

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

April 18, 2017

8:06 a.m.

MEMBERS PRESENT

Representative Zach Fansler, Co-Chair
Representative Justin Parish, Co-Chair
Representative Harriet Drummond
Representative Dean Westlake
Representative George Rauscher
Representative Dan Saddler
Representative David Talerico

MEMBERS ABSENT

Representative DeLena Johnson (alternate)
Representative Jonathan Kreiss-Tomkins (alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 33

"An Act establishing May 31 of each year as Katie John Day."

- MOVED HB 33 OUT OF COMMITTEE

CS FOR SENATE BILL NO. 63 (FIN)

"An Act prohibiting smoking in certain places; relating to education on the smoking prohibition; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 33

SHORT TITLE: ESTABLISH MAY 31 AS KATIE JOHN DAY

SPONSOR(S): REPRESENTATIVE(S) FOSTER

01/18/17 (H) PREFILE RELEASED 1/9/17

01/18/17 (H) READ THE FIRST TIME - REFERRALS
01/18/17 (H) CRA
04/18/17 (H) CRA AT 8:00 AM BARNES 124

BILL: SB 63

SHORT TITLE: REGULATION OF SMOKING

SPONSOR(s): SENATOR(s) MICCICHE

02/17/17 (S) READ THE FIRST TIME - REFERRALS
02/17/17 (S) HSS, FIN
03/01/17 (S) HSS AT 1:30 PM BUTROVICH 205
03/01/17 (S) Moved SB 63 Out of Committee
03/01/17 (S) MINUTE(HSS)
03/03/17 (S) HSS RPT 5DP
03/03/17 (S) DP: WILSON, BEGICH, VON IMHOF, GIESSEL,
MICCICHE
03/13/17 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/13/17 (S) Heard & Held
03/13/17 (S) MINUTE(FIN)
03/20/17 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/20/17 (S) Moved CSSB 63(FIN) Out of Committee
03/20/17 (S) MINUTE(FIN)
03/21/17 (S) FIN RPT CS 6DP 1NR SAME TITLE
03/21/17 (S) DP: HOFFMAN, MACKINNON, BISHOP, VON
IMHOF, OLSON, MICCICHE
03/21/17 (S) NR: DUNLEAVY
03/27/17 (S) TRANSMITTED TO (H)
03/27/17 (S) VERSION: CSSB 63(FIN)
03/29/17 (H) READ THE FIRST TIME - REFERRALS
03/29/17 (H) CRA, JUD
04/13/17 (H) CRA AT 8:00 AM BARNES 124
04/13/17 (H) Heard & Held
04/13/17 (H) MINUTE(CRA)
04/18/17 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

REPRESENTATIVE NEAL FOSTER
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented HB 33.

MICHELLE ANDERSON, President

Ahtna, Inc.;

Travel Member

Gulkana Village Council

Glennallen, Alaska

POSITION STATEMENT: Testified in support of HB 33.

KATHRYN MARTIN, Self

Glennallen, Alaska

POSITION STATEMENT: Testified in support of HB 33.

JOSH SILAS

(No address provided)

POSITION STATEMENT: Testified in opposition to CSSB 63(FIN).

STEVEN MAPES

Kenai, Alaska

POSITION STATEMENT: Testified in opposition to CSSB 63(FIN).

MARTIN MASSERA

Soldotna, Alaska

POSITION STATEMENT: Testified in opposition to CSSB 63(FIN).

DIANA REDWOOD

Palmer, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN), as written with the inclusion of e-cigs.

PENELOPE PALMQUIST

Anchorage, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN).

AMANDA LENHARD

Anchorage, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN).

PETE HANSON, Chief Operating Officer

Alaska CHARR

Anchorage, Alaska

POSITION STATEMENT: Testified that CSSB 63(FIN) is not needed.

JIM FASSLER

Soldotna, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN).

HANNAH BRICE SMITH

American Cancer Society (ACS) Cancer Action Network (CAN)

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN).

JENNIFER VARGASON

North Pole, Alaska

POSITION STATEMENT: Testified in opposition to the inclusion of vaping language in CSSB 63(FIN).

ALISON HALPIN

Anchorage, Alaska

POSITION STATEMENT: Testified to request that the language regarding vaping be removed from CSSB 63(FIN).

MICHELLE SHAPIRO

Executive Director

Matanuska-Susitna CHARR

Wasilla, Alaska

POSITION STATEMENT: Testified in opposition to CSSB 63(FIN).

DANIEL LYNCH

No address provided

POSITION STATEMENT: Testified in opposition to CSSB 63(FIN).

KEVIN COLLINS, Owner

Local Legends Vape Shop and Custom E-liquids

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to the inclusion of e-cigs in CSSB 63(FIN).

CANDACE KUCK

North Pole, Alaska

POSITION STATEMENT: Testified in opposition to the inclusion of "the vapor language" in CSSB 63(FIN).

LARRY HACKENMILLER
No address provided

POSITION STATEMENT: Testified in opposition to CSSB 63(FIN).

JAMIE HANSEN
Fairbanks, Alaska

POSITION STATEMENT: Testified regarding the importance of including e-cigs in CSSB 63(FIN).

ASHLEY PELTIE
Wasilla, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN), with the inclusion of e-cigs.

NOEL CROWLEY BELL
Palmer, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN), as written.

CHRYSTAL SHOENROCK, Owner
Forelands Bar;
Secretary

Kenai Peninsula CHARR
Nikiski, Alaska

POSITION STATEMENT: Testified in opposition to CSSB 63(FIN).

JENNIFER BRANDT
Wasilla, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN).

REBECCA "BECKY" STOPPA
Wasilla, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN), with the inclusion of e-cigs.

LINCOLN BEAN, Chair
Alaska Native Health Board
Kake, Alaska

POSITION STATEMENT: Testified in support of CSSB 63(FIN).

TERESA HOLT, State Long Term Care Ombudsman

Alaska Long Term Care Ombudsman
Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to CSSB 63 (FIN)

MEGAN TALLY
Palmer, Alaska

POSITION STATEMENT: Testified in support of CSSB 63 (FIN).

JOEL MEDENDORP
Glennallen, Alaska

POSITION STATEMENT: Testified in support of CSSB 63 (FIN).

JANET KINCAID, Owner
Colony Inn
Palmer, Alaska

POSITION STATEMENT: Testified in support of CSSB 63 (FIN).

MARGE STONEKING, Executive Director
American Lung Association (ALA)
Anchorage, Alaska

POSITION STATEMENT: Testified in support of CSSB 63 (FIN).

SHARON WOLKOFF
Kodiak, Alaska

POSITION STATEMENT: Testified in support of CSSB 63 (FIN).

ALEX MCDONALD, Owner
Ice Fog Vapor
Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to CSSB 63 (FIN), as written.

JOE DARNELL, Investigator IV
Tobacco Youth Education & Enforcement Program
Division of Behavioral Health
Department of Health and Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on CSSB 63 (FIN).

