ALASKA STATE LEGISLATURE
SENATE STATE AFFAIRS STANDING COMMITTEE
April 3, 2014
9:01 a.m.

MEMBERS PRESENT

Senator Fred Dyson, Chair
Senator Cathy Giessel, Vice Chair
Senator Bill Wielechowski

MEMBERS ABSENT

Senator John Coghill
Senator Bert Stedman

COMMITTEE CALENDAR

CS FOR HOUSE JOINT RESOLUTION NO. 25(MLV)
Urging the United States Congress to restore the presumption of a service connection for Agent Orange exposure to United States Veterans who served in the waters defined by and in the airspace over the combat zone in Vietnam.

- MOVED SCS CSHJR 25(STA) OUT OF COMMITTEE

SENATE BILL NO. 209
"An Act prohibiting smoking in certain locations; and providing for an effective date."

- MOVED CSSB 209(STA) OUT OF COMMITTEE

CS FOR HOUSE BILL NO. 366(JUD)
"An Act relating to reporting an involuntary mental health commitment to the National Instant Criminal Background Check System; relating to the sealing of records of mental health proceedings; and relating to relief from a disability resulting from an involuntary commitment or an adjudication of mental illness or mental incompetence."

- SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

BILL: HJR 25
SHORT TITLE: VIETNAM VETS: SERVICE-RELATED DISEASES
SPONSOR(s): REPRESENTATIVE(s) LEDOUX

02/03/14	(H)	READ THE FIRST TIME - REFERRALS
02/03/14	(H)	MLV
02/18/14	(H)	MLV AT 1:00 PM CAPITOL 120
02/18/14	(H)	Moved CSHJR 25(MLV) Out of Committee
02/18/14	(H)	MINUTE(MLV)
02/19/14	(H)	MLV RPT CS(MLV) 7DP
02/19/14	(H)	DP: GRUENBERG, HIGGINS, SADDLER, REINBOLD, HUGHES, LEDOUX, FOSTER
03/10/14	(H)	TRANSMITTED TO (S)
03/10/14	(H)	VERSION: CSHJR 25(MLV)
03/12/14	(S)	READ THE FIRST TIME - REFERRALS
03/12/14	(S)	HSS, STA
03/19/14	(S)	HSS AT 1:30 PM BUTROVICH 205
03/19/14	(S)	Heard & Held
03/19/14	(S)	MINUTE(HSS)
03/21/14	(S)	HSS AT 1:30 PM BUTROVICH 205
03/21/14	(S)	Moved CSHJR 25(MLV) Out of Committee
03/21/14	(S)	MINUTE(HSS)
03/24/14	(S)	HSS RPT 2DP 1NR
03/24/14	(S)	DP: STEDMAN, MEYER
03/24/14	(S)	NR: MICCICHE
04/03/14	(S)	STA AT 9:00 AM BUTROVICH 205

BILL: SB 209
SHORT TITLE: REGULATION OF SMOKING
SPONSOR(s): SENATOR(s) MICCICHE

02/26/14	(S)	READ THE FIRST TIME - REFERRALS
02/26/14	(S)	STA, HSS, FIN
04/03/14	(S)	STA AT 9:00 AM BUTROVICH 205

WITNESS REGISTER

REPRESENTATIVE GABRIELLE LEDOUX
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Sponsor of HJR 25.

THOMAS BROWN, Staff
Representative LeDoux
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Provided an overview of HJR 25.

RIC DAVIDGE, Chairman
Government Affairs

Vietnam Veterans of America
Chapter 904-Alaska
Anchorage, Alaska
POSITION STATEMENT: Supports HJR 25.

JOHN PAUL ROSSIE, Executive Director
Blue Water Navy Vietnam Veterans Association
Littleton, Colorado
POSITION STATEMENT: Supports HJR 25.

SENATOR PETER MICCICHE
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: SB 209 sponsor.

MARGE STONEKING, Alaska Director
American Lung Association
Anchorage, Alaska
POSITION STATEMENT: Opposes SB 209 as amended.

DR. ROBERT URATA, M.D., volunteer
American Heart Association
Juneau, Alaska
POSITION STATEMENT: Supports SB 209.

ANGELA CARROLL, owner
Glacier Vapors
Palmer, Alaska
POSITION STATEMENT: Opposes SB 209 as amended.

BRIAN CATON, owner
Northern Lights Vapor Company
Anchorage, Alaska
POSITION STATEMENT: Opposes SB 209 as amended.

ISAAC HOWELL, owner
Cold Vapes 907
Anchorage, Alaska
POSITION STATEMENT: Opposes SB 209.

