parents who smoke compared with the children of nonsmoking parents have an increased frequency of respiratory infections, increased respiratory symptoms, and slightly smaller rates of increase in lung function as the lung matures.

The simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke.” – Surgeon General’s Report on the Health Consequences of Involuntary Smoking, US DHHS, 1986.

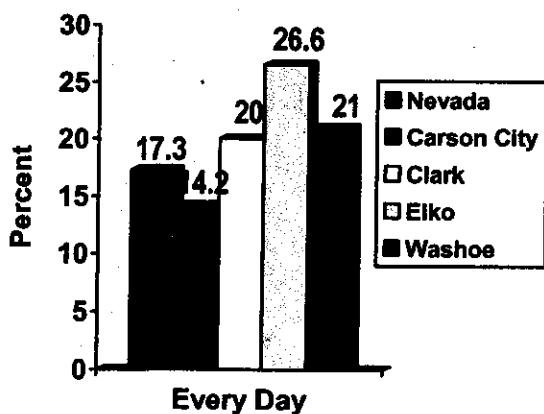
Adults Exposed at Work, 2001



Nevada Casino Workers Exposed at Work, 2001



Adults Exposed at Work, 2001



15.3 % of Adults Reported Working in a Casino
 Source: “Adult Telephone Survey on Tobacco Use,” The Gallup Organization, 2001.

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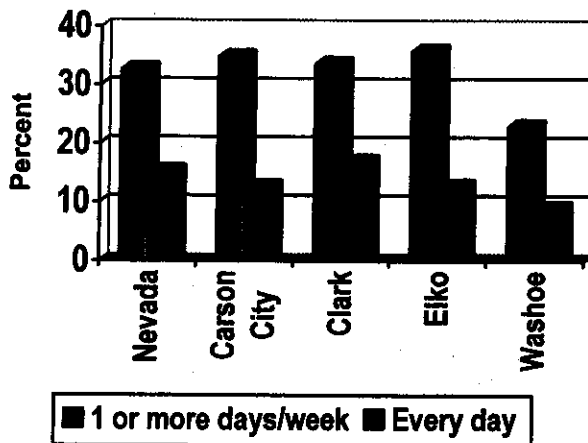
Nevada Tobacco Profile

Tobacco Smoke Exposure in the Home

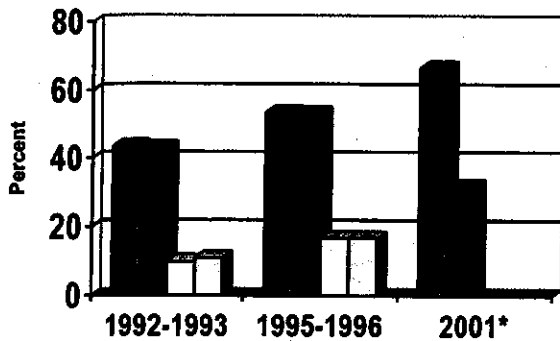
In 1996, 21% of Nevada's children were exposed to tobacco smoke at home, an estimated 84,551 children (United States BRFSS, 1996).

The United States Environmental Protection Agency (U.S. EPA) found that environmental tobacco smoke exposure was causally associated with increased lower respiratory tract infections, increased middle-ear infections, a small reduction in lung function, decreased rate of lung growth, and exacerbates symptoms in excess of 20% of asthmatic children (National Cancer Institute, 2000).

Adults Exposed to Smoke at Home, 2001



Adults that Ban Smoking in Home, 2001



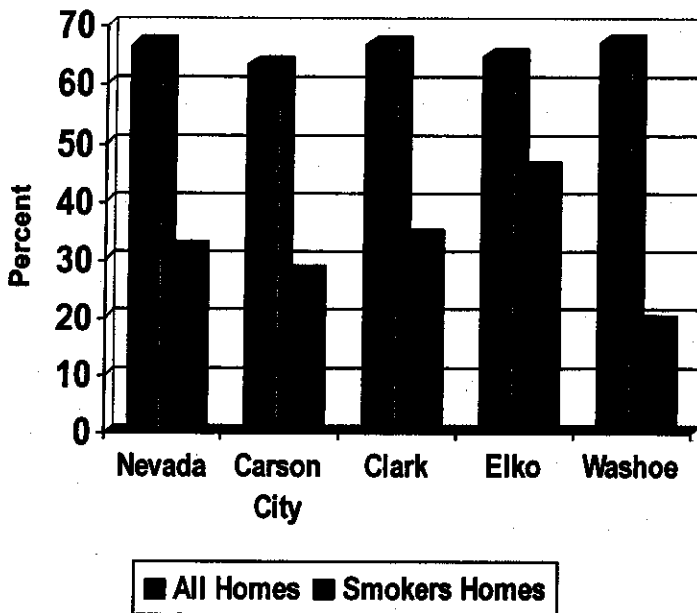
*Source Nevada Data: "Adult Telephone Survey on Tobacco Use," The Gallup Organization, 2001.
U.S. data for 2001 not available.