SENATOR MICCICHE

Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor of CSSB 63(FIN), offered comments.

ACTION NARRATIVE

[8:06:40 AM](#)

CO-CHAIR ZACH FANSLER called the House Community and Regional Affairs Standing Committee meeting to order at 8:06 a.m. Representatives Talerico, Saddler, Westlake, Rauscher, Drummond, Parish, and Fansler were present at the call to order.

HB 33-ESTABLISH MAY 31 AS KATIE JOHN DAY

[Contains discussion of SB 15.]

[8:07:52 AM](#)

CO-CHAIR FANSLER announced that the first order of business would be HOUSE BILL NO. 33, "An Act establishing May 31 of each year as Katie John Day."

[8:08:21 AM](#)

REPRESENTATIVE NEAL FOSTER, Alaska State Legislature, as prime sponsor, presented HB 33. He paraphrased from the sponsor statement, which read as follows [original punctuation provided, with some formatting changes]:

Athabascan elder Katie John was known for her determination and success in fighting for subsistence rights and for her traditional teachings, humor, gentle spirit and loving ways. Katie John died May 31, 2013. She was 97 years old and resided at Mentasta Lake. John was an Alaska icon who devoted her life to ensuring that her people had the opportunity to carry on traditional subsistence fishing in their ancestral homeland. Katie John was raised in the traditional manner, living off the land under the tutelage of her

mother, grandmother and other elders of her community. A consummate teacher, John was always willing to share her ancestral traditions, culture and history. She was known and respected throughout Alaska and around the world. Ahtna President Michelle Anderson said, "She taught us stories of our culture and history. She was a big part of our lives. Now her history belongs to the public, to the people." Passionate about preserving Athabascan culture and language, Katie John has been involved with teaching her Native Language since 1974 and helped create the alphabet for the Ahtna dialect. She received an honorary doctor of laws degree from the University of Alaska Fairbanks in 2011. John and her husband, Chief Fred John, who died in 2000, raised 14 children and 6 foster children together. She leaves behind approximately 250 grandchildren, great-grandchildren and great great grandchildren. Due to the great importance of her role in shaping Alaska, HB 33 would establish the date of May 31st, as Katie John Day in her memory and honor.

[8:11:14 AM](#)

REPRESENTATIVE SADDLER asked Representative Foster if he could state which of the two categories for which Katie John is known was most important: traditional values or subsistence rights.

REPRESENTATIVE FOSTER chose Katie John's traditional values, because he said he thinks they encompass subsistence. He acknowledged that the depth of the subsistence issue throughout Alaska, and he said HB 33 would honor someone who fought courageously for her beliefs. He mentioned a trip by former Governor Tony Knowles to visit Katie John, and he said a court case made it all the way to the [Alaska] Supreme Court but was dropped. He said he thinks her life work has emphasis on Alaskans and is part of the vein of Alaskans who built up the state; therefore, he puts emphasis on her traditional values.

REPRESENTATIVE SADDLER said one of the ways that Katie John fought for her beliefs was by defying state law to support

Native rights. He asked the bill sponsor what Native and non-Native Alaskans should take from her example about the state's fish and game laws.

REPRESENTATIVE FOSTER said Katie John did not practice civil disobedience in a way that was violent or aggressive, but in a peaceful way, and she ended up working through the court system.

[8:14:32 AM](#)

REPRESENTATIVE FANSLER opened public testimony on HB 33.

[8:14:57 AM](#)

MICHELLE ANDERSON, President, Ahtna, Incorporated; Travel Member, Gulkana Village Council, stated that she grew up knowing who Katie John was; her grandmother and Ms. John were friends, and she was welcomed by Ms. John as if she was her own granddaughter. Ms. Anderson continued as follows:

I came to know Katie for her cultural knowledge, her spirit, her passion, and her generosity, and, most importantly, for standing up for the right of Alaska Native people for our subsistence foods.

Katie grew up in the harshest of living conditions in Interior Alaska. She and her husband Fred had a very large family; they raised their children and those she took in on the food she learned to hunt, fish, and gather. This is a family that truly lived off the land.

Katie grew up in Alaska before statehood. Being told she couldn't fish her traditional fishing grounds made no sense to her, and that started the long, courageous battle that we're all familiar with. Very few people in this state are known by their name alone. Katie John was one of those special people. The fact that she was a beloved Athabascan woman who courageously stood up for all of us with regard to traditional fishing rights makes her a hero in my eyes. She is

still talked of today as an example of perseverance, strength, and dignity. She's a beloved hero to the Ahtna people and all Alaska Native people and, as was mentioned earlier, she is known round the world.

MS. ANDERSON expressed her hope that those who did not have a chance to get to know Katie John in person would find out about her by reading the testimony about this special lady. Ms. Anderson talked about the sparkle in Ms. John's eyes and her constant smile, as well as the strength it took to stand up "for all of us" and how Ms. John did so with grace, dignity, and respect. Ms. Anderson noted that Katie John passed away on May 31, which was significant to her, because that is the day the fish wheels are turned on, and she said she viewed that timing as spiritual. She stated that there are not many days in Alaska "named after our leaders," and she opined that it would be incredible to name May 31 "Katie John Day."

[8:18:29 AM](#)

KATHRYN MARTIN testified that she is one of Katie John's granddaughters - "one of the many 250 grandchildren that she has." She expressed appreciation to the committee for hearing HB 33 and to Representative Foster for sponsoring the proposed bill. Ms. Martin stated that in May it will be four years since Katie John died. She noted that this is the third year that the bill is before the legislature. She said many have testified in support of the legislation in the past. On behalf of Ms. John's family, she asked that HB 33 be moved on to the floor and not get stuck in committees like it has in the last two years.

[8:19:43 AM](#)

CO-CHAIR FANSLER, after ascertaining that there was no one else who wished to testify, closed public testimony on HB 33.

[8:20:18 AM](#)

CO-CHAIR PARISH moved to report HB 33 out of committee with individual recommendations and the accompanying fiscal notes.

There being no objection, HB 33 was reported out of the House Community and Regional Affairs Standing Committee.

SB 63-REGULATION OF SMOKING

[Contains discussion of SB 15.]

[8:20:49 AM](#)

CO-CHAIR FANSLER announced that the final order of business would be CS FOR SENATE BILL NO. 63(FIN), "An Act prohibiting smoking in certain places; relating to education on the smoking prohibition; and providing for an effective date."

[8:22:03 AM](#)

CO-CHAIR FANSLER reopened public testimony on CSSB 63(FIN).

[8:22:27 AM](#)

JOSH SILAS testified in opposition to CSSB 63(FIN). [Due to technical difficulties, Mr. Silas' testimony was inaudible.]

[8:24:32 AM](#)

REPRESENTATIVE RAUSCHER suggested that Mr. Silas could be asked to repeat his stance on CSSB 63(FIN).

