

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SB 63
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB063-DEC-FSS-02-24-17
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate Health and Social Services

Department: Department of Environmental Conservation
Appropriation: Environmental Health
Allocation: Food Safety & Sanitation
OMB Component Number: 2343

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
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

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) 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If yes, by what date are the regulations to be adopted, amended or repealed? **06/30/18**

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: <u>Christina Carpenter, Director</u>	Phone: <u>(907)269-7645</u>
Division: <u>Environmental Health</u>	Date: <u>02/24/2017 10:00 AM</u>
Approved By: <u>Alice Edwards, Deputy Commissioner</u>	Date: <u>02/24/17</u>
Agency: <u>Department of Environmental Conservation</u>	

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2017 LEGISLATIVE SESSION**

BILL NO. SB063

Analysis

This bill would transfer duties relating to regulation of smoking from the Department of Environmental Conservation (DEC) to the Department of Health and Social Services. DEC's recent application of these statutes has been limited to providing information to the public regarding intent and provisions of the law, recommending corrective actions and methods to comply with the legal requirements, providing signs upon request, and recording any failure to post required signs on routine inspection reports at retail food facilities. The result would have no fiscal impact to DEC.

Technical edits to existing DEC regulations would be completed as time allows with existing resources.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SB 63
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB063-DHSS-CDPHP-2-24-17
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: (S) HSS

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)

	FY2018	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2018 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES	FY 2018	FY 2018					
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

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) 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? **1/1/19**

Why this fiscal note differs from previous version:

Not applicable; initial version.

Prepared By: Jay C. Butler, Chief Medical Officer/Director
Division: Public Health
Approved By: Shawnda O'Brien, Asst. Commissioner
Agency: Health and Social Services

Phone: (907)269-6680
Date: 02/23/2017 12:00 PM
Date: 02/24/17

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. SB063

Analysis

This bill amends AS 18.35, *Public Accommodations and Facilities*, by adding Article 4, *Prohibition of Smoking in Certain Places*, and repealing Article 3, *Regulation of Smoking in Public Facilities*. The Department of Environmental Conservation is currently responsible for enforcement of Article 3 of Chapter 18.35, *Regulation of Smoking in Public Facilities*. Under this bill, the Commissioner of Health and Social Services would be responsible for ensuring compliance and providing signage and education regarding the law, in combination with the existing comprehensive smoking education, tobacco use prevention, and tobacco control program—currently provided by the department (AS 44.29.020(a)(14), *Duties of the Department*).

The Division of Behavioral Health's Prevention and Early Intervention Section currently monitors retail tobacco sales to minors required by federal Synar legislation. Under this bill, the Tobacco Enforcement Team would monitor and respond to all complaints and provide ongoing education to businesses. 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. An online complaint form would be created and monitored along with a 1.800 number for complaints via phone. The department does not anticipate many calls or complaints based on the experience of other jurisdictions with similar laws such as the Municipality of Anchorage. Under a complaint-driven enforcement model, the division does not expect to require an additional appropriation.

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, for educating business owners, our grantees and the public on the specifics of the law, and providing signage. 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. 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 made with existing resources in combination with ongoing comprehensive tobacco prevention and control efforts across the state.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SB 63
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB063-DPS-DET-02-24-17
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: (S) HSS

Department: Department of Public Safety
Appropriation: Alaska State Troopers
Allocation: Alaska State Trooper Detachments
OMB Component Number: 2325

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates				
	FY 2018	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES							
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

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) 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? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Kelly Howell
Division: Administrative Services
Approved By: Walt Monegan
Agency: Public Safety

Phone: (907)465-4336
Date: 02/24/2017 02:00 PM
Date: 02/24/17

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2017 LEGISLATIVE SESSION**

BILL NO. SB 63

Analysis

This bill amends AS 18.35.341(a) to allow peace officers to issue citations for violations related to smoking in certain prohibited areas when committed in the officers' presence, and to issue citations for a violation of the requirement to post "no smoking" signage in certain areas.

Passage of this legislation is not expected to significantly impact the efforts of the Alaska State Troopers as such citations would be issued in the performance of their normal duties. Therefore, a zero fiscal note is being submitted.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SB 63
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB063-DCCED-AMCO-02-24-17
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: (S) Health & Social Services

Department: Department of Commerce, Community and
Economic Development
Appropriation: Alcohol and Marijuana Control Office
Allocation: Alcohol and Marijuana Control Office
OMB Component Number: 3119

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES								
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	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) 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? No
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Sara Chambers, Director
Division: Alcohol and Marijuana Control Office
Approved By: Catherine Reardon, Director
Agency: Division of Administrative Services, DCCED

Phone: (907)269-0351
Date: 02/24/2017 11:29 AM
Date: 02/24/17

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2017 LEGISLATIVE SESSION**

BILL NO. SB 63

Analysis

SB 63 prohibits and penalizes smoking where the public and vulnerable individuals are located. This includes certain retail establishments, public-use areas, and enclosed areas, including buildings that do not meet ventilation standards. Additionally, this legislation requires employers, property owners, property operators, and other members of the public to display signs of the smoking prohibitions to be posted in the aforementioned areas.

The Alcohol and Marijuana Control Office does not anticipate fiscal impact from this legislation. Any regulations required of the Marijuana Control Board will be included in existing regulations projects.