■ NV All ■ US All □ NV Smokers □ US Smokers

Source U.S. Data: Current Population Surveys, National Institutes of Health, 2000.

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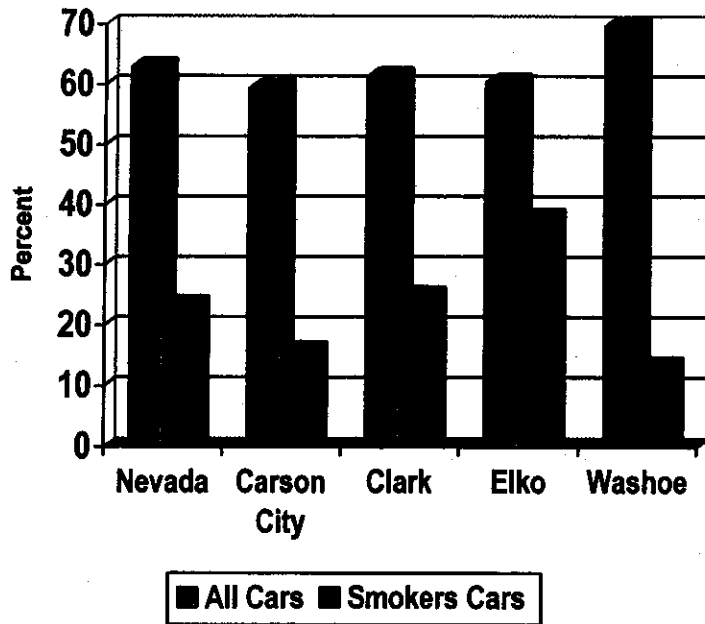
Smoking Bans in the Home, 2001



Research (Glantz and Parmley, 1991) shows that people living with a spouse who smokes increases their risk of Coronary Heart Disease 23%.

- Health Effects Causally Associated with Involuntary Smoking:**
- Low Birth Weight
 - Sudden Infant Death Syndrome
 - Respiratory Infections in Children
 - Asthma
 - Eye & Nasal Irritation
 - Middle-ear Infections
 - Lung Cancer
 - Nasal Sinus Cancer
 - Coronary Heart Disease

Smoking Bans in the Family Car, 2001



Source: "Adult Telephone Survey on Tobacco Use," The Gallup Organization, 2001.

