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## **CS SSSB 1(STA) SECTION ANALYSIS**

### **Version "S"**

**Section 1** – AS 18.35 is amended by adding new sections to read:

**18.35.301 Prohibition of Smoking**

**Page 1, lines 5 -14 & page 2, lines 1-2: (a)** prohibits smoking in enclosed areas in public places, including enclosed areas at an entertainment venue or sports arena; in vehicles used for public transportation; at public transportation facilities and depots; at a retail store or shopping center; at places of public assembly on property owned by the state or other unit of local government.

**Page 2, lines 3 - 16: (b)** prohibits smoking in certain enclosed areas: office buildings, hotels, motels, restaurants, bars, retail stores or common areas in apartment and multiple family dwellings, a place of employment, a building or residence used to provide paid childcare, at healthcare facilities, in a vehicle that is a place of employment, at a public or private educational facility; at a residence where paid adult care is provided; at a residence in a healthcare facility, hotel, or motel; and on a marine vessel operating as a shore-based fisheries business under AS 43.75.

**Page 2, lines 17 - 30: (c)** prohibits smoking outdoors in certain areas: at public or private schools; state or municipal parks primarily designated as a place for children to play; in seating areas for outdoor arenas, stadiums and amphitheaters; within 50 feet of an entrance to a healthcare facility, 20 feet of an entrance, open window, or heating or ventilation system air intake vent at a place where smoking is prohibited under this section; or within a reasonable distance of an entrance, open window, or heating or ventilation air intake on a marine vessel as determined by the vessel operator in charge.

**Page 2, line 31 – p. 3, lines 1 - 23: (d)** allows smoking at a retail tobacco or e-cigarette store unless the owner or operator prohibits it, and defines "retail tobacco or e-cigarette store".

**Page 3, lines 24-29: (e)** permits an enclosed smoking area at Alaska International Airport System airports for international passengers who are in-transit and restricted by federal law from leaving the airport and establishes ventilation requirements.

**Page 3, lines 30-31 & Page 4, lines 1-4: (f)** allows smoking in a vehicle that is a place of employment used exclusively by one person; and on a marine vessel when it is engaged in commercial fishing or sport charter fishing or is otherwise used as a place of employment.

**Page 4, lines 5-6: (g)** allows smoking in a private residence that is not used for paid childcare, adult care, and as a healthcare facility.

**Page 4, lines 7-14: (h)** *makes it optional* for the department (DEC) to adopt regulations authorizing smoking in stand-alone shelters.

#### 18.35.306 Notice of Prohibition

**Page 4, lines 15-28:** describes the obligations of employers, owners and operators of places and vehicles where smoking is prohibited to post “no smoking” signs within those places or vehicles and at or near the entrances; and establishing a Maximum \$50 fine for failure to comply. This section also requires the Department of Environmental Conservation to furnish signs upon request.

#### 18.35.311 Duty of employers and building managers

**Page 4, lines 29-31 & Page 5, line 1: (a)** an employer may not permit an employee, customer or other person to smoke inside an enclosed area at a place of employment;

**Page 5, lines 1-3: (b)** an owner, operator, or manager of a building or other place where smoking is prohibited may not provide ashtrays or other smoking accessories for use in that building or place.

#### 18.35.321 Public Education

**Page 5, lines 4-13:** requires the commissioner of environmental conservation to provide a program of education regarding AS 18.35.301 – 18.35.399 to employers, other affected parties and members of the public; and that this program may be provided in combination with the current comprehensive smoking education program established in Health and Social Services at AS 44.29.020(a)(14) which seeks in part to “prevent youth initiation of tobacco use, promote cessation among tobacco users, and educate the public about the lethal effects of exposure to secondhand smoke”, and also includes “an enforcement component” in AS 44.29.020(a)(14)(E).

### 18.35.326 Nonretaliation

**Page 5, lines 14-20:** prohibits employers from discriminating against an employee because the employee cooperated with or initiated enforcement of a requirement in AS 18.35.301-18.35.399; and similarly prohibits owners or operators of vehicles or other places subject to AS 18.35.301 – 18.35.399 from retaliating against customers or other members of the public due to their cooperation with or initiation of enforcement of the requirements in AS 18.35.301-18.35.399.

