

ALASKA STATE LEGISLATURE

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SENATOR PETER A. MICCICHE

CS SB 209 (HSS) Sponsor Statement

DISTRICT O

REGULATION OF SMOKING

Anchor Point

Clam Gulch

Cohoe

Diamond Ridge

Fox River

Fritz Creek

Funny River

Halibut Cove

Happy Valley

Homer

Kachemak City

Kachemak Selo

Kalifornsky

Kasilof

Kenai

Nikolaevsk

Ninilchik

Razdolna

Ridgeway

Seldovia

Soldotna

Voznesenka

Senate Bill 209 will protect working Alaskans from the adverse health effects of secondhand smoke through comprehensive protection in businesses and public places. As a conservative Alaskan, I support a philosophy of limiting the role of government in our daily lives. I process each legislative decision through a litmus test of whether the result falls under an appropriate role of government. In this case, we feel that public health and safety remains at a documented level of high risk requiring the protection of Alaska's workers from the effects of secondhand smoke as an appropriate governmental responsibility. Similar comparisons include speed limits, motor vehicle design safety, electrical codes, pipeline safety laws and agency responsibilities ensuring industrial employee safety regulations.

Current law prohibits smoking in the workplace in many areas of the state, as well as in healthcare facilities, schools, childcare facilities and public meeting rooms in government buildings. Over one-half of the population of Alaska including cities such as Bethel, Anchorage, Juneau, Barrow, Dillingham, Haines, Skagway, Petersburg, Klawock, Nome, Unalaska, and Palmer are currently living under a similar law to Senate Bill 209. However, Alaska's remaining population centers do not have jurisdiction to enact smoke-free laws in second-class boroughs, such as the Fairbanks North-Star Borough, the Mat-Su Borough and the Kenai Peninsula Borough. In addition, Alaskans residing in unorganized areas are also not currently protected and legislative action is required for the option to be made available. SB 209 provides protection for employees in the remaining areas not covered through other existing code.

SB 209 is based on existing laws in many states, as well as Anchorage, Juneau and Palmer, which are well established and well regarded by citizens and businesses. The bill does not prohibit outdoor smoking, except within certain specific areas near building entrances/exits, air intakes, and other specifically designated public gathering places as defined in the statute. The bill does not legislate hiring or employment of smokers or non-smokers. Employers and businesses can still elect to have smoke-free/tobacco-free properties such as smoke-free hospital campuses.

The committee substitute provided is in response to discussions that have already taken place with Alaskans interested in protecting local control and providing common-sense

exclusions. Local governments with adequate jurisdiction retain the authority to adopt more restrictive local provisions than the statewide law (e.g., provisions specific to locally popular public gathering places or events). Local governments also retain the option to “opt out” of the statute through a local election. Free-standing tobacco shops and e-cigarette are excluded from the bill.

Why is a conservative willing to take on this issue? Although not a simple decision the value is clear. We continue to lose many Alaskans to diseases associated with the adverse effects of second hand smoke. Many Alaskan families, including mine, continue to be adversely affected. My children prematurely lost their grandfather and I lost my father in November of last year. I miss him every day. My siblings suffer from the early childhood effects of second-hand smoke. Some of my motivation is personal, the remainder is due to my care for the health of innocent Alaskans that choose not to smoke. As a fiscal conservative, I also remain deeply concerned with the cost to the State of illnesses associated with the effects of second hand smoke.

This bill does not remove the right of the smoker to choose to smoke. They remain free to choose their individual path as my father chose. What the bill accomplishes is a limit to the smokers’ ability to adversely affect the health of Alaska’s non-smoking employees.

Four hundred Alaskan businesses and organizations, representing all regions of the state, have already signed on in support of a statewide smoke-free workplace law. I believe it is time through SB 209 to have the discussion and I urge fellow members to support the bill.