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**CHEROKEE COUNCIL HOUSE
CHEROKEE, NORTH CAROLINA**

Date: _____

ORDINANCE NO.: _____ **(2021)**

Short Title: An ordinance amending C.C. Chapter 16 to prohibit cigarette and other forms of tobacco smoking indoors at the gaming establishments of Harrah's Cherokee Casino Resort and Harrah's Valley River Casino Resort.

WHEREAS, the Eastern Band of Cherokee Indians is a federally-recognized Indian tribe with sovereign powers of self-government; and

WHEREAS, Tribal Council is hereby fully authorized and empowered to adopt laws and regulations for the general government of the Tribe and govern the management of real and personal property held by the Tribe (EBCI Charter Section 23); and

WHEREAS, the Tribe has sovereign authority to enact policy and law to protect tribal community members from the harms of secondhand exposure to commercial tobacco smoke; and

WHEREAS, today more than 85% of adults in the United States are non-smokers and the number of smokers continues to dwindle; and

WHEREAS, there are documented cases of Native people, such as Nathan Moose, Oglala Lakota, who never smoked but worked in a tribal casino and ultimately died from health complications from secondhand smoke at the age of fifty-four (54) after working in a casino which allowed smoking; and

WHEREAS, the CDC Institute of Medicine's Committee on Secondhand Smoke Exposure and Acute Coronary Events found that, "There is no risk-free level of secondhand smoke exposure; even brief exposure can be harmful to health" and "People who do not smoke, but are exposed to secondhand smoke at home or at work, experience a 25-30% increase in their risk of developing heart disease, lung cancer, or death"; and

WHEREAS, offering a smoke-free casino workplace can make it easier to attract employees, results in higher worker productivity, and sees a decreased use in employee sick days; and

1 **WHEREAS**, smoke-free casinos potentially lower fire, liability, and employee health insurance
2 premiums, and reduce cleaning and maintenance costs throughout the facilities;
3 and
4

5 **WHEREAS**, the casino gaming floors at Harrah’s Cherokee Casino Resort and Harrah’s Valley
6 River Resort have been smoke-free since reopening after the COVID-19 closure
7 in 2020; and
8

9 **WHEREAS**, casino gaming revenues have not suffered at all since the tribal casinos re-opened
10 after the shutdown and went smoke-free on the gaming floors; and
11

12 **WHEREAS**, due to COVID-19, casino patrons and employees all expect clean and safe indoor
13 environments to play and work in and will seek out places which present fewer
14 threats to their health; and
15

16 **WHEREAS**, casino marketing departments can successfully use smoke-free casinos as
17 leverage to appeal to both new and existing patrons who prefer a smoke-free
18 environment; and
19

20 **WHEREAS**, casino patrons who smoke can continue to smoke outdoors and in other suitable
21 environments on casino property where reasonable accommodations can be made
22 for them so as to lessen the dangers to public health; and
23

24 **WHEREAS**, a recent study published in the American Journal of Preventive Medicine entitled
25 *Gambling with our health: smoke-free policy would not reduce tribal casino*
26 *patronage*, concluded that the “tribal casino would likely realize increased
27 patronage associated with smoke-free status while also contributing to improved
28 health for casino workers and patrons”; and
29

30 **WHEREAS**, another recent study published in Public Health Reports examining smoke-free
31 casino policies among adults throughout the United States found that overall 75%
32 of adults favored smoke-free casino policies; and
33

34 **WHEREAS**, approximately 1,000 U.S. casinos and other gaming venues (including many tribal
35 casinos) have switched to 100% smoke-free indoor-air policies, and are not
36 suffering financially because of the switch to smoke-free gaming floors; and
37

38 **WHEREAS**, with new gaming threats all around the EBCI, it is imperative we try to attract as
39 many people as possible who want to enjoy a clean and safe indoor environment
40 at our casino resort properties;
41

42 **NOW THEREFORE BE IT ORDAINED**, by the Tribal Council of the Eastern Band of
43 Cherokee Indians, in Council assembled at which a quorum is present, that
44 Cherokee Code Section 16-10.03 shall be created as follows:
45
46

1 **Sec. 16-10.03. – Indoor Smoking Prohibited.**

2
3 **(a) Prohibited:**

4 Tobacco and non-tobacco smoking shall be prohibited in all public indoor areas of
5 the Harrah’s Cherokee Casino Resort and Harrah’s Valley River Casino properties. This
6 section expressly prohibits smoking of tobacco, non-tobacco, and electronic cigarettes in
7 indoor spaces of all gaming establishments of the Eastern Band.

8 **(b) Electronic Cigarettes Defined:**

9 Electronic cigarettes shall mean any vapor producing product or noncombustible
10 vapor producing product, regardless of nicotine other substance content, that employs a
11 heating element, power source, electronic circuit or other electronic, chemical or
12 mechanical means, that can be used to produce vapor, the use or inhalation of which
13 simulates smoking. Prohibited electronic cigarette devices can be in the electronic form
14 of a cigarette, cigar, cigarillo pipe, hookah, or vape pen, or other similar device, the
15 components of which may or may not use vapor cartridges or other similar containers.

16 **(c) Exclusions:**

17 §16-10.03(a) shall not apply to or prohibit the indoor use or consumption of
18 smokeless tobacco or the smoking or consumption of tobacco used for the purposes of
19 traditional Cherokee cultural ceremonies; and shall not preclude smoking in private guest
20 rooms that are specifically designated and disclosed to guests as “smoking” rooms.
21
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23 **BE IT FINALLY ORDAINED** that all ordinances which are inconsistent with this ordinance
24 are rescinded, and that this ordinance shall become effective upon ratification by the
25 Principal Chief.
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27

28 *Submitted by: Jessica Munson, Robin Wolfe Arch, RN-BSN, Tracy Wolfe Birchfield, FNP-BC,*
29 *Gerri Wolfe Grady, Quana Winstead, PA-C, Tara Reed, Krystle Bolden, Loretta Bolden, Becky*
30 *Chiltoskie, Victoria Velasco, Marisa Cabe, FNP-BC, Tommy Cabe, Jesse C. Sneed, Leslie*
31 *Lossiah Sneed, Jenny Bean, Jenea Murphy Taylor, Haley Cooper, Lavita Hill, Tamara*
32 *Thompson.*