### 18.35.331 Conflicts with local requirements

**Page 5, lines 21-26:** a municipality is not prohibited from adopting and enforcing local laws with additional prohibitions on smoking or additional duties for employers, owners, operators, and other persons subject to requirements of 18.35.306 and 18.35.311.

**Section 2** – Page 5, lines 27 – 30: Existing AS 18.35.340(a) *Civil complaints; penalties* is reinstated and amended to incorporate the new language of 18.35.301, 18.35.306, 18.35.311 and 18.35.326 and requires the commissioner of environmental conservation to develop and maintain a procedure for processing reports of violations.

**Section 3** – Page 6, lines 1 – 9: Existing AS 18.35.340(b) is reinstated, adds conforming changes and establishes how the commissioner or his employee designee may enforce the provisions of Section 1.

**Section 4** – Page 6, lines 10 -18: Existing AS 18.35.340(c) is reinstated, and adds conforming changes. This Section establishes a fine of \$10 - \$50 for violations of 18.35.301, 18.35.311, and 18.35.326, and a fine of \$20 - \$300 for a violation of 18.35.306.

**Section 5** – Page 6, lines 19 – 23: Existing AS 18.35.341 (a) *Citations; penalties* is reinstated, adds conforming changes, and establishes what violations must be committed in a peace officer's presence before the peace officer may issue a citation, and the uniform citation format and procedure that must be used.

**Section 6** – Page 6, lines 24 – 31, and Page 7, lines 1-2: Existing AS 18.35.341(b) is reinstated; adds conforming changes; establishes how designated employees of DEC may issue citations for violations of Section 1; that they will be processed in the same manner as citations issued by peace officers in 18.35.341(a); and that an employee of DEC may not arrest a person for a violation of Section 1.

**Section 7** – Page 7, lines 3 – 11: Existing AS 18.35.341(c) is reinstated; adds conforming changes; establishes that violations of 18.35.301, 18.35.306, 18.35.311 and 18.35.326 are non-criminal offenses; sets fines for violations of 18.35.301, 18.35.311, and 18.35.326 at \$10 - \$50,

and a fine of \$20 - \$300 for a violation of 18.35.306; and establishes that each day a violation of 18.35.306 continues after a citation has been issued constitutes a separate violation.

**Section 8** – Page 7, lines 12 – 17: Existing AS 18.35.341(d) is reinstated; adds conforming changes; establishes that the supreme court will establish a bail schedule for violations of 18.35.301, 18.35.306, 18.35.311 and 18.35.326; that bail amounts may not exceed those listed in 18.35.341(c); and that the bail amount must appear on the citation.

**Section 9** – Page 7, lines 18 – 21: Existing AS 18.35.342 *Multiple fines prohibited* is reinstated, and adds conforming changes. Establishes that a person may not be fined more than once for each violation of 18.35.301, 18.35.306, 18.35.311 and 18.35.326.

**Section 10** – Page 7, lines 22 – 25: Existing AS 18.35.343 *Injunctions* is reinstated, and adds conforming changes. Establishes that the DEC commissioner or any affected party may institute an action in the superior court to enjoin repeated violations of 18.35.301, 18.35.306, 18.35.311 and 18.35.326.

**Section 11** – Page 7, lines 26 – 30: Existing AS 18.35.350 *Enforcement authority* is reinstated, and adds conforming changes. Establishes that the DEC commissioner or designee is responsible to enforce the provisions of 18.35.301 – 18.35.399, and that this section does not limit the authority of peace officers.

**Section 12** – Page 7, line 31, page 8, lines 1 – 31, and page 9, lines 1 -13: Adds a new *Definitions* section, specifically amending definitions of “commissioner” from Health and Social Services to Environmental Conservation; and “department” from Health and Social Services to Environmental Conservation.

**Section 13** – Page 9, lines 14 – 15: Repealing language.

**Section 14** – Page 9, lines 16 – 23: Applicability clause.

**Section 15** – Page 9, lines 24 – 29: Transition of regulations clause.

**Section 16** – Page 9, line 30: Immediate effective date for Section 15.

**Section 17** – Page 9, line 31: Establishes October 1, 2015 effective date, excluding Section 16.