[8:24:46 AM](#)

CO-CHAIR FANSLER told Mr. Silas that his testimony was not audible and asked him to state for the record whether he was in support of or opposed to CSSB 63(FIN).

[8:24:53 AM](#)

MR. SILAS stated that he opposed CSSB 63(FIN).

[8:25:33 AM](#)

STEVEN MAPES testified in opposition to CSSB 63(FIN). He said the bill, as written, "would make it extremely difficult, if not impossible, for the lifesaving industry of vaping to exist, much less grow, in Alaska." Mr. Mapes said the opportunity to vape instead of smoke should not be taken away from Alaskans. He said research available to the committee, from the Royal College of Physicians and the Heartland Institute of Chicago, are educational tools. Mr. Mapes stated that the Smoke Free Alternative Trade Association (SFATA) has uploaded several research articles to the House Community and Regional Affairs Standing Committee documenting the difference between vaping and smoking, and he urged the committee members to read those articles before considering whether to pass CSSB 63(FIN). Mr. Mapes said there is also a documentary, entitled "A Billion Lives," which he urged the committee to watch. He said, "Any policy pertaining to vaping in Alaska should recognize and reflect the differences between smoking a vaping and not be in lockstep with tobacco policy." He stated that under CSSB 63(FIN), it would be impossible to open new stores in communities that want a choice between tobacco or vaping but don't have a vape shop.

MR. MAPES said he is not an advocate for tobacco use, as both his parents died from lung cancer. He said he smoked from age 12 to age 53, at which point he said he found vaping and was able "to quit killing" himself. He related that in 15 months he has helped 358 people "get off tobacco." He said, "This misguided bill lumps vaping together with smoking, which it is not. I'm asking the committee to remove all references to vaping from SB 63, as it does nothing to educate smokers or the public to the benefits of vaping, and it kills an industry that is helping to save Alaskans' lives."

[8:28:16 AM](#)

REPRESENTATIVE DRUMMOND asked Mr. Mapes if he is affiliated with any businesses related to HB 63.

MR. MAPES affirmed that he is a member of SFATA. He said there is a chapter in Alaska, with three or four active members.

[8:29:11 AM](#)

MARTIN MASSERA testified in opposition to CSSB 63(FIN) because of its inclusion of language pertaining to vaping. He said the proposed legislation would "stifle a growing industry, which is benefiting any tobacco user that wants to quit." He said research has proven the benefits of vaping for smokers, including that from the Royal College of Physicians in England, Igor Bernstein's documents, and a documentary, entitled "A Billion Lives." Mr. Massera shared that vaping helped him quit smoking; he was a smoker for over 15 years, but he has not smoked in over 4 years, thanks to vape products. He stated, "Alaska's policies pertaining to vape really do need to recognize the difference between smoking and vaping. I, for one, cannot support anything that would lump together a life-saving industry with one that kills our fellow Alaskans." He asked the committee to remove the vape language from CSSB 63(FIN) to "save an industry that saves our lives." In response to Co-Chair Fansler, Mr. Massera said he manages a vape shop in Soldotna, Alaska.

[8:31:11 AM](#)

DIANA REDWOOD testified in support of CSSB 63(FIN), as written with the inclusion of e-cigs. She recollected when Anchorage and Palmer "went smoke-free" and expressed appreciation for being able to go to public places without feeling sick from the cigarette smoke. She said she travels around the state often and must leave smoke-filled restaurants and bars immediately. Ms. Redwood urged the committee to support CSSB 63(FIN) to protect the lives of both customers and workers.

[8:32:21 AM](#)

PENELOPE PALMQUIST testified in support of CSSB 63(FIN), as written with the inclusion of e-cigs. She said for years she worked on "the alcohol-side" of an event arena and, while there seemed to be a no-smoking policy, concert attendees would smoke wherever they please and she would go home at night with lungs hurting and with a cough for several days afterward.

MS. PALMQUIST said she can understand "where smokers are coming from," because she smoked for years before quitting "cold turkey." She said this legislation has been brought forward for four years, and she opined that it is time to help those whose health is in jeopardy. She asked the committee to pass CSSB 63(FIN), "including the e-cigarettes and the vape."

[8:34:36 AM](#)

AMANDA LENHARD testified in support of CSSB 63(FIN). She related that she is a bartender in Anchorage, where local bars have been smoke-free for several years; however, she said half the state is not as lucky to work and live in smoke-free environments. She stated that bartenders, servers, cooks, and dishwashers, as well as any other employees, should not have to sacrifice their health for a job. She opined that workers need to be protected from the effects of secondhand smoke and aerosols, and she urged the committee to support CSSB 63(FIN).

[8:35:39 AM](#)

CO-CHAIR FANSLER noted that someone was available from the Department of Health and Social Services to answer questions.

[8:36:04 AM](#)

PETE HANSON, Chief Operating Officer, Alaska CHARR, first noted that Alaska CHARR is a statewide trade association representing restaurants, bars, and other small businesses operators in the hospitality sector. Mr. Hanson opined that CSSB 63(FIN) is not needed. He explained that citizens have organized referendums and local government officials have voted on smoking bans in many communities. He said in most cases, the citizens in those communities have voted "no" on banning smoking in bars. He stated the reason is that people know that bars are different from other places: a person must be 21 to enter a bar; there are no kids present in bars; and no one is forced to go to a "smoking bar." Mr. Hanson stated, "Go to any of the communities that have rejected smoking bans like this one and you will find that there are more smoke-free establishments than those that allow smoking." He said this was achieved without a state

mandate "squashing local control and consumer choice." For example, Mr. Hanson noted that there are 16 establishments in Kodiak where a person can go for a drink in a smoke-free environment and only 6 in which patrons are allowed to smoke. He stated, "Clearly the patrons and employees at bars that allow smoking have chosen to be in a bar that allows smoking predominantly because they want to smoke while they work, drink a beer, or watch a football game."

MR. HANSON continued:

If you believe in local control, then you know that these decisions have already been made at the local level, and those decisions should be respected. Contrary to other testimony you may hear, the vast majority of Alaskans do have a ... local government body with the authority to ban smoking.

MR. HANSON stated that Article X of the Alaska State Constitution clearly provides for maximum, local self-government and a liberal construction to the powers of local government. He asked the committee to consider whether a state mandate is necessary or whether the state could "give it a few years" and allow local consumers and officials to "get there on their own." He added, "I assure you they would get there on their own."

[8:39:15 AM](#)

REPRESENTATIVE SADDLER asked Mr. Hanson what percentage of CHARR's membership are smoke-free bars and what percentage allow smoking.

MR. HANSON answered that he does not know the exact number, but he ventured that the vast majority of the bars are smoke-free.

[8:39:47 AM](#)

REPRESENTATIVE DRUMMOND asked if any of CHARR's members in Anchorage or elsewhere in the state have gone out of business or lost business by becoming smoke-free establishments.