LARRY HACKENMILLER, representative
Interior Cabaret, Hotel, Restaurant & Retailers Association
Fairbanks, Alaska
POSITION STATEMENT: Opposes SB 209.

JILL LEWIS, Deputy Director
Alaska Department of Health and Social Services

Division of Public Health
Juneau, Alaska
POSITION STATEMENT: Addressed departmental questions regarding SB 209.

TERRY SNYDER, Mat-Su Coordinator
American Cancer Society Cancer Action Network
Palmer, Alaska
POSITION STATEMENT: Supports SB 209.

ELAINE BUSSE FLOYD, Director
Division of Environmental Health
Alaska Department of Environmental Conservation
Anchorage, Alaska
POSITION STATEMENT: Addressed departmental questions regarding SB 209.

PHIL WELSH, Administrator
Sitka Pioneer Home
Alaska Pioneer Homes
Alaska Department of Health and Social Services
Sitka, Alaska
POSITION STATEMENT: Addressed departmental questions regarding SB 209.

BETTY MACTAVISH, representing herself
Kodiak, Alaska
POSITION STATEMENT: Supports SB 209.

JOHN PARKER, business owner
Kenai, Alaska
POSITION STATEMENT: Supports SB 209.

GARY SUPERMAN, owner
Hunger Hut
Nikiski, Alaska
POSITION STATEMENT: Opposes SB 209.

ANGELO REALE, owner
Reale Vapes
Wasilla, Alaska
POSITION STATEMENT: Opposes SB 209.

ALLEN GRUNIN, representing himself
Fairbanks, Alaska
POSITION STATEMENT: Supports SB 209.

MICHAEL PATTERSON, representing himself
Juneau, Alaska
POSITION STATEMENT: Supports SB 209.

ACTION NARRATIVE

9:01:02 AM
CHAIR FRED DYSON called the Senate State Affairs Standing Committee meeting to order at 9:01 a.m. Present at the call to order were Senators Wielechowski, Giessel, and Chair Dyson.

9:01:46 AM
CHAIR DYSON reviewed the committee calendar.

HJR 25-VIETNAM VETS: SERVICE-RELATED DISEASES

CHAIR DYSON announced the consideration of HJR 25. [CSHJR 25(MLV) was before the committee.]

9:02:19 AM
REPRESENTATIVE GABRIELLE LEDOUX, Alaska State Legislature, Juneau, Alaska, sponsor of HJR 25, paraphrased the following sponsor statement:

> HJR 25 is a step towards fixing a bureaucratic lapse in our treatment of Vietnam veterans. Currently only soldiers who had "boots on the ground" during that conflict are eligible for benefits related to their exposure to Agent Orange.
>
> HJR 25 urges the United States Congress to pass HR 543, the Blue Water Navy Vietnam Veterans Act of 2013. HR 543 amends current compensation in health care regulations to include coverage of the service members who served in the waters of Vietnam, many of whom were also exposed to Agent Orange, a fact not recognized by the federal government; these brave men and women served their country honorably and we need to remind Congress of its responsibility to our veterans.

9:04:03 AM
THOMAS BROWN, Staff, Representative Gabrielle LeDoux, Alaska State Legislature, Juneau, Alaska, provided background information on HR 543 as follows:

In 2002, the United States Department of Veterans Affairs (VA) made an administrative policy shift and changed their regulations concerning Agent Orange exposure, it was an arbitrary shift with no medical or scientific basis.

Urging the passage of HR 543 would return the compensation that these soldiers earned during the service for their country. The bill enjoys bipartisan support in Congress, 174 co-sponsors including our own Don Young.

In Alaska, we have up to 609 Blue Water Navy veterans that could be eligible for treatment for exposure to Agent Orange and countless thousands of others across the country. The Blue Water Navy, incidentally, is how Navy and Marine personnel stationed in the offshore waters of Vietnam are referred to as opposed to the Brown Water Navy of the inland waters.

Should this legislature pass HJR 25, copies of the resolution would be distributed to our congressional delegation, congressional leadership, the Secretary of Veterans Affairs, the Vice President, and President Obama.

In conclusion, I would just like to say that when Washington doesn’t do the right thing, it is our responsibility to remind them and fulfill their debt to our veterans.

SENATOR GIESSEL asked if coverage pertains to soldiers who were not on the ground in Vietnam, but were exposed to Agent Orange because they flew in and brought out injured soldiers covered in Agent Orange.

MR. BROWN replied that was one of the circumstances. Others include medical personnel who were exposed when they treated exposed soldiers and Navy personnel stationed offshore who cleaned exposed equipment.

9:06:34 AM
CHAIR DYSON said he did not realize that Agent Orange was transferrable from person-to-person.

