

## Health board starts to weigh casino smoke room rules



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(Photo: TRIBUNE FILE PHOTO)

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The City-County Health Board took three preliminary steps Wednesday that could lead to specific regulations guiding officials, the public and casinos about what types of smoke shelters might be legal.

Public discussion was more provocative, with an American Cancer Society representative saying casino owners should get no leeway from a recent Montana Supreme Court decision protecting casino workers and the public from secondhand smoke and a casino owner suggesting the City-County Health Board give casino owners

credit for the time and money some casinos already have invested for smoke shelters that local officials initially approved.

The Montana Supreme Court ruled in late February that the smoke shelters built at two Great Falls casinos violated Montana's Clean Indoor Air Act because small vents on the sides weren't sufficient to turn the four-walled rooms required for gambling into the partially open structures that might be allowed for smoking rooms.

In overturning a Great Falls district judge's ruling, the high court also said the smoke structures are part of workplaces, even if they're not open to the general public, and violate the clean air act.

### [Public divided on ruling against smoke rooms](#)

The health board voted Wednesday:

- To have its staff send letters to all county taverns and casinos explaining the court ruling and clean air act.
- To turn down a request by District Judge Greg Pinski, the original trial judge in the case, to serve as a mediator seeking common ground between casino owners and public health officials in a closed-door session. After holding a closed door, executive session of their own, health board members said they would rather have broad public discussions of the issues than a closed mediation.
- To begin the process of creating simple and specific rules about what might be legal in casino smoke shelters. Board member Tammy Lacey, Great Falls school superintendent, suggested the health board staff draft possible regulations, followed by a public hearing, refined regulations and possible adoption by the board. No time frame was given for the actions.

An earlier draft copy of possible City-County Health Department regulations, which the board has not discussed, said shelters attached to casinos should have entry doors only from the outside, not the interior of the casinos. The doors can be locked during off hours to prevent vagrancy problems, but must remain unlocked while the casinos are open.

K.C. Pilagi, a co-owner of the two casinos mentioned in the lawsuit, Gold's and Players casinos on 10th Avenue South, said the partners tried smoke shelters with an open outside wall initially, but they were besieged by transients who dirtied them and teens who sought leftover cigarettes.

Palagi said the partners worked six months with an architect and spent \$210,000 to create shelters at four casinos that included interior doors, top-grade air filtration systems and slits on a wall.

Attorney Gregg Smith, a partner in the casinos with K.C. and Doug Palagi, said that Cascade County already had "an installed base" of 20 to 25 casinos with smoke shelters before Lewis and Clark and Missoula counties passed regulations banning certain types of shelters.

As members of the city-county health board consider regulations they should consider the good faith and expense the casino owners exercised, Smith said.

"It would be burdensome to eliminate use of the smoke shelters with a stroke of the pen," he added.

But Eran Thompson, Montana grassroots manager for the American Cancer Society, said the Montana Supreme Court had issued its ruling, so there is no need for the county health board to adopt rules that allow casinos to get around the high court ruling. The clean indoor air act is designed to protect the public and workers from the health dangers of secondhand smoke, he stressed.

Thompson said there are another 11 casinos in Cascade County that also should be illegal because they're similar to the two named in the court ruling. He said later they have indoor entry to the smoke rooms, four walls, gambling machines and allow smoking.

Architect Bruce Davidson said he believes the law allows outdoor smoking shelters, so it's a matter of using modern technology and design to create them in a way that allows no smoke to escape into the interior of the casinos.