

**ALASKA STATE LEGISLATURE**  
**SENATE HEALTH AND SOCIAL SERVICES STANDING COMMITTEE**

March 1, 2017

1:30 p.m.

**MEMBERS PRESENT**

Senator David Wilson, Chair  
Senator Natasha von Imhof, Vice Chair  
Senator Cathy Giessel  
Senator Peter Micciche  
Senator Tom Begich

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE CONCURRENT RESOLUTION NO. 2  
Proclaiming April 2017 as Sexual Assault Awareness Month.

- MOVED SCR 2 OUT OF COMMITTEE

SENATE BILL NO. 63

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

- MOVED SB 63 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SCR 2

SHORT TITLE: SEXUAL ASSAULT AWARENESS MONTH: APRIL 2017

SPONSOR(S): SENATOR(S) MEYER

02/08/17	(S)	READ THE FIRST TIME - REFERRALS
02/08/17	(S)	STA, HSS
02/24/17	(S)	STA REFERRAL WAIVED
02/27/17	(S)	HSS AT 1:30 PM BUTROVICH 205
02/27/17	(S)	Heard & Held
02/27/17	(S)	MINUTE(HSS)
03/01/17	(S)	HSS AT 1:30 PM BUTROVICH 205

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

**WITNESS REGISTER**

SENATOR PETER MICCICHE  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Sponsor of SB 63.

RACHEL HANKE, Staff  
Senator Micciche  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Provided a sectional analysis for SB 63.

EMILY NENON, Director Alaska Government Relations  
Alaska Chapter of the American Cancer Action Network  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

DR. BOB URATA, volunteer  
American Heart Association  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

JULIE SCHMIDT, volunteer  
American Association of Retired Persons  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

BROOKE HEPPESTALL, volunteer  
American Association of Retired Persons  
Palmer, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

KEN HELANDER, Advocacy Director  
American Association of Retired Persons  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

CHARLES HOLYFIELD, Director

Respiratory Department  
Fairbanks Memorial Hospital  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

EDWARD DAILEY, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

LARRY HACKENMILLER, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition of SB 63.

PETE HANSON, Chief Operating Officer  
Alaska Cabaret, Hotel, Restaurant and Retailers Association  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition of SB 63.

BRIAN SAYLOR, representing self  
Alaska Lung Association  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

RICHARD BLOCK, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

MARK BUTLER, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

KRISTEN MCDONALD, volunteer  
American Cancer Society - Cancer Action Network  
Homer, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

CHRYSTAL SCHOENROCK, member  
Kenai Peninsula and Alaska Cabaret, Hotel, Restaurant and  
Retailers Association

**POSITION STATEMENT:** Testified in opposition of SB 63.

DANIEL LYNCH, representing self  
Soldotna, Alaska

**POSITION STATEMENT:** Testified in opposition of SB 63.

NOEL BELL, representing self  
Palmer, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

ROBIN MINARD, representing self  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

BECKY STOPPA, representing self  
Wasilla, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

BETTY MACTAVISH, representing self  
Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

SHARON WOLKOFF, representing self  
Kodiak, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

TERRENCE ROBBINS, representing self  
Ketchikan, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

DALE FOX, President and CEO  
Alaska Cabaret, Hotel, Restaurant and Retailers Association  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition of SB 63.

WAYNE CROWSON, representing self  
Delta Junction, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

ISAAC HOWELL, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition of SB 63.

CARMEN LUNDY, member  
Kodiak-Alaska Cabaret, Hotel, Restaurant and Retailers  
Association  
Kodiak, Alaska

**POSITION STATEMENT:** Testified in opposition of SB 63.

ERICK VARGASON, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition of SB 63.

CLARICE MINGO, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

STEVEN MAPES, advocate  
Smoke Free Alternatives Trade Association  
Kenai, Alaska

**POSITION STATEMENT:** Testified in opposition of SB 63.

DR. JAY BUTLER, Chief Medical Officer and Public Health Director  
Division of Public Health  
Alaska Department of Health and Social Services  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of SB 63.

#### **ACTION NARRATIVE**

[1:30:32 PM](#)

**CHAIR DAVID WILSON** called the Senate Health and Social Services Standing Committee meeting to order at 1:30 p.m. Present at the call to order were Senators von Imhof, Giessel, Micciche, Begich, and Chair Wilson.

