

# Fiscal Note

State of Alaska  
2018 Legislative Session

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

Identifier: SB063-DHSS-CDPHP-1-17-18  
Title: REGULATION OF SMOKING  
Sponsor: MICCICHE  
Requester: Senate 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)

|                        | FY2019<br>Appropriation<br>Requested | Included in<br>Governor's<br>FY2019<br>Request | Out-Year Cost Estimates |            |            |            |            |
|------------------------|--------------------------------------|--|-------------------------|------------|------------|------------|------------|
| OPERATING EXPENDITURES | FY 2019                              | FY 2019  | FY 2020                 | FY 2021    | FY 2022    | FY 2023    | FY 2024    |
| Personal Services      |                                      |  |                         |            |            |            |            |
| Travel                 |                                      |  |                         |            |            |            |            |
| Services               |                                      |  |                         |            |            |            |            |
| Commodities            |                                      |  |                         |            |            |            |            |
| Capital Outlay         |                                      |  |                         |            |            |            |            |
| Grants & Benefits      |                                      |  |                         |            |            |            |            |
| Miscellaneous          |                                      |  |                         |            |            |            |            |
| <b>Total Operating</b> | <b>0.0</b>                           | <b>0.0</b>                                     | <b>0.0</b>              | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

## Fund Source (Operating Only)

|              |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| None         |            |            |            |            |            |            |            |
| <b>Total</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

## Positions

|           |  |  |  |  |  |  |  |
|-----------|--|--|--|--|--|--|--|
| Full-time |  |  |  |  |  |  |  |
| Part-time |  |  |  |  |  |  |  |
| Temporary |  |  |  |  |  |  |  |

## Change in Revenues

|              |            |            |            |            |            |            |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|
| None         |            |            |            |            |            |            |            |
| <b>Total</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> | <b>0.0</b> |

**Estimated SUPPLEMENTAL (FY2018) cost:** 0.0 (separate supplemental appropriation required)  
(discuss reasons and fund source(s) in analysis section)

**Estimated CAPITAL (FY2019) 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? 01/01/20

## Why this fiscal note differs from previous version/comments:

Not applicable; initial version.

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Approved By: Shawnda O'Brien, Asst. Commissioner  
Agency: Health and Social Services

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

## FISCAL NOTE ANALYSIS

STATE OF ALASKA  
2018 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.