MR. HANSON responded that it is difficult to determine the reason bars go out of business. He said, "Some that did fold were ... kind of on the ropes to begin with." He said there were certainly businesses in Anchorage where the smoking ban was a factor in their demise, but he emphasized that he could not say exactly that that was the reason they went out of business.

[8:41:07 AM](#)

JIM FASSLER testified in support of CSSB 63(FIN). He opined that "it should have passed years ago." Regarding Mr. Hanson's previous comment regarding local ability to ban smoking, he offered his understanding that when Kenai and Soldotna tried to [establish smoke-free ordinances], "the organizations that were inside city limits was tougher, because they would have forced us out of business; they would have closed down our bar; they would have closed down our revenue source." He interjected that he is a member of all three military organizations on the peninsula. He explained that at the time, he had said that he would "wholeheartedly" support [a smoking ban] if it was imposed statewide. He urged the committee to pass CSSB 63(FIN) "with or without the vaping issue."

[8:43:09 AM](#)

HANNAH BRICE SMITH, American Cancer Society (ACS) Cancer Action Network (CAN), stated that she is a nurse who has worked in a cancer unit for 15 out of 30 years of her career. She indicated that people present with cancer who have never smoked but who have worked for years in an environment where there was smoking, and she asked the committee to imagine what it is like to sit with someone who has never smoked and explain to him/her that he/she has lung cancer. She stated that whether a smoking device is a cigarette, has a filter, or has an "e" before its name, it carries a carcinogenic that can lead to the diagnosis of cancer.

MS. BRICE SMITH said the State of Alaska has a responsibility to protect people. She emphasized that nobody is being asked to stop smoking or vaping - just to "take it outside." She asked

the committee to do whatever it can to move CSSB 63(FIN) out of committee and to the floor for a vote.

[8:45:39 AM](#)

JENNIFER VARGASON testified that as an ex-tobacco user, she would support CSSB 63(FIN) without the vaping language; however, with that language she is compelled to oppose it. She shared that she is 39 years of age and has been using tobacco products since the age of 9; her husband was a tobacco user; her youngest daughter had to use an inhaler, even though neither Ms. Vargason nor her husband ever smoked indoors. She said her husband used vaping as an alternative to smoking. She said she felt that vaping was dangerous and was angry with her husband for bringing it into their home; however, she observed that her husband, having quite smoking [combustible cigarettes], had increased energy and, even though her husband was vaping indoors, her daughter no longer required breathing treatments.

MS. VARGASON shared her story of addiction to tobacco and a determination to continue its use that only changed when she started vaping in September 2014 and ever since has been tobacco-free. She said, "This technology has helped my family to become tobacco-free, and I do not want to be forced to be around tobacco users and their combustible products." She said people are trying to better themselves by vaping, and CSSB 63(FIN) will only deter tobacco users from trying to quit. She asked the committee to remove the vaping language from CSSB 63(FIN).

[8:48:28 AM](#)

REPRESENTATIVE SADDLER noted that Ms. Vargason had said she was tobacco-free, and he asked what product is in the e-cigarette.

MS. VARGASON answered nicotine, which she said is a stimulate like caffeine. She said there is "no combustion in an e-cigarette at all." She added, "I'm not burning anything, just boiling."

[8:49:27 AM](#)

ALISON HALPIN testified to request that the language regarding vaping be removed from CSSB 63(FIN). She stated that vaping is not the same as smoking, because there is no combustion or smoke produced by vaping products. She indicated that vaping helped her quit smoking after failing attempts through use of patches, gums, lozenges, and prescriptions. She said other countries have embraced vaping: New Zealand is changing its laws to support its country's smoke-free effort; Australia is doing so also; England's tobacco usage has dropped by 50 percent by encouraging vapor products. She asked the committee to consider the choices made in these other countries and remove vaping from the language of CSSB 63(FIN). She said a New York state judge determined that there is no combustion from e-cigs; the secondhand [effects of e-cigs] is minimal - it compares to "standing outside next to a running vehicle." She encouraged the committee to consider the studies that have been done and the help e-cigs are giving others in ceasing tobacco use.

MS. HALPIN, in response to a question from Representative Rauscher, clarified that she would support CSSB 63(FIN) if the language regarding e-cigs and vapor products was removed.

[8:52:39 AM](#)

MICHELLE SHAPIRO, Executive Director, testified in opposition to CSSB 63(FIN). She said the proposed legislation would affect businesses that have made the decision to allow smoking in their establishments. She opined that the decision to allow smoking in a bar should be left to the business owner, who has made the decision based on the desires of the customers he/she serves. She said some bars allow smoking just at certain hours to accommodate both the smokers and non-smokers, usually with the smoking being allowed during the daytime.

[8:54:15 AM](#)

REPRESENTATIVE SADDLER asked what percentage of the Mat-Su CHARR members are smoke-free.

MS. SHAPIRO estimated that a quarter of the members allow smoking. She added that most of the members are restaurants or package stores, which do not allow smoking.

[8:55:28 AM](#)

DANIEL LYNCH said he was testifying on his own behalf and "citizens for common sense and free market economies." He said where he lives he has access to three "watering holes": one allows smoking, one does not, and the third allows smoking only on the deck. He said that is freedom of choice for property owners, business owners, employees, and customers.

MR. LYNCH said the bill addresses smoking on deck of a vessel, and he offered his understanding that the bill sponsor had said it would be "dangerous and miserable to smoke on deck." He questioned why, then, [members of] private clubs, such as the Veterans of Foreign Wars (VFW) and the American Legion, must go outside to smoke in inclement weather. He said, "This bill is falsely framed as a workplace safety issue or a red herring." He relayed that on his drive to the Legislative Information Office to testify, he passed 12 drive-through coffeeshops and 6 drive-through fast food restaurants where employees "get all the carbon monoxide they can breathe with every customer driving in."

MR. LYNCH said "we" favor "local option/local control" in terms of alcohol and marijuana. He said Kenai, Homer, and Soldotna have already set up local-control smoking regulation, "which ended up being the middle of the road." He stated, "I find it extremely troubling that for four years in a row now, I'm forced to come and testify against this proposed bad idea for the prime sponsor's shameless self-promotion at a statewide level while the State of Alaska teeters on financial collapse." He reminded the committee that over the last decade, the state has gained an average of \$70 million a year in tobacco taxes; "the borough and cities take in huge amounts of revenue to help keep them solvent and other taxes lower." He called a tobacco tax "a self-imposed, voluntary tax on smokers." He noted that CSSB 63(FIN) has a minimal [fiscal] note, "because it's complaint-driven,

with a \$50 fine." He added, "Good luck with that free enforcement, both statewide and locally."

MR. LYNCH continued:

Previous testifiers stated that ... Bethel became smoke-free in 1998, so evidence should show that Bethel is the healthiest region in the state after two decades of nonsmoking. ... The health care experts' testifiers make huge statements about death, hearts, lungs, et cetera, with no provable evidence of these speculative statements.

