

posted: 7:23 PM Dec 8, 2010

Beating the Kanawha County Smoking Ban

In an attempt to get smoking back into the casino, bowling alley and bars, Nitro City Council is once again working to start its own health department and avoid the countywide smoking ban.

WSAZ, News Channel 3

Reporter: Brooks Jarosz, **Email Address:** brooks.jarosz@wsaz.com

KANAWHA COUNTY, W.Va. (WSAZ) -- In an attempt to get smoking back into the casino, bowling alley and bars, Nitro City Council is once again working to start its own health department and avoid the countywide smoking ban.

A letter from Mardi Gras Casino and Resort is what Nitro Mayor Rusty Casto says started this idea.

The city wanted to be under the Putnam County Health Department a few months ago so it could allow smoking in public places.

After that didn't happen, this is the latest way the city hopes to beat the county's smoking ban.

In Kanawha County, lighting up is banned, but Nitro city leaders are determined to change that.

"The smoking ban's just about to cost the Moose Lodge the lodge, and it's hurt the bowling alley," Casto said. "Like I said, the Mardi Gras dog track, it's cost them \$10 million a year for not allowing people to light up."

Some might challenge those claims, however, since the casino has expanded its hours, is often very crowded and losses could be blamed on the down economy.

Nitro wants to create its own health department and set its own rules.

"This seems almost ridiculous," Kanawha County Commissioner Kent Carper said. "This is about the third time now they've tried to do an in-run."

Carper added, "They were going merge with the Putnam County Health Department and, after that went up in smoke, they came up with this new idea. I mean, what's next?"

Casto disagrees and sees this gamble as a real strike.

"I think that someone who's over 21 (in a casino), if they want to light up, they should be able to light up," Casto said.

Mardi Gras Casino and Resort did issue a statement saying, "If the city of Nitro should decide to form its own health board and would adopt its own smoking policy, we would abide by those regulations," General Manager Bob Lagg said. "The smoking ban has had a significant impact on revenues for several Nitro businesses on the Kanawha County side of the city, including our business."

Lagg added, "We also have customers who do not smoke, and their business is very important to us so we would make it our policy to have a totally separate smoking area on a different floor."

According to state code, municipalities can establish health departments, but that also means doing inspections of restaurants, vaccinations and other requirements.

"In a day where funding is certainly an issue everywhere, I think the folks there may want to consider that before taking any action," DHHR spokesperson John Law said. "If you look at how much smoking costs West Virginians in Medicaid payments for smoking-related illnesses, not smoking is better for the people of West Virginia."

The city estimates a cost of \$100,000 to run the department, which is a gamble that some are willing to take.

City Council plans to have a special meeting Dec. 21 to discuss the proposal and plans to have a final vote by the beginning of February.