

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	CSSSSB 1(HSS)
Fiscal Note Number:	7
(S) Publish Date:	3/13/2015

Identifier: SB001-DHSS-CDPHP-02-06-15
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate Health & Social Services Committee

Department: Department of Health and Social Services
Appropriation: Public Health
Allocation: Chronic Disease Prevention and Health Promotion
OMB Component Number: 2818

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? Dec. 2017

Why this fiscal note differs from previous version:

Not applicable, initial version.

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Agency: Health & Social Services

Phone: (907)269-6680
Date: 02/03/2015 01:00 PM
Date: 02/06/15

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

This bill repeals Article 3 and adds a new Article 4 (Regulation of Smoking in Public), which designates the Commissioner of the Department of Health and Social Services as responsible to implement and enforce a statewide smoking prohibition in enclosed public spaces, public transportation vehicles and facilities, places of employment, government owned or operated places, buildings or residences used to provide paid child care, health care facilities, Alaska Pioneer Homes and Veterans' Homes, vehicles that are places of employment, and certain marine vessels. Also included are school grounds or public parks for children, outdoor arena seating, and areas within certain distances from entrances, open windows, and air intake vents of places where smoking is prohibited. The bill requires the Commissioner to adopt regulations for filing, processing, and investigating reports of violations of the smoking prohibition, which may include filing complaints and issuing citations.

The Department's role in enforcing and implementing the statewide smoking prohibition is to provide education and respond to complaints. The bill allows the Commissioner to delegate to other agencies any of the responsibilities to enforce the bill's provisions. DEC is currently responsible for enforcing Article 3. Repeal of Article 3 may have the effect of reducing base costs for DEC, while addition of Article 4 allows for DHSS's delegation of enforcement.

Until regulations are established, it is difficult to know the full extent of the work involved in enforcement. Currently, enforcement of this nature is not a core function of any of the DHSS divisions. The Division of Behavioral Health's Prevention and Early Intervention Section currently monitors retail tobacco sales to minors required by federal Synar legislation. The Tobacco Enforcement Team, comprised of three staff, would monitor and respond to all complaints and provide ongoing education to businesses. Regulations adopted by the Commissioner can create a series of notices, warnings and other interventions in order to minimize costs prior to investigations and sanctions. Local law enforcement would be utilized to issue citations. Ideally, the Division of Behavioral Health would consider this as a form of "passive enforcement" which could be performed in addition to the other duties assigned to the Tobacco Investigators. Under this complaint-driven enforcement model, the division does not expect to require an additional appropriation.

The bill also subjects a person who is in charge of a place where smoking is prohibited to a requirement to display specific signage. Sec. 18.35.306(c) requires the department to furnish signs to any person who requests them. If the intent is that the type of sign provided is an electronic downloadable copy of a sample sign, the cost would be minimal regardless of the number of signs requested. However, if the intent is for more durable manufactured or printed signage, then additional resources would be needed.

The Division of Public Health's Tobacco Prevention and Control Program would be responsible for developing public education materials regarding the requirements within the law and for educating business owners, our grantees and the public on the specifics of the law. Current grantees and contractors will refocus their efforts to the implementation related to this statewide smoking prohibition, possibly at the expense of current educational efforts. A website along with other resources and materials would educate business owners, the public and law enforcement on the specifics of the law.

This is a zero fiscal note. The department believes these efforts could be accomplished with existing resources in combination with ongoing comprehensive tobacco prevention and control efforts across the state.