In closing, I will thank you for your time and consideration. I request that you hold this bill in the bottom of the trash can and let the state of Alaska be known as the Last Frontier and home to free market economies and common sense and freedom to property and business owners - not the nanny state.

[8:58:46 AM](#)

REPRESENTATIVE SADDLER asked Co-Chair Fansler to respond to Mr. Lynch's statement about the outcome of Bethel's smoke-free status.

[8:59:00 AM](#)

CO-CHAIR FANSLER responded that while he has been involved in many things in Bethel, he is not an expert in health issues. He noted that there were people from Bethel waiting to testify, and he suggested perhaps they could address the issue.

[8:59:57 AM](#)

KEVIN COLLINS, Owner, Local Legends Vape Shop and Custom E-liquids, testified in opposition to the inclusion of e-cigs in CSSB 63(FIN). He said e-cigs are one form of a nicotine delivery system. He shared that he is a former smoker of over 30 years, who believes that if e-cigs had been introduced sooner, then his parents - who died from smoking related

illnesses - would still be alive. Mr. Collins indicated that e-cigs inspired him to create e-liquid, and he stated his goal is to inspire smokers to switch to e-cigs. He stated that CSSB 63(FIN) does not support e-cigs as a delivery system. He stated his belief that e-cig users should not be "lumped into the category of smokers again." He reemphasized that he opposes CSSB 63(FIN) because of its inclusion of e-cigs.

[9:01:30 AM](#)

CANDACE KUCK testified in opposition to the inclusion of "the vapor language" in CSSB 63(FIN). She mentioned that she owns "a shop" in North Pole. Ms. Kuck shared that she smoked for almost 20 years and her husband smoked for over 30 years; both quit smoking on February 7, 2015, by switching to vaping. She expressed the positive health changes that ensued. She said her five-year-old commented that the parents "don't stink anymore."

MS. KUCK said she does not understand why she should be lumped in with tobacco users. She said studies have shown that regulation on e-cigs could impact them as a cessation tool. She said the United Kingdom "has a 20 percent higher success rate for people quitting smoking with vapor products." She recommended the aforementioned documentary. She said CSSB 63(FIN) is "a secondhand smoke bill" and needs to remain such. She emphasized, "I don't smoke - I vape." She said she supports healthier working environments but wants the vape language removed from CSSB 63(FIN).

[9:04:22 AM](#)

LARRY HACKENMILLER testified in opposition to CSSB 63(FIN). He said he questions the intent of the proposed legislation to eliminate the presence of secondhand smoke in buildings to protect the employees from a hazardous workplace condition. He continued:

Secondhand smoke is not a chemical - it consists of many chemicals. Some of the chemicals in secondhand smoke are hazardous toxins and some are identified to be carcinogens, which have been known to cause cancer.

All of those chemicals are listed in the OSHA Air Containment Standard 29 CFR 1910.1000 Air Contaminants List. This is a standard used under the Clean Air Act, which is enforced by OSHA, on Alaska, by the Alaska Occupational Safety And Health - AKOSH, they call it.

Secondhand smoke is a source for many chemicals. Natural gas emissions are also a source for many chemicals. The chemicals - hazardous or nonhazardous - are duplicated in the secondhand smoke source and the natural gas emission source. Natural gas emissions do have more fine particulates than those found in secondhand smokes - more metallic particulates - which is another concern for your health. ... Same chemicals - different sources.

In Anchorage and other locations where natural gas is available, natural gas emissions come from restaurant deep fryers, grills, flattop pizza ovens, hot water heaters, and building heating units. Most restaurants have ventilation systems for their cooking appliances, except for some pizza ovens, which do not require ventilation systems.

Common sense would dictate if the intent of this bill is to protect employees from inhaling hazardous toxins in the workplace, it would eliminate all sources of hazardous toxins from the workplace. If the sponsor and the highly intellectual leaders of our Health and Social Services Department are sincere in protecting employees, then natural gas emissions must be banned in every public building in the state. If common sense does not dictate the removal of all these hazardous toxins from a place of employment, we need not worry.

In that air contaminants list used to enforce indoor air quality under the Clean Air Act, all these chemicals have permissible exposure limits - or PELs - established by the EPA in the Risk Assessment Program

and enforced by OSHA and AKOSH. This list clearly shows that all the identified hazardous toxins found in secondhand smoke and natural gas emissions -and even vehicle emissions - do not exceed the permissible exposure limit for inside a public building and are considered safe to inhale under those limits.

The sponsor of the bill knows this; the highly intellectual leaders of our Health and Social Services Department know this. If the distinguished members of this committee would question the sponsor or Health and Social Services on line, OSHA and AKOSH do not classify secondhand smoke as a hazardous work condition, perhaps they can site the science they use other than what the surgeon general says.

MR. HACKENMILLER indicated his willingness to remain on line to discuss the conflicts of the wording in CSSB 63(FIN) and to answer questions.

[9:08:15 AM](#)

JAMIE HANSEN acknowledged those who had already testified on the importance of e-cigs in helping them to quit smoking. She emphasized the dangers of cigarettes; however, she stated her concern that excluding e-cigs from the bill would essentially give the message from the state that e-cigs are safe. She said, "That is something that I simply cannot accept." She mentioned the surgeon general's warning in 2016 regarding the danger of e-cigs to children and young adults up to age 20. She said she thinks there is enough science already to know that e-cigs and vaping should not be included in the workplace, because they are hazardous. She opined that the bigger issue is that the state is refusing to acknowledge the education of the public.

[9:09:47 AM](#)

REPRESENTATIVE SADDLER noted that the state does allow people to do things that are bad for them. For example, one could argue that alcohol is bad for people, and the state regulates alcohol but does not prohibit it. He asked Ms. Hansen, "To what extent

should the state regulate people's choices that may be bad for them?"

MS. HANSEN answered that she thinks most important is that "vaping and smoking cigarettes affects those outside, so it is not simply an individual decision." She said that is where CSSB 63(FIN) "is coming to" and where "the issue of both normalization and education holds that it is simply not safe for those around those who are smoking."

REPRESENTATIVE SADDLER asked, "So, are there any limits to what the state should be able to do to protect individual health?"

MS. HANSEN answered yes. She said she respects those who support personal liberty, and she supports it, as well; however, she indicated her top priority is the right to breathe smoke-free air. Second to that, she said, would be the state's support of the educational value of [a smoke-free environment]. In response to a follow-up question from Representative Saddler, she confirmed that this is not a personal preference that could extend to personal use of perfumes or colognes; this is a health concern.

[9:12:24 AM](#)

ASHLEY PELTIE testified in support of CSSB 63(FIN) and strongly urged the committee to keep the language pertaining to e-cigs intact. She opined that it is counterintuitive to pass "a statewide smoking law" and "exempt something that still puts people at risk and makes business owners have a harder time enforcing a law." She urged the committee to get CSSB 63(FIN) to the floor for a vote, because "Alaskan workers cannot afford to wait any longer."