MR. BROWN replied it's more through physical contact from one contaminated item to another.

CHAIR DYSON asked if exposure was from chemical contact and not from a germ.

MR. BROWN answered correct.

CHAIR DYSON asked Representative LeDoux if she had seen Senator Wielechowski's amendments.

REPRESENTATIVE LEDOUX replied she may have seen one.

SENATOR WIELECHOWSKI said he had one amendment to present.

CHAIR DYSON asked which version of the bill was before the committee.

MR. BROWN answered version U, [28-LS1350\U].

9:08:13 AM
RIC DAVIDGE, Chairman, Government Affairs, Vietnam Veterans of America, Chapter 904-Alaska, Anchorage, Alaska, introduced himself.

CHAIR DYSON asked Mr. Davidge if he had seen Senator Wielechowski's amendment.

MR. DAVIDGE answered yes. He explained that he had worked very closely with Senator Wielechowski's staff and was very supportive of the Blue Water Navy resolution.

CHAIR DYSON noted Mr. Davidge's history and called attention to his tireless advocacy of veterans.

MR. DAVIDGE offered the following testimony:

> My name is Rick Davidge, I am chairman of Government Affairs for Vietnam Veterans of America-Alaska, formally National Chairman of Government Affairs. Representative LeDoux and Senator Wielechowski both have copies of our national legislative agenda. The second highest national priority for Vietnam Veterans of America is what we call addressing the legacy of toxic exposures, Agent Orange and dioxin.
>
> Unfortunately not all wounds of war are immediately obvious, either in immediate service or in a very brief of time. In fact, we know that medical symptoms

can begin to develop after decades of exposure. Most service members don't even know they're being exposed because they are not unaware of the fact that there is some sort of toxic material that they are in contact with. We have specific evidence of pieces of equipment, including trucks, tanks, planes, helicopters, etc., all have been brought back to the United States where it had been cleaned by people in the United States who never went to Vietnam, but came down with toxic exposure as a result of their exposure to the pieces of Agent Orange on these pieces of equipment. As a medic in Vietnam in 1965 with the First Cav., we were totally unaware of the existence of Agent Orange, obviously it was highly classified. One of the things that we are trying to do in showing the Blue Water Navy problem, and by the way, we have a number of Alaska Vietnam veterans who have received six figure checks as a result of their exposure which has helped them pay for their extraordinary medical demands, all of which are currently being paid for by private insurance, the state, and municipal health care programs because they previously did not qualify for these considerations.

9:10:46 AM
MR. DAVIDGE continued to explain Agent Orange's impact on Vietnam veterans:

One of the other concerns that we have, this is relatively new over the last five to ten years, is we have learned that there is an additional legacy, particularly of dioxin in the Agent Orange exposure were the progeny of Vietnam vets who were exposed were effected by Agent Orange in that it changes the genetic matrix of male sperm and then causes significant birth defects. The addition of Senator Wielechowski's resolution to this resolution will bring that issue as well forward and initiate a national study by the VA. You would think with the enormous amount of money the VA has to research these kinds of things, their attention on toxic exposures is practically non-existent. We have been screaming at the VA and at the Department of Defense (DOD) to start paying better attention to the wounds created by toxic exposures. Now the beginning of the current war there was some effort to do that by DOD and kept records of people who were exposed to burn-pits and these kind of

> things. But in the last few years, six years, that has basically stopped so we don't have that. Trying to prove that you are were exposed is very difficult. The most effective way we have found to prove it is using the internet where we have a veteran, particularly an Alaskan veteran that we worked with who came forward, who has had leukemia for a very long time. Leukemia is one of the most prominent illnesses as a result of toxic exposure to Agent Orange dioxin. We put everything that we could find from him, including pictures he took while in service, put it on the internet, and we were able to put together a couple of affidavits from other people who swore that in fact this gentleman was exposed.

MR. DAVIDGE noted that this past week he became aware of a man whose son championed his effort and has just now been recognized for Agent Orange exposure. He noted that the man's son used the same kind of approach by using the internet to access pictures, testimony, and affidavits from other people.

9:12:59 AM
He continued:

> The state of Alaska, in municipal health care and private health insurance, are the ones that have been paying for the results of these toxic exposures; these are direct results of service and particularly in many cases, combat. The federal government has an extraordinary moral and ethical obligation to recognize these wounds of war and begin to pay attention to them. I am very delighted that Senator Wielechowski and my friend Gabrielle LeDoux came together and put this together because this actually makes a stronger statement from the people of Alaska to Congress and to this Administration to recognize Blue Water Navy and pay attention to the legacy of Agent Orange. We have now three generations of extraordinary birth defects as a result of this exposure. Mr. Chairman, there is a personal note, you have been a long champion of veterans in this state and we salute you sir.

