

# Senator Peter A. Micciche

## *Alaska State Legislature*

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SB 63

### Sectional Analysis

#### **Section 1**

Provides a statement of legislative intent which is that nothing in this Act will waive the state's immunity from liability provided for in state law, nor to alter applicable law relating to possible liability of manufacturers, dispensers, or others as a result of smoking or using tobacco or e-cigarettes within an enclosed area.

#### **Section 2**

Adds a new article to AS 18.35 that

- AS 18.35.301 - prohibits smoking in certain places, including specified enclosed areas and at or near specified outdoor areas;
- provides limited exceptions to the smoking prohibitions for retail tobacco and e-cigarette stores, for enclosed, marked, and vented transit areas, for private residences, for specified vehicles and vessels, for stand-alone shelters and for licensed marijuana establishments;
- AS 18.35.306 - requires notices of smoking prohibitions and fines;
- AS 18.35.311 - prohibits employers and building owners or managers from permitting smoking or supplying smoking accessories in place where it is prohibited;
- AS 18.35.316-35.321 - requires the commissioner of health and social services or the commissioner's designee to administer and enforce the requirements under the Act and to provide public education about the requirements;
- AS 18.35.326 - prohibits an employer, or owner or operator of a vehicle from retaliating for initiating or cooperating with enforcement of the Act;
- AS 18.35.331 - allows a municipality to impose additional smoking restrictions and duties;

#### **Sections 3 - 4**

AS 18.35.340(a) & (b) - amends cross-references to conform to the new and repealed provisions.

#### **Section 5**

AS 18.35.340(c) - amends cross-references and provides new fines for violations in which the commissioner has filed a civil complaint.

#### **Section 6-7**

AS 18.35.341(a) & (b) - amends cross-references to conform to the new and repealed provisions.

## **Section 8**

AS 18.35.341(c) - amends cross-references and provides individuals found guilty of a violation as defined in Title 11 are subject to new fines.

## **Section 9-12**

AS 18.35.341(d), 35.342, 35.343 & 35.350 - Amend cross-references to conform to the new and repealed provisions.

## **Section 13**

AS 18.35.399 - Defines terms used in the Act.

## **Section 14**

Repeals specified provisions related to smoking in AS 18.35.

## **Section 15**

Uncodified law - specifies that the changes made by secs. 2 - 13 of the Act apply to violations or compliance failures that occur on or after the effective date of secs. 2 - 13 of the Act.

## **Section 16**

Uncodified law - authorizes the Department of Health and Social Services to adopt necessary regulations to implement the Act. The Regulations may not take effect before the effective date of the relevant provision being implemented.

## **Section 17**

Provides for an immediate effective date for sec. 16.

## **Section 18**

Provides for an October 1, 2017 effective date for the remainder of the Act.