[9:13:46 AM](#)

NOEL CROWLEY BELL testified in support of CSSB 63(FIN), as written. She echoed previous testimony regarding the 2016 surgeon general's report, which "clearly illuminates the science and the uncertainty of the secondhand aerosol that is expelled when people vape." She said the proposed bill is needed to

protect the health of all Alaskans, not just those in communities that have already established health policies. She said [CSSB 63(FIN)] is not about the restriction of vaping or removing the rights of Alaskans to "choose a quit method"; it is about "protecting the rights of workers in their place of employment and giving them the opportunity to breathe clean air as they work throughout the day." She concluded that the proposed legislation simply would ask smokers and vapers to "take it outside."

[9:15:32 AM](#)

CHRYSTAL SHOENROCK, Owner, Forelands Bar; Secretary, Kenai Peninsula CHARR, testified in opposition to CSSB 63(FIN). She explained that CSSB 63(FIN) would take away the rights of owners to speak with their customers about the choice whether to go smoke-free. She said if the majority of her customers wanted the bar to go smoke-free, then she would make that happen; however, the majority of customers smoke and all of her bartenders smoke. She stated, "My dad lived to be 100 years old; he smoked every day of his life. He didn't die of cancer; he died of old age." She said she understands that smoking is not good for a person, but it is a personal choice whether to smoke. She said soldiers have died protecting freedoms that are increasingly being taken away. She reiterated that she thinks the owners should be permitted to make the decision - not the government exercising another form of control. She said bars need to be taken out of the equation, because there are many smoke-free bars on the Kenai Peninsula and only a few that allow smoking; the people choose which bar to patronize.

[9:18:18 AM](#)

JENNIFER BRANDT testified in support of CSSB 63(FIN). She shared that up until last year she had worked in a building that allowed smoking outside, with no requirements regarding how far away from the building smokers must be. She said people smoked right next to the exhaust intake, often filling her office with secondhand smoke. She said she developed a chronic cough and had to look for another job. She said she was fortunate to find work at a smoke-free campus, but said others are not so

fortunate. She asked the committee to protect hardworking Alaskans by passing CSSB 63(FIN).

[9:19:24 AM](#)

REBECCA "BECKY" STOPPA testified in support of CSSB 63(FIN), with the inclusion of e-cigs. She said she is a life-long nonsmoker, who has suffered from asthma, which she is certain is due, at least in part, from exposure to secondhand smoke during her youth and as a young adult working in establishments that allowed smoking. Ms. Stoppa said today she is fortunate to live in a community and work in an environment, both of which do not allow smoking in the workplace. She stated her belief that it is important to extend the same workplace protection to all Alaskans. She encouraged the committee to keep the vaping language in the proposed legislation, because "we know that e-cigarettes and ... vape liquid ... [have] many of the same toxic chemicals found in regular cigarettes, and ... the consequences could be just as dire." Ms. Stoppa said the language, as written, does nothing to prevent people from vaping; it would simply ask them "to take it outside, just like smokers."

[9:21:03 AM](#)

LINCOLN BEAN, Chair, Alaska Native Health Board, testified in support of CSSB 63(FIN), as follows:

The use of tobacco is the nation's number one cause of preventable death, killing nearly 600 Alaskans each year from direct tobacco use. In 2012, Alaska spent \$538 million in medical expenditures [and] an additional \$231 million in lost productivity due to tobacco related deaths.

At twice the rate of non-Natives, 42 percent of Alaska Natives smoke and 15 percent use smokeless tobacco. Cancer is the leading cause of death among Alaska Native people, and lung cancer is one of the most frequently diagnosed cancers. Heart disease is the second leading cause of death among Alaska Native

people, and smoking and exposure to secondhand smoke are major risk factors for heart disease.

Not all Alaskans are protected from ... [exposure to] secondhand smoke. Currently smoke-free workplaces cover only half the state's population and many boroughs lack the authority necessary to pass a local law. The only way for Alaska to protect from the harmful effects of secondhand smoke is through a statewide, smoke-free workplace law. Among Alaska Native adults, 89 percent believe smoking should [not] be allowed in an indoor work area and 86 percent support smoke-free in restaurants.

Currently there's not enough evidence to say that electronic cigarettes are an effective cessation device. The long-term health impact of electronic cigarettes ... [is] also unknown, as they are largely unregulated, and the amount of nicotine and other chemicals aren't known. Thorough analysis has shown potentially harmful ingredients, including: ... ultrafine particles that can be inhaled deep into the lungs; flavorings such as (indisc.) - a chemical linked to serious lung disease; volatile organic compounds; and heavy metals, such as nickel, tin, and lead. 72 percent of Alaskans supported the e-cigarettes in statewide, smoke-free workplaces.

[9:23:45 AM](#)

TERESA HOLT, State Long Term Care Ombudsman, Alaska Long Term Care Ombudsman, testified in opposition to CSSB 63(FIN). She explained that many residents in nursing facilities and assisted living homes would not be able to walk the 20-foot distance from an entrance or window to smoke, as would be required under CSSB 63(FIN). She said these facilities are essentially homes to their residents, and while most do not allow residents to smoke in the homes, residents are allowed to smoke in the garage or on the back deck, where staff can keep watch on them without coming into contact with secondhand smoke. She remarked that some of these folks are in their 80s and have been smokers for [the

majority of] their lives. She said the Alaska Long Term Care Ombudsman would like to see an amendment to CSSB 63(FIN) that would allow these residents to continue to be allowed to smoke in the garage or out back.

[9:25:15 AM](#)

CO-CHAIR PARISH remarked that that is "a nuance" that the committee may not have considered. He asked Ms. Holt if she thinks passage of CSSB 63(FIN) would result in any practical change in the way business is conducted [in the nursing facilities and assisted living homes]. He added, "I can't imagine troopers kicking down doors on this subject."

MS. HOLT answered that she thinks the homes would not allow smoking if a complaint was filed either by a resident or staff person. She said on the nonsmoking campuses people have wanted to smoke so badly that they walked off campus, fell, and broke their hip or had to stand outside in freezing weather conditions to smoke.

[9:27:12 AM](#)

MEGAN TALLY testified in support of CSSB 63(FIN). She said as a former smoker, she recognizes the challenges of quitting. She encouraged the committee to keep the language pertaining to e-cigs in CSSB 63(FIN), because she conducted an on-line search and found "plenty of other issues that come up with e-cigarette use, even though it is technically not the same as smoking." She urged the committee to move the bill out of committee quickly on behalf of Alaskans who want clean air to breathe. She added that it makes it easier on a former smoker not to have to smell smoke and desire to smoke as a result.

