

Senate Peter A. Micciche

Alaska State Legislature

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CS SSSB 1(HSS) Sponsor Statement

Regulation of smoking

CS SSSB 1(HSS) seeks to safeguard working Alaskans and their children from the adverse health effects of secondhand smoke by providing a statewide smoke-free workplace law for businesses and public places. As a conservative Alaskan, I actively support a philosophy that works to limit 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 believe that both the right to breathe smoke-free air and the significant, documented public health risks of second hand smoke exposure compel us to view the protection of Alaska's labor force and their families as an appropriate governmental responsibility. Similar comparisons include the government role in establishing speed limits, seat belt laws, motor vehicle design safety improvements, electrical codes, pipeline safety laws and agency responsibilities ensuring industrial employee safety regulations. As judicial philosopher Zechariah Chafee said in the Harvard Law Review in 1919, "Your right to swing your arm ends just where the other man's nose begins". CS SSSB 1(HSS) helps to protect the rights of Alaskans who choose not to smoke.

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 those in Bethel, Anchorage, Juneau, Barrow, Dillingham, Haines, Skagway, Petersburg, Klawock, Nome, Unalaska, and Palmer are currently living under smoke-free laws similar to CS SSSB 1(HSS). These laws are well established and strongly supported by citizens and businesses. For Alaskans residing in the remaining areas of the state, CS SSSB 1(HSS) offers a uniformly applied safeguard from second hand smoke that is currently not available.

CS SSSB 1(HSS) does not prohibit outdoor smoking, except within certain areas near building entrances/exits, air intakes, and other specifically designated public gathering places as defined in the

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statute. The bill does not legislate hiring or employment of smokers or non-smokers. Local governments with adequate jurisdiction retain the authority to adopt more restrictive local provisions than the statewide law (e.g., provisions specific to local public gathering places or events). Free-standing tobacco and e-cigarette shops are excluded from the bill.

Why is a conservative willing to take on this issue? The reason is simply to protect the rights of the non-smoker, save lives and reduce the staggering health costs of secondhand exposure to tobacco use. The 2012 Alaska Division of Public Health report, *Alaska Tobacco Facts*, found more Alaskans die annually from the direct effects of tobacco use than from suicide, motor vehicle crashes, chronic liver disease and cirrhosis, homicide, and HIV/AIDS combined.

The annual economic loss to Alaskans because of secondhand smoke is estimated to be in the millions of dollars, with an estimated 60 lives lost each year. Nationally, exposure to secondhand smoke kills more than 41,000 adult non-smokers from coronary heart disease and lung cancer each year. This is more than 4 times the number of DUI fatalities each year in America.

Many Alaskan families, including mine, continue to be adversely affected. My children prematurely lost their grandfather and I lost my father in November of 2013. My siblings suffer from the early childhood effects of secondhand smoke.

CS SSSB 1(HSS) does not remove the right of the smoker to choose to smoke. Rather, it limits a smoker's ability to adversely affect the health of Alaska's non-smoking employees. In other words, the bill simply asks smokers to "take it outside" in an effort to protect Alaskan employees.

More than eight hundred Alaskan businesses and organizations representing all regions of the state have already signed on in support of a statewide smoke-free workplace law. Through CS SSSB 1(HSS), we believe it is time to have this discussion. I urge fellow members to join me in protecting the health of innocent, non-smoking Alaskans by supporting this bill.

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