CHAIR DYSON asked him to verify that the Alaska Department of Health and Human Services (DHSS) has been taking care of some of the toxic exposure issues with some of Alaska's vets even without the VA's support.

MR. DAVIDGE answered yes.

9:15:18 AM
CHAIR DYSON remarked that he is disappointed with the VA's reluctance nationwide to treat veterans who present themselves with issues that are related to war. He asserted that the federal government is trying to draw-the-curtain-down on Vietnam veterans.

MR. DAVIDGE replied yes and referred to a book, "Waiting for an Army to Die." He noted Agent Orange's effect through the progeny of children and grandchildren.

9:17:00 AM
JOHN PAUL ROSSIE, Executive Director, Blue Water Navy Vietnam Veterans Association (BWNVVA), Littleton, Colorado, explained that BWNVVA has been helping to get the information disseminated to the public and legislators regarding HR 543. He summarized that BWNVVA is trying to right an "administrative wrong" that was put into place.

9:21:18 AM
CHAIR DYSON asked if there were people in the room that wanted to testify on HJR 25. He asked Representative LeDoux if she supports Senator Wielechowski's amendment.

REPRESENTATIVE LEDOUX answered yes.

CHAIR DYSON solicited motion to move Amendment 1.

SENATOR WIELECHOWSKI moved Amendment 1.

9:21:53 AM
CHAIR DYSON found no objection and announced that Amendment 1 was adopted. He noted that resolutions submitted to the U.S. Congress are not ignored and ultimately act as an endorsement from the people of Alaska.

9:23:40 AM
SENATOR GIESSEL moved to report HJR 25, 28-LS1350\U as amended, from committee with individual recommendations and attached zero fiscal note.

9:24:00 AM

CHAIR DYSON announced that without objection, SCS CSHJR 25(STA) has passed from the Senate State Affairs Committee with individual recommendation and attached zero fiscal note.

9:24:17 AM
CHAIR DYSON declared that the committee will stand at ease.

SB 209-REGULATION OF SMOKING

9:25:06 AM
CHAIR DYSON announced that SB 209 was before the committee. He remarked about the gratifying amount of public interest in the bill. He recounted that his office had received communications from his constituents with over 80 percent in favor of the committee doing something. He noted that the sponsor's office has offered an amendment to the bill.

9:26:29 AM
SENATOR PETER MICCICHE, Alaska State Legislature, Juneau, Alaska, provided a sponsor statement as follows:

> SB 209 will provide a smoke-free environment for most employees in Alaska. Secondhand smoke kills more people in the U.S. than automobile accidents, many times more in fact in our great state of Alaska. We are fortunate here in the Capitol to be spared from that exposure and that makes it easy to forget the large number of Alaskans that may still be subject to secondhand smoke at their workplace. This bill corrects that inequity, but the bill doesn't subtract from the rights of smokers for their right to choose their own path, it simply protects the rights of non-smokers from the choices of others while they are at the workplace. We have heard staggering statistics about the repercussions of the exposure to secondhand smoke and we have got experts here that will go over some of those, but please remember that secondhand smoke kills five times more people in the U.S. each year than drunk driving and many more than all of the combined highway fatalities. I find it remarkable and it is the reason I feel like it is worthy of having this discussion.
>
> So, Mr. Chairman, you probably have figured out in our short relationship that I am a smaller government sort of guy. You might be wondering why I am willing to sponsor this bill in recognition of my aversion to any

unreasonable government intervention in our personal lives; but it wasn't an easy decision for me, but I have arrived there due to several reasons, it passed my litmus test of whether or not it fits into the appropriate role of government.

9:28:03 AM
SENATOR MICCICHE explained why he was bringing the bill forward as follows:

First, it's a public health issue. Just as it is appropriate for government to set safety standards in automobiles, electrical codes for wiring, and requirements for infant and child carrier seats. Whether or not it's appropriate for the state to require safe working conditions free of secondhand smoke is the discussion here, public safety.

Second, the cost of treating many of the diseases caused by secondhand smoke are tremendous. Many of those costs are borne by state government and therefore it is fiscally responsible to take action to eliminate the cause of these expenses.

Third, many communities and boroughs lack jurisdiction from passing such a local ordinance, just due to their lack of jurisdiction. In most of those cases we serve as the assembly of the Unorganized Borough or we provide that jurisdiction. Those places like Fairbanks Northstar, Mat-Su, and my home borough, Kenai Peninsula.

