

# ALASKA STATE HOUSE

**Session:**

State Capitol Building,  
Room 104  
Juneau, AK 99801  
Phone: (907) 465-4922  
Fax: (907) 465-2197



**Interim:**

1292 Sadler Way, Suite 308  
Fairbanks, AK 99701  
Phone: (907) 452-4448  
Fax: (907) 456-3346

## REPRESENTATIVE DAVE TALERICO

### Summary of Changes to CSHB 328( ) – Version A to Version W

- A subsection is added to Section 1, AS 18.35.301(c) to prohibit smoking at a place of employment or health care facility where the entire outside property is smoke-free.
- AS 18.35.301(h) in Section 1 is deleted and combined with (g) and does not require the Department of Environmental Conservation (DEC) to adopt regulations relating to smoking in a stand-alone shelter.
- In Section 1, AS 18.35.306(a), “and” is deleted in (a)(1) to allow for three different signs that can be displayed in a building or vehicle where smoking is prohibited.
- A reference to AS 18.35.301(c) in Section 1, AS 18.35.306(b) is specified to subsection (c)(4) in order to not require “smoke-free campuses” to post a sign on every building within the campus.
- Section 1, AS 18.35.316 is changed so that DEC’s adoption of regulations for this bill is not required.
- Section 1, AS 18.35.321 is changed so that the commissioner of DEC will consult with the Department of Health and Social Services (DHSS) to ensure compliance with this bill and to provide for education programs regarding the requirements of this bill.
- Section 1, AS 18.35.336 and 18.35.351 is deleted and incorporated in Sections 2-4 of Version W.
- Sections 2-4 are added to amend AS 18.35.340(a)-(c), by adding references to sections created in this bill, deleting references to repealed sections, and making the following changes:
  - Requiring the DEC commissioner to create a procedure for processing violations of this bill
  - Allowing the DEC commissioner to file a civil complaint or a designated employee to issue a citation
  - Sets a minimum fine of \$50 for a violation of AS 18.35.301, 18.35.311, or 18.35.326, raises the minimum fine for a violation of AS 18.35.306 to \$50, and makes it so each day that a violation of AS 18.35.306 continues constitutes a separate violation.

- Sections 5-8 are added to amend AS 18.35.341(a)-(d), by adding references to sections created in this bill and deleting references to repealed sections, and making the following changes:
  - Allows a peace officer to issue a citation for a violation of this bill
  - Allows a designated employee of DEC to issue a citation for a violation of this bill, but may not arrest the person
  - Specifies that violations of the provisions of this bill are non-criminal offenses
  - Requires the Alaska Supreme Court to establish bail amounts for violations of this bill
- Section 9 is added to amend AS 18.35.342 to ensure that a person is not fined more than once for a violation of this bill.
- Section 10 is added to amend AS 18.35.343 to replace the original Section 1, AS 18.35.351 to allow the commissioner of DEC or another affected party to take action in the superior court to enjoin repeated violations of this bill.
- Section 11 is added to amend AS 18.35.350 to require the DEC commissioner or their designee to enforce the provisions of this bill.
- AS 18.35.340-350 is no longer being repealed.
- Uncodified law regarding what violations this bill applies to is amended to delete references to AS 18.35.336 and 18.35.351 which are no longer in the bill and add references to the changes made in Sections 2-11.
- Uncodified law regarding regulation power is changed so that DEC will create regulations rather than DHSS. Also references to AS 18.35.336 and 18.35.351 are deleted and references to the changes made in Sections 2-11 are added.
- Section numbers are changed on the effective dates to reflect the changes in Version W.

Staff Contact: Joshua Banks, (907) 465-2847