[9:28:47 AM](#)

JOEL MEDENDORP noted that he works in the healthcare industry, with a background as a respiratory therapist, invasive cardiologist technician, and a certified pulmonary function technician, but he is testifying on his own behalf. Regarding local option/local control, he said for the vast geographic

majority of Alaska, state government is the local government. Glennallen, for example, is unincorporated. He said the surgeon general has established that e-cigs are not safe.

MR. MEDENDORP posed a question regarding rights: "Why is it in our state venue to control someone's right to smoke or vape or any of that?" He offered an anecdotal response that he drinks diet soda, which some believe to be toxic. He said he would not argue whether diet soda is or is not toxic, but he pointed out that when he drinks it, he is making the choice to ingest it, but he is not "pouring [it] over your head or smearing it on surfaces or spraying it through the air," which he said is what happens when people smoke or vape inside a closed space. He added that it is not only the air that is affected; residue lands on surfaces and transfers to people's hands or clothes. He said if he entered a cigarette or cigar shop or an e-cig shop, then he would expect to be exposed; however, he would not expect "to be exposed to this stuff unknowingly" when going to places where people have smoked and where he does not know whether anyone has smoked or not.

MR. MEDENDORP concluded, "The only thing that's interesting to me is the question about assisted living; that's a thought I hadn't thought of before; but other than that, I'm in full support of SB 63, as it's written."

[9:31:43 AM](#)

JANET KINCAID, Owner, Colony Inn, described herself as "an old coot" who has been in Alaska since before statehood. She said at one time smoking was allowed everywhere, including in hospitals, because no one knew the health risks; therefore, she advised that it would be a mistake not to include vaping in CSSB 63(FIN), because not everything is known about the detriments of vaping.

MS. KINCAID related that her business was the first in downtown Palmer to become smoke-free. As the face of the smoke-free [movement], she said she "got a lot of hits from the bar owners," including a banner flown to boycott her business, because people feared she was taking away their rights. Ms.

Kincaid said the bar owners ultimately discovered that a benefit of going smoke-free was that they gained customers. She said another benefit is not having to clean as often. She indicated that if anyone ever cleaned a wall in a room where there was heavy smoking, then he/she would be appalled at what people in the room were inhaling in their lungs.

MS. KINCAID said she has one of the only 24-hour restaurants in the Matanuska-Susitna Valley. Becoming a smoke-free establishment has resulted in other benefits: tables turn over faster and kids don't carve up the tables. She emphasized her strong support of CSSB 63(FIN). In response to a request from Vice Chair Fansler, she stated that in addition to owning the Colony Inn, she also works at the Valley Hotel, which she indicated comprises the Caboose Lounge, Iron Horse Liquor, and the Round House Café.

[9:34:59 AM](#)

MARGE STONEKING, Executive Director, American Lung Association (ALA), stated that ALA's mission includes fighting for healthful indoor and outdoor air for the prevention of lung disease and an improvement of lung health for those with lung disease. She reported that she is one of the approximately 100,000 Alaskans with lung disease. She expressed appreciation for the stories shared by those who have converted from cigarettes to vapor products, but said "this is not about the liberty to use vapor products." She said CSSB 63(FIN), in its current form, exempts vape shops from the bill. She said the people who vape want to be able to do so anywhere in Alaska, including indoors, but there are harmful ingredients in e-cigarettes.

MS. STONEKING referred to a letter of evidence from the Center for Disease Control and Prevention, which is included in the committee packet, which lists the ingredients in secondhand aerosol: nicotine, a psychoactive neurotoxin; ultrafine particles that can be inhaled deep into the lungs; flavorings, such as diacetyl, which is linked to a serious disease, called "popcorn lung"; volatile organic compounds; and heavy metals, such as nickel, tin, and lead. She said, "This is what we're

talking about, in terms of secondhand exposure; this ... is not a proven safe product to be able to expose others to."

MS. STONEKING said CSSB 63(FIN) would allow all Alaskans to breathe smoke- and aerosol-free air at work and in public places. She echoed previous testifiers who said that the proposed legislation would simply ask those who use to "take it outside." She called attention to the Dittman poll, included in the committee packet, which notes that not only do 69 percent of Alaskans support a statewide smoke-free workplace law, but 72 percent of Alaskans support the inclusion of e-cigarettes. In conclusion, Ms. Stoneking said, "So, this is not about the right ... or prohibition to vape or not; this is about protecting others from secondhand exposure to known neurotoxins and other toxic chemicals."

[9:38:02 AM](#)

SHARON WOLKOFF testified in support of CSSB 63(FIN). She said she thinks e-cigarettes should be included and [their use] should not be normalized for children. She mentioned the opioid epidemic and suggested the possibility that other drugs could be in e-cigs. She said she wants to have the peace of mind in knowing that she is not breathing in secondhand drugs. She placed emphasis on the protection of children. She mentioned budget cuts and reform in healthcare, and she opined that "this will improve the health of a lot of people." She indicated that she thinks [CSSB 63(FIN)] should "stay as it is." She said people can get exposed to the chemicals left behind in a bar, even if no one is currently smoking there; therefore, she said she does not think the idea of limiting smoking hours in a bar will work. She urged the committee to pass CSSB 63(FIN) and protect communities.

[9:40:58 AM](#)

ALEX MCDONALD, Owner, Ice Fog Vapor, stated, "We're on the same team as far as trying to reduce tobacco use and related illness in the state." He shared that he lost his grandmother to lung cancer and he used to smoke. Notwithstanding that, he said this legislation is being heard for the fifth year in a row, and he

still opposes it; each year research and reports are published that support his concerns with the legislation. He said the inclusion of vapor products in CSSB 63(FIN) "is contrary to public policy suggestions from experts and organizations around the world." He relayed that both "Public Land England" and the Heartland Institute in the U.S. have issued statements that the inclusion of vapor products in any clean air bills is bad policy, and those entities cite studies showing that "there's no concern for harm for bystanders" and "forcing former smokers to use their vapor products in smoking areas leads to increased relapse" and "dual use."

MR. MCDONALD said most people who use vapor products are former smokers or people trying to quit smoking, and asking them to go to smoking areas makes as much sense as "asking [Alcoholics Anonymous] (AA) to hold meetings at a bar." He questioned how that would better public health, and he pointed out that CSSB 63(FIN) would actually "force people into smoking areas to breathe secondhand smoke to use a smokeless product."

MR. MCDONALD noted that in the last few weeks, New Zealand legalized the sale of nicotine-containing e-liquids to assist in the country's efforts to have a smoke-free country by 2525. He said vapor products are currently covered under [New Zealand's] Clean Air Act, but the country is looking to amend them to exclude vapor products. Mr. McDonald said the United Kingdom has the same goal to be smoke-free; however, the country treats combustible products and smokeless products as separate, "because they're not the same thing." He relayed that this year the Royal College of Physicians stated that electronic cigarettes are at least 95 percent safer than smoking. The United Kingdom does not include vapor products in their clean air laws, because they do not produce smoke and "there's no concern for secondhand exposure." Mr. McDonald said the Office of National Statistics reported that 56.7 percent of smokers in the UK quit smoking last year. He suggested that "we can have the same result."