Finally, for me it's a personal issue and as you know, less than two years ago when I was mayor of Soldotna, the Smoke Free Alliance came to me and they talked about my dad. My dad was on oxygen the last 12 years of his life and I am going to e-mail this committee the ad later; it's my father talking about what they didn't know when he was young and how it resulted in adverse effects to his life. My 5 year old at the time, Sophia, who is now 7, says, 'I am glad you are here, I don't ever want to be without my Grandpa.' I know where my father is spiritually right now, but materially he lives in a little gold box in my office, you come down and visit his cremains if you'd like, he didn't make it more than a year and half after that. My father made his personal choices, but my siblings

> and I didn't. The effects of secondhand smoke, I am the lucky one, of the other three, they all had respiratory issues through living through secondhand smoke effects.

9:30:16 AM
SENATOR MICCICHE said he will speak to the committee substitute (CS) and address the changes.

CHAIR DYSON asked which version of the bill should be before the committee.

SENATOR MICCICHE answered version C.

CHAIR DYSON asked if Senator Micciche would like the committee to adopt the CS.

SENATOR MICCICHE answered yes.

CHAIR DYSON asked Senator Micciche first to explain what the bill accomplishes and then the changes made in the CS.

SENATOR MICCICHE described SB 209 as follows:

> The bill essentially bans smoking in most workplaces in the state, it provides exemptions from employer-approved outside areas away from doors, windows and other ventilation systems. The bill does not ban smoking, it does not ban the use of e-cigarettes, they can continue to be used in the areas regular smoking will be allowed; this is important because you are likely to hear several 'e-cigarette' folks testify against the bill, claiming that it will ban e-cigarettes, it doesn't, it just asks you to take it outside. The bill doesn't require employers to hire or not hire employees because they do or do not smoke, it doesn’t prohibit employers from having stronger restrictions such as a hospital with a smoke-free campus, and it does not prohibit local governments from adopting stronger restrictions.

9:32:57 AM
SENATOR MICCICHE addressed the CS and noted receiving a video from constituents who did not speak against the bill, but strictly against the smoking ban in standalone tobacco shops. He explained that standalone tobacco shops are places where smokers come to smoke responsibility and noted that children are not

allowed to enter. He asserted that standalone tobacco shops do not affect other people and are a worthy exemption.

He explained that the other change allows a municipality or borough, through a local election, to exempt itself from all or part of the law. He cited his background as a former mayor to allow local control. He said if residents of a community decide that smoke-free workplaces are not for them, they can exempt themselves. He called attention to smoke-free communities that passed the law and liked it: Anchorage, Bethel, Juneau, and Palmer. He said half of the people in Alaska currently live under a similar law. He noted a local election in Anchorage that tried to overturn the smoke-free law and failed.

He summarized that 400 Alaskan businesses and organizations representing all regions of the state have already signed on in support of a statewide smoke-free workplace law. He referenced a large amount of letters and e-mails in support of SB 209.

9:34:55 AM
CHAIR DYSON stated that his reason for asking Senator Micciche to explain the changes before the committee adopted the CS was to make sure Senator Micciche did not feel like he had to make some compromise to get past the committee. He asserted that he can speak confidently for his colleague that the CS is pretty fair. He encouraged Senator Micciche to not make changes for expedient reasons. He set forth that the committee will adopt the CS if Senator Micciche feels that the changes are good policy.

SENATOR MICCICHE replied that the changes are based on a discussion that involved statewide stakeholders on contributing to good government. He asserted that the changes are reasonable and make SB 209 a better bill.

CHAIR DYSON recalled a previous discussion with Senator Micciche that a significant reason for the bill was based on the Unorganized and Second Class boroughs not having the authority to enact a smoke-free law.

SENATOR MICCICHE answered correct. He explained that many of Alaska's Second Class Boroughs and the Unorganized Borough do not have the jurisdiction for certain legal power and one of them is health. He said SB 209 allows these boroughs to have health in their jurisdiction.

9:36:44 AM

CHAIR DYSON asked what the process is for an unorganized area to opt-out.

SENATOR MICCICHE replied that opting out would be more difficult because the Alaska Legislature serves as the assembly for the Unorganized Borough. He surmised that the Unorganized Borough would have to work through the Alaska Legislature and request an opt-out after a vote.

9:37:26 AM
CHAIR DYSON asked if there was any objection to accepting the CS as the working document. Finding no objection, he announced that version C is the working document.

SENATOR GIESSEL asked for an explanation of the changes made in version C.

SENATOR MICCICHE answered that the first change allows an opt-out option and the second removes standalone tobacco-only shops from jurisdiction.

CHAIR DYSON asked Senator Giessel if she was comfortable with the CS.

SENATOR GIESSEL answered yes.

CHAIR DYSON opened public testimony.