#### **SCR 2-SEXUAL ASSAULT AWARENESS MONTH: APRIL 2017**

[1:30:54 PM](#)

CHAIR WILSON announced the consideration of SCR 2.

[1:31:45 PM](#)

SENATOR VON IMHOF moved to report SCR 2, [30-LS0320\A], from committee with individual recommendations and attached fiscal note(s).

[1:32:02 PM](#)

CHAIR WILSON announced that without objection, SCR 2 moved from Senate Health and Social Services Standing Committee.

#

[1:32:06 PM](#)

At ease.

#### **SB 63-REGULATION OF SMOKING**

[1:33:56 PM](#)

CHAIR WILSON called the committee back to order and announced the consideration of SB 63.

[1:34:40 PM](#)

SENATOR PETER MICCICHE, Alaska State Legislature, Juneau, Alaska, sponsor of SB 63, commented as follows:

Senate bill 63 is simply about protecting Alaskan employees in the workplace. In Alaska more people die annually from the effects of tobacco than from suicide, motor vehicle crashes, homicide, chronic diseases and I can add several other key diseases, Mr. Chairman. The reality of it is it is number one and we would like to change that and protect Alaska workers.

Before I make a decision on carrying legislation, I put it through a measuring yardstick of whether or not it compromises freedom, liberty, and if it protects public safety, health and cost containment. The reality of it is this is about protecting non-smokers' right in the workplace to breathe smoke-free air; this is nothing against the rights of the smoker, they can continue to smoke where ever they choose as long as they are not causing others to have to breathe their smoke. Some may want to compare this to a sugary drink piece of legislation and the reality of it is this is not about sugary drinks, you have the right to drink all of the sugary drinks you want to, the difference is that you don't force others to drink them at the same time; that is what this bill is about for me.

The financial burden of caring for those that fall victim to tobacco-related illness due to secondhand smoke costs the state of Alaska tens of millions of dollars annually. We have a role to protect the public, particularly employees. Similar roles in protecting the public are some things like establishing speed limits, regulating driving under the influence, electrical codes, that sort of things, it's what we do.

Over half of the population of Alaska are currently living under smoke-free laws similar to SB 63. For Alaskans residing in the remaining areas of the state, this bill will offer uniformly applied smoke-free workplace policy, it does not remove the right of the smoker to smoke; rather, it limits the smoker's ability to adversely affect the health of Alaska's non-smoking employees. In other words Mr. Chairman,

the bill simply asks smokers to take it outside at the workplace.

[1:37:22 PM](#)

RACHEL HANKE, Staff, Senator Micciche, Alaska State Legislature, Juneau, Alaska, Provided a sectional analysis of SB 63 as follows:

### **Section 1**

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

### **Section 2**

Adds a new article to AS 18.35:

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

### **Sections 3 - 4**

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

**Section 5**

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

**Section 6-7**

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

**Section 8**

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

**Section 9-12**

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

**Section 13**

AS 18.35.399 - Defines terms used in the Act.

**Section 14**

Repeals specified provisions related to smoking in AS 18.35.

**Section 15**

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

**Section 16**

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

**Section 17**

Provides for an immediate effective date for sec. 16.

**Section 18**

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

[1:41:10 PM](#)

SENATOR MICCICHE clarified compliance and commented as follows:

This is a complaint-driven bill and it's purposely light-handed. If you look at the examples in the

communities, half of the state's population that are under these bills, there have been less than half-a-dozen complaints that have resulted in fines, at least that was the last record that I saw. I think businesses have realized that the compliance makes sense and have not pushed it, but it is specifically designed to be light-handed. We believe that there is value in that society is ready for this change and we don't think that heavy fines need to accompany the change that we expect to occur in the bill.

[1:42:01 PM](#)

SENATOR BEGICH addressed the Alaska Department of Transportation (DOT) fiscal note and pointed out that 12" x 12" signs were listed at \$25-per-sign for vessels, but the same sized signs were listed at \$10-per-sign for the Ted Stevens Anchorage International Airport. He asked why there was a price difference.

SENATOR MICCICHE explained that the material used for signs intended for vessels was different in order for the signs to hold up in marine conditions. He added that he expects a donor will cover the signage cost and there will be no cost to the state.

