

# Fiscal Note

State of Alaska  
2014 Legislative Session

Bill Version: CSSB 209(STA)  
Fiscal Note Number: 6  
(S) Publish Date: 4/4/14

Identifier: SB209-DHSS-CO-03-28-14  
Title: REGULATION OF SMOKING  
Sponsor: MICCICHE  
Requester: Senate State Affairs Committee

Department: Department of Health and Social Services  
Appropriation: Departmental Support Services  
Allocation: Commissioner's Office  
OMB Component Number: 317

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>OPERATING EXPENDITURES</b>								
Personal Services	***		***	***	***	***	***	***
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
<b>Total Operating</b>	***	<b>0.0</b>	***	***	***	***	***	***

## Fund Source (Operating Only)

None								
<b>Total</b>	***	<b>0.0</b>	***	***	***	***	***	***

## Positions

Full-time								
Part-time								
Temporary								

## Change in Revenues

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**Estimated SUPPLEMENTAL (FY2014) cost:** 0.0 *(separate supplemental appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

**Estimated CAPITAL (FY2015) cost:** 0.0 *(separate capital appropriation required)*  
*(discuss reasons and fund source(s) in analysis section)*

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**  
If yes, by what date are the regulations to be adopted, amended or repealed? **10/01/15**

## Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Kerre L. Shelton, Director	Phone:	(907)269-2042
Division:	Division of Public Health	Date:	03/25/2014 12:00 AM
Approved By:	Sarah Woods, Deputy Director, Finance & Management Services	Date:	03/27/14
Agency:	Department of Health and Social Services		

**Analysis**

This bill repeals Article 3 and adds a new Article 4 (Regulation of Smoking in Public), which designates the Department of Health and Social Services as responsible for enforcement. The new Article 4 prohibits smoking statewide in public enclosed areas, public transportation vehicles and facilities, places of employment, government owned or operated places, buildings or residences used to provide paid child care, health care facilities, school grounds or public parks for children, outdoor arena seating, and shore-based fishery marine vessels. Smoking is prohibited within certain distances from entrances, open windows, and air intake vents of places where smoking is prohibited. The Department of Environmental Conservation is currently responsible for enforcement of Article 3 of Chapter 18.35 (Regulation of Smoking in Public Facilities), but would cease to be.

If DHSS becomes the regulatory agency, a new smoking regulation and enforcement unit will have to be established, perhaps as part of the Commissioner's Office. Currently, enforcement is not a core function of any of the DHSS Divisions. Costs are indeterminate as the department does not currently have the infrastructure, expertise or internal capacity for enforcing compliance, and will need further clarification and research into what elements would be necessary. Staff would likely be needed to investigate complaints, issue citations, and follow up on all violations and penalties. The department would need to hold several public hearings around the state and extensive regulations would need to be developed during the first year.

The Division of Behavioral Health has limited responsibility for tobacco compliance through the Prevention and Early Intervention Section for the purpose of monitoring retail tobacco sales to minors. Three staff work with minors to conduct compliance operations to assure that tobacco retailers are not selling to minors. DBH engages in this activity to assure compliance with federal Substance Abuse Prevention and Treatment block grant regulations that require states to assure no more than 20% of tobacco sales involve minors. At one time Alaska's rate was over 30%, now it is 3%. This is a very targeted and specific compliance project required by federal Synar legislation.

Under section 18.36.356, the Division of Public Health's Tobacco Prevention and Control Program would be responsible for developing public education materials and educating business owners and the public on the specifics of the law. Signage for all state owned or operated buildings would be produced and distributed. Sample signage and information would also be provided to business owners online and distributed prior to the October 1, 2014 effective date. The public education work could be done with existing resources through an existing grant program in combination with ongoing comprehensive tobacco prevention and control efforts across the state.