9:40:00 AM
MARGE STONEKING, Alaska Director, American Lung Association (ALA), Anchorage, Alaska, said she also is testifying on behalf of the American Heart Association, American Cancer Society, American Association of Retired Persons (AARP) Alaska, and the Alaska Native Health Board. She stated that each organization represents thousands of Alaskans on the issue of smoke-free air. She said the organizations that she is testifying on behalf of support SB 209 prior to the CS. She specified support for the standalone tobacco shop and opposition for the opt-out provision. She explained that the Lung Association's mission is to save lives by improving lung health in preventing lung disease. She pointed out the need to prevent the indoor-use of e-cigarettes as well.

9:42:43 AM
DR. ROBERT URATA, M.D., volunteer, American Heart Association (AHA), Juneau, Alaska, noted that he is a family physician and has practiced medicine since 1984. He noted that he has been an

AHA volunteer for the past 12 years. He stated that he is in support of SB 209 and supports the inclusion of e-cigarettes in the bill. He addressed the health problems with smoking and pointed out that passive smoking can cause up to 50,000 deaths a year in the U.S. He stated that even brief secondhand smoke exposure can cause immediate and adverse effects such as a heart attack. He pointed out that Pueblo, Colorado studied the effects of smoke-free ordinances and noted an increase in food and beverage (F&B) sales along with a reduction in heart attacks. He noted an Institute of Social and Economic Research (ISER) report on the business impact from a smoke-free indoor ordinance in Anchorage that showed an increase in F&B business. He said only half of the Alaska population is covered by smoke-free workplace law due to jurisdictional issues and that is the reason for a request that state law provide protection. He said that e-cigarettes should be included in SB 209 and provided scientific evidence. He summarized that SB 209 will improve the health and safety of all Alaskans, both present and future generations.

9:46:18 AM
ANGELA CARROLL, owner, Glacier Vapors, Palmer, Alaska, asked if the vapor or "vape" shops will be included in the opt-out option with the tobacco shops. She noted that vape shops typically get included with tobacco and vape shops are not tobacco.

CHAIR DYSON stated that his guess is that vape shops are not included. He said the committee will have the sponsor speak to Ms. Carroll's question.

MS. CARROLL noted that the use of e-cigarettes was a way to reduce nicotine intake.

9:49:50 AM
BRIAN CATON, owner, Northern Lights Vapor Company, Anchorage, Alaska, asked that SB 209 be amended to include an exemption for standalone vapor shops as well as standalone tobacco shops. He pointed out that standalone vapor shops abide by the same criteria as tobacco shops where no minors are present and individuals enter of their own volition.

ISAAC HOWELL, owner, Cold Vapes 907, Anchorage, Alaska, stated that standalone vape shops should be exempted. He noted that bar owners enjoy having people being able to come in and "vape" who normally would not come into bars.

CHAIR DYSON noted that he is hearing the word "vape" for the first time. He surmised that the term "vape" means an establishment that dispenses e-cigarettes.

9:52:56 AM
LARRY HACKENMILLER, representative, Interior Cabaret, Hotel, Restaurant & Retailers Association (ICHARR), Fairbanks, Alaska, refuted the scientific claims made against secondhand smoke. He noted that Fairbanks turned down an indoor smoking ban because 85 percent of restaurants were already non-smoking. He summarized that Fairbanks is a First Class city that decided that there were enough choices for non-smokers. He claimed that there is no hazard from secondhand smoke in the workplace.

9:55:54 AM
JILL LEWIS, Deputy Director, Alaska Department of Health and Social Services (DHSS), Division of Public Health (DPH), Juneau, Alaska, stated that she was at the meeting to address questions that pertained to public health. She called attention to AS 18.35.356, the "public education piece." She noted that AS 18.35.356 is addressed in the bill's original version on page 6, page 7 in the CS.

SENATOR WIELECHOWSKI asked if the Administration supports the bill.

MS. LEWIS answered that the Administration has not taken a position.

SENATOR GIESSEL asked if the noted activities are things DHSS-DPH is already doing: education programs, electronically published printable-brochure, etc.

MS. LEWIS answered that to a large extent, the activities are things that are being done currently by the grantees that DHSS-DPH have that already work in the Tobacco Prevention and Control Program and SB 209 would further expand the activities. She noted that the current activities are locally focused and local communities adopting smoke-free policies would be statewide oriented.

9:57:27 AM
CHAIR DYSON noted that finance and dollars are not Ms. Lewis' direct responsibility. He asked if she has any sense of what the public health benefit and the impact on public health cost might be.

