

Respond to: CURT SCHRODER, MEMBER
ROOM 41 A, EAST WING
PO BOX 202155
HARRISBURG, PA 17120-2155
PHONE: (717) 783-2520
FAX: (717) 705-1994

DISTRICT OFFICE:
315 GORDON DRIVE
EXTON, PA 19341
PHONE: (610) 524-5595
FAX: (610) 524-5667

E-mail: cschrode@pahousegop.com
Website: www.curttschroder.com



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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INDEPENDENT REGULATORY
REVIEW COMMISSION

#2731

March 5, 2009

Kim Kaufman, Executive Director
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: Regulation #125-92
Pennsylvania Gaming Control Board
Smoking in Licensed Facilities

Dear Mr. Kauffman:

In my review of this regulation, I have identified some areas of concern and would like to ask the Commission to take these comments into consideration as it considers final-form Regulation #125-92 dealing with Smoking in Licensed Facilities.

First, I am in support of the Pennsylvania Gaming Control Board in their statement of statutory authority (4 Pa.C.S. § 1202(b)(30)). I believe the PGCB is the appropriate agency to oversee the regulation of smoking in their licensed facilities.

I would urge the Commission to toll this regulation so that the Board can develop further regulations to protect the casino employees and patrons. I would like to suggest that the Board also include the following:

- (1) *Machine location verification.* Licensed facilities should have to submit a floor plan to the Board with the configuration of the machines on the gaming floor. From this plan, the Board will determine where the smoking and non-smoking sections would be based on the gross terminal revenue from the machines.

This verification would stop the practice of the licensees placing their 'high stakes' slot machines in the smoking areas; thus increasing their gross terminal revenue in the smoking areas which would then allows for expansion.

- (2) *Contiguous areas.* Currently, some licensed facility floor plans do not show contiguous smoking sections. On several floor plans there are smoking sections in one area, then other smoking sections in another area.

March 5, 2009
Page Two

The Board should require that smoking and non-smoking sections are contiguous areas, rather than broken up areas.

(3) *Signage on chairs.* Currently, in some facilities, it is hard to determine which areas are smoking and which are not. Some facilities claim they do not want to harm the 'aesthetics' of the casino by placing signage for the sections. The Board should require that each facility to place signage on the chairs in the non-smoking sections containing the words "No Smoking" or using the international "No Smoking" symbol.

Because of these reasons, I am urging the Commission to toll these regulations in order for the Pennsylvania Gaming Control Board to make the necessary changes for the health and safety of the casino employees and patrons.

Thank you for your consideration of this matter.

Very truly yours,


CURT SCHRODER, Member
155th Legislative District

CS/cjm

cc: Frank Donaghue, Acting Executive Director, Pennsylvania Gaming Control Board
Richard Sandusky, Pennsylvania Gaming Control Board
Paul Resch, Pennsylvania Gaming Control Board
Scott Schalles, Independent Regulatory Review Commission ✓
The Honorable Dante Santoni, Majority Chairman, House
Republican Members of the House Gaming Oversight Committee