MR. MCDONALD said new vape shops would not be exempted under CSSB 63(FIN); they would need to purchase and install a ventilation system, which could cost \$3,000-\$50,000. Further,

he said in Fairbanks, "every suite has an Arctic entry that opens into a common area." He said the vape shop owner would have to get permission from the property owner to cut a doorway in the outside wall and pay for the installation of the door. Higher heating costs and increased security issues would result.

MR. MCDONALD reiterated that he is on the side trying to ensure public health. He opined that smokeless products should not be included in CSSB 63(FIN). He shared that as someone who once worked in a group home and had to assist blind people to smoking areas, he concurs with the former testimony of the ombudsman that assisted living homes should be excluded, because he said that "that is a health and safety concern."

[9:46:13 AM](#)

CO-CHAIR FANSLER, after ascertaining that no one else wished to testify, closed public testimony on CSSB 63(FIN).

[9:47:13 AM](#)

CO-CHAIR PARISH questioned what effect CSSB 63(FIN) would have on underage smoking.

[9:47:28 AM](#)

JOE DARNELL, Investigator IV, Tobacco Youth Education & Enforcement Program, Division of Behavioral Health, Department of Health and Social Services (DHSS), answered that vaping "renormalizes smoking in public"; therefore, he opined that the language regarding vaping should remain in CSSB 63(FIN). He said in the last 20-30 years, people have become accustomed to seeing people go outside to smoke and would react with shock if someone lit up a combustible cigarette in, for example, this committee room. He reiterated that allowing vaping indoors would renormalize smoking indoors.

[9:48:42 AM](#)

REPRESENTATIVE WESTLAKE said the committee has heard from many testifiers that vaping can help people quit using combustible cigarettes.

MR. DARNELL said when talking about "less harm," while it may be true that vaping can help some adults quit smoking, [the use of vaping products] "is initiating children into smoking." He named the following flavors used in vape products: cherry, gummy bear, cotton candy. He said his program's research found that the sell rate [of vape products] to minors is 28 percent in the state and 50 percent in Anchorage alone. He said this shows that vaping is being used as an initiation for children. He said, "So, to keep the vape language in this bill, I feel, is extremely important." In response to Co-Chair Parish, Mr. Darnell said that by comparison, the sell rate of tobacco to minors is 5-6 percent statewide and just under 3 percent in Anchorage. He talked about checking vape shops and helping their workers "do business the way they're supposed to." He said after 15 minutes in a vape shop his lungs will burn for 3-4 hours afterwards. He acknowledged that there is no science behind that statement, but that is how he feels.

[9:52:33 AM](#)

REPRESENTATIVE DRUMMOND asked if there is an age restriction related to vaping products.

MR. DARNELL answered the age restriction is currently 19, the same as for cigarette smoking. He mentioned there is another Senate bill that is attempting to "tighten that language." In response to a follow-up question, he confirmed that he has found that the vaping products are being sold to minors at a high rate.

CO-CHAIR PARISH said he finds this information alarming that the sell rate of vaping products to youth is almost six times the sell rate of tobacco to youth. He asked if Mr. Darnell includes 18-year-olds in those statistics.

MR. DARNELL answered that the program checks the ages of 16 and 17. He indicated the reason for using that age range is to not

trick anyone by gathering a statistic on someone who might be turning 19 in two days. He said the majority [of sellers] did not even ask for identification ("ID").

CO-CHAIR PARISH offered his understanding that the other Senate bill mentioned by Mr. Darnell is aimed at making the penalties more stringent and "the education more comprehensive for these folks." He asked, "What's the solution to the problem?"

[9:54:25 AM](#)

MR. DARNELL answered that SB 15 is the legislation that would tighten the law regarding vaping products to be more in line with that of tobacco products. He said his program checked all the shops it could find; however, the vaping shops are not currently required to have any kind of endorsement. He explained that currently tobacco [sellers] must have a business license and a tobacco endorsement, which makes it easier to figure out where all the tobacco shops are by searching the endorsements. In order to find vape shops, a search is done on line by using various words, including "vape," "ice," or "cloud." Mr. Darnell said that leaves the possibility that if a certain word was not put in a search, then a vape shop could go undiscovered. For example, he said he found out only because of a complaint from a parent that there is a vape shop in Juneau, named "Global Communications." Half the store sells international calling cards and the other half sells vape supplies. He emphasized that his program would never have found that store just doing a search, and that is why the addition of the endorsement requirement is so important, which is what is being attempted under SB 15.

CO-CHAIR PARISH asked what proportion of underage smokers begin nicotine use through vaping.

MR. DARNELL said he does not know.

[9:56:55 AM](#)

CO-CHAIR FANSLER reminded members to submit amendments no later than 24 hours before the next hearing, which he said would be on Tuesday, April 25, 2017.

[9:57:58 AM](#)

CO-CHAIR PARISH requested documentation regarding "the sell rate."

[9:58:22 AM](#)

SENATOR MICCICHE, Alaska State Legislature, as prime sponsor of CSSB 63(FIN), noted that he has actively pushed this issue for the last two years. He said he has a solution for the assisted living home. He said he is not against vape shops. In fact, he said, the bill separates vape shops so that existing ones can continue to operate as they currently do. Under CSSB 63(FIN), only new vape shops would have to have improved ventilation. He said employees should not be subject to breathing [unhealthy air]. He said he would not support legislating what people do in their homes. He added, "In fact, we changed the bill specifically on someone who receives health care in their home." Regarding the comment about the [diet] drink, he said, "When someone drinks a sugary drink, they don't spit it into my mouth." He stated that CSSB 63(FIN) is specifically about "balancing the rights of the smoker with the rights of the nonsmoker," and "we made it as easy as we possibly can through this process for the smoker" by simply requiring smokers to "take it outside - not very far outside - just outside."

SENATOR MICCICHE said he is "always happy to see a better bill." Notwithstanding that, he said he had hoped that CSSB 63(FIN) would move out of committee today, but he asked the committee members to consider that the proposed legislation has a long way to go through the legislative process, and he requested that the bill be given a chance to be heard. He expressed appreciation to both co-chairs for the time spent on CSSB 63(FIN).

[10:00:39 AM](#)

CO-CHAIR FANSLER asked Senator Micciche if he has an amendment to address the issue of the assisted living homes.

SENATOR MICCICHE answered yes. He said he had it drafted for the next committee, which is where he had anticipated more of the changes to the bill being made. He said the amendment is a simple fix that would lessen the distance a person would have to be from a door.

CO-CHAIR FANSLER offered that the House Community and Regional Affairs Standing Committee would be willing to offer that amendment.

[CSSB 63(FIN) was held over.]

[10:02:07 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 10:02 a.m.