MS. LEWIS answered that DHSS-DPH has an indeterminate fiscal note at this time. She explained that DHSS-DPH thinks that most of the public education could probably be absorbed within the department's existing budgets. She said the signage could become an expense depending on what that turns out to be and that is not clear at this time. She pointed out that the enforcement activities at this time are listed as being under DHSS-DPH's responsibility. She stated that DHSS-DPH currently does not have the infrastructure or systems for enforcement. She said DHSS-DPH would need more information to understand what enforcement would entail.

SENATOR WIELECHOWSKI noted that the previous testifier said he did to believe secondhand smoke caused any injuries. He asked if Ms. Lewis agreed with the previous statement and, if not, if she have a sense of how much secondhand smoke costs the State of Alaska in terms of Medicaid expenditures or other expenditures.

MS. LEWIS answered that she did not have information on the Medicaid program costs at this time. She said DHSS-DPH has long said that secondhand smoke is dangerous.

SENATOR WIELECHOWSKI asked if she had any rough estimates of what secondhand smoke might be costing the state.

MS. LEWIS answered that she will present information to the committee at a later date.

CHAIR DYSON asked how the non-smoking ordinances are currently enforced and who goes around to check up on compliance.

MS. LEWIS answered the Alaska Department of Environmental Conservation (DEC).

CHAIR DYSON asked how DEC enforces the ordinances.

MS. LEWIS replied that she would have to defer to DEC to address enforcement questions.

10:00:24 AM
SENATOR WIELECHOWSKI asked how many citations or infractions have been alleged against people or businesses in Anchorage or other communities.

MS. LEWIS answered that none have been given.

CHAIR DYSON admitted to the difficulty in quantifying the impact from secondhand smoke. He remarked that the whole premise that legislators are working on banning smoking and banning smoking in the workplace is better for people's health. He added that banning smoking is going to diminish the cost to the public coffers significantly if not profoundly over time. He said the offset of banning smoking is how much money will be required to have somebody running around to make sure the ban is complied with. He surmised that non-smoking compliance was largely self-policed.

10:02:00 AM
TERRY SNYDER, Mat-Su Coordinator, American Cancer Society Cancer Action Network, Palmer, Alaska, proclaimed that there is huge support for SB 209 by the Mat-Su from both businesses and individuals. She referenced a letter from the Greater Palmer Chamber of Commerce that supports SB 209. She detailed that voters in Palmer passed a 2011 ballot initiative that made smoking in public places within the city limits a violation. She noted that the initiative was enacted by Palmer in 2012. She said Palmer businesses were polled and an increase in commerce and a more positive community outlook was noted due to the smoke-free ordinance.

CHAIR DYSON asked what the current enforcement for non-smoking areas is and what would the impact be for extending virtual statewide enforcement.

10:05:40 AM
ELAINE BUSSE FLOYD, Director, Division of Environmental Health, Alaska Department of Environmental Conservation, Anchorage, Alaska, responded that enforcement is a little bit difficult for DEC due to the offense's nature. She noted that DEC does not have citation issuing ability and a peace officer is required to actually observe the smoker or violator and then be able to issue a citation. She explained that DEC educates the public and informs affected business operators about their legal obligation to display signs. She added that DEC inspects public facilities and restaurants, offers signs, notifies the person in charge on requirements, and records any failure on inspection reports.

CHAIR DYSON noted Senator Wielechowski's question regarding the amount of citations that have been issued or actions taken against violators and asked particularly about Anchorage.

MS. BUSSE FLOYD answered that she does not have an answer.

CHAIR DYSON asked if she was aware of any citations that were issued.

MS. BUSSE FLOYD answered that citations are enforced in small claims court.

CHAIR DYSON asked if the non-smoking violation was a civil action.

MS. BUSSE FLOYD answered yes.

CHAIR DYSON asked if the citation is initiated by a citizen who has skin-in-the-game and is demanding compliance.

MS. BUSSE FLOYD answered correct. She explained that DEC currently enforces the law as an education process on compliance. She summarized that public pressure and awareness brings about the compliance.

10:09:04 AM
PHIL WELSH, Administrator, Sitka Pioneer Home, Alaska Pioneer Homes (APH), Alaska Department of Health and Social Services, Sitka, Alaska, introduced himself.

SENATOR GIESSEL asked if APH will be included in the prohibition and if there will be an issue with residents.

MR. WELSH answered that there are a few smokers at each APH home. He said the greatest effect from the bill will be the required distance away from the homes.

10:11:18 AM
CHAIR DYSON asked if he currently has the authority to protect the APH's guests, clients, and patients from secondhand smoke.

MR. WELSH replied that APH has had no policy about prohibiting smoking. He said the feeling is that there are appropriate safe guards in place at this time.

