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Nitro takes another stab at smoking ban

By [Rusty Marks](#), Charleston Gazette

CHARLESTON, W.Va. -- Officials in the town of Nitro are again trying to circumvent the county's indoor smoking regulations, which ban smoking inside all buildings occupied by the public.

Nitro City Council's ordinance committee was expected to put together an ordinance on Thursday to create the town's own health department, according to Mayor Rusty Casto.

The municipal health department would theoretically be able to make its own smoking regulations exempting a smoking ban at Mardi Gras Casino & Resort and several other businesses in town.

Casto said the proposal for a municipal health department could go to city council for a vote on Dec. 21.

Casto said the countywide smoking ban is hurting business at Mardi Gras, the Nitro Moose Lodge and the Town N Country Lanes bowling alley. He said the ban has been especially hard on Mardi Gras, which is a major source of revenue for the city.

"The Mardi Gras dog track claims that the smoking ban is costing them \$10 million a year in revenue," Casto said. When out-of-state gamblers find out they can't smoke at Mardi Gras, Casto said, "They go to a casino in another state where they can smoke."

Last year, officials in Pennsylvania relaxed smoking regulations in state casinos because of pressure from the gambling industry. Gambling establishments in Ohio and Maryland remain smoke free, according to information compiled by the American Nonsmokers' Rights Foundation.

Dan Adkins, vice president of Hartman & Tyner Inc., which owns Mardi Gras, said the Nitro casino is at a disadvantage compared with other casinos in the state, which are located in counties where gamers are allowed to smoke.

Although Hartman & Tyner operates smoke-free casinos in Florida, Adkins said it wasn't fair to ban smoking at Mardi Gras and not at other casinos in West Virginia. "I'm not a smoker myself," Adkins said. "But I should be able to have the same opportunities as my competition."

In the past, Adkins has proposed separate smoking and non-smoking areas of Mardi Gras. Last year, an article in the peer-reviewed American Journal of Public Health determined that separate smoking and non-smoking sections don't work, and recommended that casinos not be exempted from smoking bans.

In 2006, U.S. Surgeon General Dr. Richard Carmona concluded that no level of secondhand smoke is safe, and said even the most sophisticated ventilation systems can't remove the toxic chemicals from cigarette smoke.

Adkins said he has a warehouse facility on site at Mardi Gras Casino that could be converted into a completely separate smoking building if necessary.

"This is something that needs to be addressed by the Legislature," Adkins said. He said state lawmakers should pass a regulation either allowing or banning smoking at all state casinos.

Dr. Rahul Gupta, director of the Kanawha Charleston Health Department, isn't sure it's a good idea for Nitro to create its own health department.

"If they want to set up their own health department, they can do that," Gupta said, but added that the municipal department would not only be responsible for smoking regulations, but would also have to take on all the tasks and responsibilities of a health department.

Under state law, health departments are responsible for monitoring and enforcing the health and safety of a community's air, food and water. Responsibilities would include making sure Nitro's restaurants are safe and putting plans in place to monitor, investigate and deal with outbreaks of any diseases in town.

"It's not as easy as the public might want to think," Gupta said.

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