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Youth Tobacco Survey

Nevada, 2001

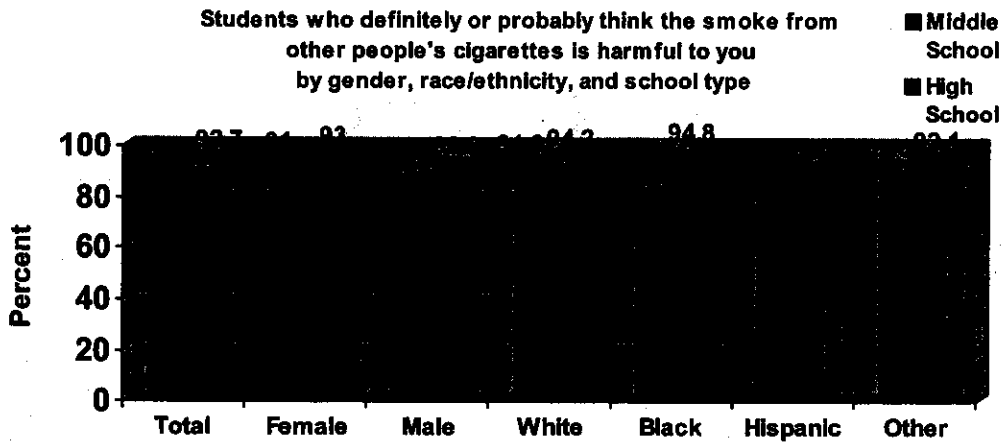


Nevada Department of Education
Comprehensive School Health Program

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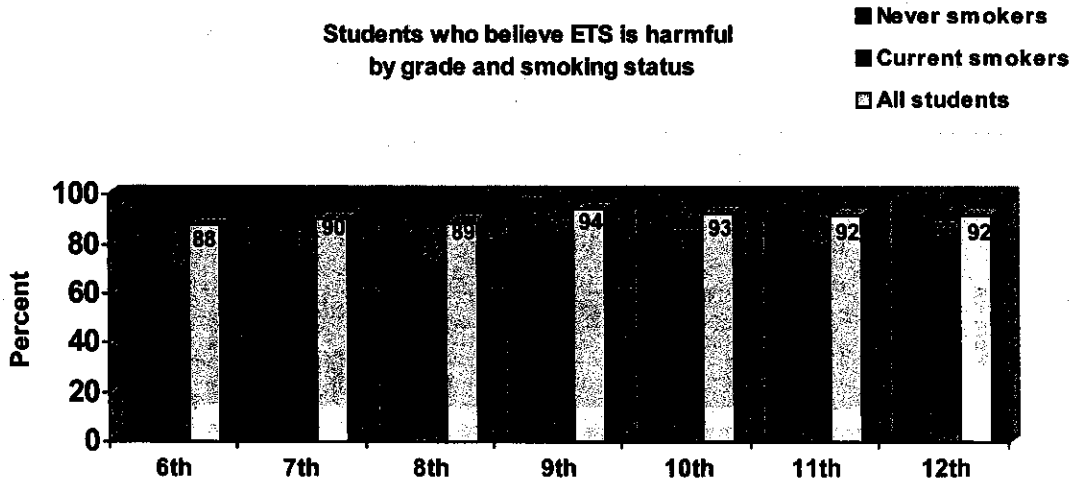
2001 NEVADA YOUTH TOBACCO SURVEY

Beliefs about ETS (Q61):



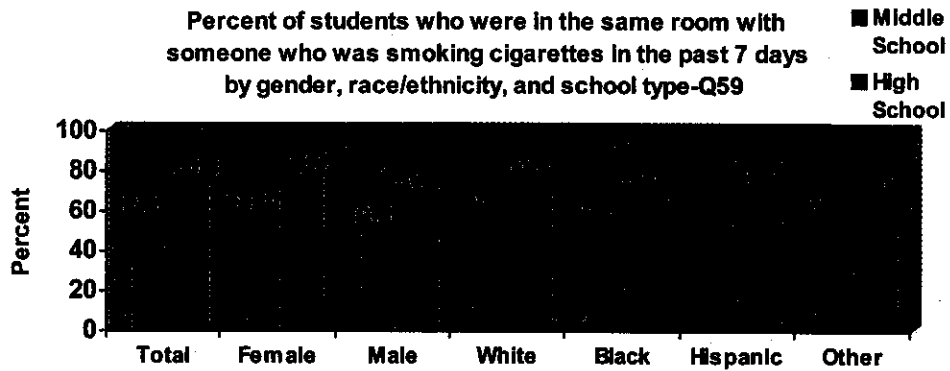
Students were asked if they thought the smoke from other people's cigarettes is harmful to them.

- Nearly 9 in 10 middle school students (88.4%) and more than 9 in 10 high school students (92.7%) believe environmental tobacco smoke (ETS) is probably or definitely harmful.
- In middle school, males are less likely than females to believe that secondhand smoke is dangerous (85.3% vs 91.9%)
- White students in middle school are more likely than students from other racial/ethnic groups to think ETS is harmful. By high school, rates are similar for White, Black, and Other students; however, Hispanic students are still less likely to hold this belief.
- Current smokers in middle school are the least likely of all students to believe that smoke from other people's cigarettes is harmful to them.
- Never smokers are generally more likely than current smokers to believe that secondhand smoke is harmful; however, at grade eleven, 92.9% of current smokers hold this belief compared with 91.9% of never smokers.



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Recent exposure to environmental tobacco smoke (ETS):



Students were asked on how many of the past 7 days they had been in the same room or in a car with someone who was smoking cigarettes (Q59 & Q60).

- More than half of Nevada middle school students (52.4%) and nearly three-fourths of high school students (70.3%) were in the same room as someone who was smoking cigarettes in the past 7 days.
- Female students are more likely than male students to have been in the same room with someone who was smoking in both middle school (54.8% vs 49.5%) and high school (73.3% vs 66.5%).
- The likelihood of having been in the room with someone who was smoking is greater for White students than for students from other racial/ethnic groups regardless of school type.
- More than a third of middle school students (35.8%) and nearly half of high school students (47.1%) rode in a car with someone who was smoking in the past 7 days.
- Female students were slightly more likely than males to have ridden in a car with someone who was smoking, and White students were slightly more likely than students from other racial/ethnic groups to have experienced this.
- Current smokers are at least 50% more likely than never smokers to have been in a room with someone who was smoking and more than twice as likely to have ridden in a car where someone was smoking.
- When these 2 ETS exposure locations are combined, 3 in 5 middle school students and 3 in 4 high school students have been exposed to secondhand smoke in the past 7 days.