CHAIR DYSON asked if there are any APH homes in Alaska's Unorganized Borough or Second Class cities that cannot or do not have a local ordinances that would empower APH to have a policy with "teeth."

MR. WELSH answered that he did not know which APH homes are in the Unorganized Borough.

10:12:56 AM
BETTY MACTAVISH, representing herself, Kodiak, Alaska, stated that she supports SB 209 for a smoke-free work environment. She noted secondhand smoke's negative impact on Kodiak's businesses. She explained the dangers from e-cigarettes and secondhand aerosol.

10:15:09 AM
JOHN PARKER, business owner, Kenai, Alaska, said SB 209 will "level the playing field" for businesses so that everyone benefits, including non-smokers. He noted a reason for businesses that have not voluntarily gone to no-smoking as follows:

> Many local hotels and bars are concerned about 'leveling the playing field' and they fear that if an establishment goes smoke-free in their area, other local establishments will reap the benefits.

He called attention to Kenai businesses that have prospered since voluntarily going smoke-free in addition to increased health and safety for their employees.

He addressed an argument against smoke-free environments in public places as follows:

> The other argument I often hear is that smokers have the right to smoke. I agree, even though there is irrefutable proof that smoking will radically shorten your life. We often hear that if non-smokers don't like cigarette smoke, they should go somewhere else. As a non-smoker, if my wife and I go into an establishment, we are not imposing our choices on anyone. By comparison, when a smoker lights up in an establishment which I am a patron of, they are imposing their choices on me, they do not have the right to do that.

He summarized that SB 209 is legislation that is not aimed at limiting smokers' rights. It is aimed at protecting the health and safety of other Alaskans.

10:18:18 AM
GARY SUPERMAN, business owner, Hunger Hut, Nikiski, Alaska, declared that studies from the U.S. Environmental Protection Agency (EPA), OSHA, and the U.S. Congress questioned 100 percent compliance with smoke-free areas. He asserted that from an

economic standpoint, his neighborhood tavern would be irreparably harmed by SB 209. He explained that 90 percent of his customers and 100 percent of his bartenders smoke. He remarked that the legislation is being shoved down business's throats. He asked that the structural problems with enforcement be analyzed in SB 209 and a fiscal note be applied to the bill to address enforcement issues.

10:21:28 AM
ANGELO REALE, owner, Reale Vapes, Wasilla, Alaska, stated that SB 209 needs an amendment to separate e-cigarettes from tobacco.

10:23:23 AM
ALLEN GRUNIN, representing himself, Fairbanks, Alaska, said he supports SB 209 to regulate smoking in Alaska. He noted that he is a member of the Alaska Native Veterans Association (ANVA). He said ANVA has signed a resolution of support for SB 209. He asserted that there is no right to smoke and asked for passage of SB 209 to standup for the right to breathe clean air.

10:25:03 AM
CHAIR DYSON declared that the committee will stand at ease.

10:25:32 AM
CHAIR DYSON called the committee back to order.

10:25:42 AM
MICHAEL PATTERSON, representing himself, Juneau, Alaska, said he supports SB 209 and explained his terminal medical condition due to smoking. He noted that he is traveling around the state and speaking at schools to draw attention to the hazards of smoking. He pointed out that over half of the area that he travels to in the state is not protected. He said Anchorage and Fairbanks do not have smoke-free laws in public areas.

10:27:31 AM
CHAIR DYSON asked if any of Mr. Patterson's exposure to secondhand smoke was due to working in a place where people were smoking.

MR. PATTERSON answered no. He added that he had a friend that died from secondhand smoke.

CHAIR DYSON noted that Anchorage and Fairbanks do have the local authority to ban smoke if they wanted and would not be effected by SB 209.

He announced that SB 209 will be passed out of committee if there is no objection. He said he has a couple of suggested amendments, one of them has to do with a senior and disabilities place where a person will have to go 50 feet away. He pointed out that there may be a risk for requiring a senior or disabled person to be outside in winter conditions. He said his second amendment pertains to vape shops. He remarked that both vape shops and tobacco shops should be excluded. He said his respectful suggestion to Senator Micciche is to consider his amendments at the next committee of referral.

CHAIR DYSON announced that the Chair will entertain a motion.

10:29:12 AM
SENATOR GIESSEL moved to report the CS for SB 209, version 28-LS1539\C, from committee with individual recommendations and attached fiscal note(s).

10:29:24 AM
CHAIR DYSON stated that seeing no objection, [CSSB 209(STA)] moved out of the Senate State Affairs Standing Committee.

10:30:04 AM
There being no further business to come before the committee, Chair Dyson adjourned the Senate State Affairs Committee hearing at 10:30 a.m.