

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 209(HSS)
Fiscal Note Number: 8
(S) Publish Date: 4/14/14

Identifier: SB209CS(HSS)-DHSS-CO-04-10-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate Finance 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	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

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If yes, by what date are the regulations to be adopted, amended or repealed?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:

Amended to conform to minor changes introduced by version "Y." Additionally, committee deliberation on SB 209 has clarified that the Department's role in enforcing and implementing the statewide smoking prohibition is to provide education and respond to complaints. This information further allows the Department to understand the impacts and opportunities to minimize the costs of implementation. However, DHSS costs remain indeterminate.

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Approved By: <u>Sarah Woods, Deputy Director, Finance & Management Services</u>	Date: <u>04/10/14</u>
Agency: <u>Health & Social Services</u>	

FISCAL NOTE ANALYSIS #8

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 209(HSS)

Analysis

SB209 repeals Article 3 and adds a new Article 4 (Regulation of Smoking in Public), which designates the Commissioner of the Department of Health and Social Services as responsible to implement and enforce a statewide smoking prohibition in enclosed public spaces, 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, vehicles that are places of employment, and certain marine vessels. Also included are school grounds or public parks for children, outdoor arena seating, and areas within certain distances from entrances, open windows, and air intake vents of places where smoking is prohibited. The bill also provides for allowable smoking at certain places. The bill allows the Commissioner to delegate to other agencies any of the responsibilities to enforce the bill's provisions. DEC is currently responsible for enforcing Article 3. Repeal of Article 3 may have the effect of reducing base costs for DEC, while addition of Article 4 allows for DHSS's delegation of enforcement.

The bill requires the Commissioner to adopt regulations for filing, processing, and investigating reports of violations of the smoking prohibition, which may include filing complaints and issuing citations. Regulations adopted by the Commissioner can create a series of notices, warnings and other interventions in order to minimize costs prior to investigations and sanctions. Local grantees could provide contact to alleged violators in order to provide education about the law, and local law enforcement would be utilized to issue citations. In alignment with legislative intent, a complaint-driven response, rather than active enforcement, would be provided, and we assume that current grantees and contractors will refocus their efforts to the implementation related to this statewide smoking prohibition, possibly at the expense of current educational efforts.

The bill also subjects a person who is in charge of a place where smoking is prohibited to a requirement to display specific signage (provided by the department, when requested) and a prohibition from providing ashtrays. It is not known how many signs will need to be produced and provided by the Department.

The department would provide educational materials and printable brochures regarding the prohibition of smoking. 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, including a website. Signage for all locations would be produced electronically and available from the website. Operation of a call-line would allow individuals to contact the department for educational or enforcement purposes. 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.