[1:43:02 PM](#)

CHAIR WILSON opened public testimony on SB 63.

SENATOR MICCICHE mentioned that several invited testifiers will address the committee for either reference or testimony: Emily Nenon with the American Cancer Society and Dr. Jay Butler, Chief Medical Officer for the Department of Health and Social Services.

[1:43:41 PM](#)

At ease.

[1:44:53 PM](#)

CHAIR WILSON called the committee back to order.

[1:45:20 PM](#)

EMILY NENON, Alaska Government Relations Director, Alaska Chapter of the American Cancer Action Network, Anchorage, Alaska, testified in support of SB 63. She disclosed that she has been working on the smoke-free issue in Alaska for 16 years. She noted that Bethel was the first community in Alaska to pass a local smoke-free workplace law in 1998 and many other

communities have adopted local ordinances as well: Barrow, Juneau, Dillingham, Unalaska, Nome, Palmer, and Anchorage. She said half the state is covered by smoke-free laws, but noted that many of the other jurisdictions in the state do not have the power to pass a law like SB 63 at the local level, including: Fairbanks North Star Borough, Kenai Peninsula Borough, or the Mat-Su Borough.

MS. NENON asserted that a whole lot more is known about secondhand smoke since 1998. She detailed that a 2006 U.S. Surgeon General report and additional studies have concluded that there is no safe exposure level to secondhand smoke. She pointed out that ventilation does not work in removing actual carcinogens and fine particles.

She said there is strong support for SB 63 around the state. She detailed that recent polling in Alaska showed 69 percent of Alaskans supported a statewide smoke-free workplace law. She noted that examples in the Lower 48 has shown that people understand smoke-free compliance with self-enforcement. She summarized that everyone has the right to breathe smoke-free air.

[1:48:30 PM](#)

CHAIR WILSON asked that Ms. Nenon address the \$15,000 signage donation that Senator Micciche mentioned.

MS. NENON explained that The Americans for Nonsmokers' Rights Foundation (ANRF) is willing to make the signage donation through the American Cancer Society Cancer Action Network with the provision that the bill remains strong.

[1:49:32 PM](#)

DR. BOB URATA, volunteer, American Heart Association, Juneau, Alaska, testified in support of SB 63 with the inclusion of e-cigarettes as well in the bill. He disclosed that he is a family physician and has practiced in Juneau since 1984. He provided statistics on cigarette smoking as follows:

- Cigarette smoking continues to be the leading cause of preventable death and disease in Alaska and the U.S.
- An American dies of a heart attack every 34 seconds and one dies of a stroke every 40 seconds.
- In Alaska, cancer is the number one cause of death and heart disease and stroke are number two.
- Smoking not only claims the lives of those that use tobacco, but those that are exposed to secondhand smoke.

- Nationally, secondhand smoke causes about 40,000 deaths each year.
- The CDC reports that secondhand smoke exposure costs the U.S. \$5.6 billion in lost productivity and \$156 billion of lost productivity due to tobacco in total.
- Alaska may save about \$5 million in Medicaid medical expenses, that's only Medicaid, not private insurance.
- Exposure of adults to secondhand smoke has an immediate adverse effect on cardiovascular system and causes coronary heart disease and lung cancer; in fact, just 30 minutes of exposure to secondhand smoke rapidly impairs the vascular function.
- Long term exposure to secondhand smoke is associated with a 25 to 30 percent increase for coronary heart disease in adult non-smokers.

DR. URATA set forth that smoke-free workplace laws are an important part of improving the health of the U.S. and Alaska by reducing death and disabilities from the number one and number two most common causes of disease. He said clean air reduces heart disease, stroke, cancer, and lung disease.

He noted that studies in ten communities published in peer-review journals have shown a decrease in heart attack incidence after implementation of the smoke-free laws; two examples, Helena, Montana, there's a 40-percent decrease in heart attacks in Helena residents when smoke-free laws were in place; in Pueblo, Colorado, there's a 41-percent decline of heart attack hospitalizations. He added that there is a 20-percent rise in bar and restaurant sales taxes collected in the year and a half following the passage of this ordinance.

He summarized that the positive impacts from SB 63 may benefit many in the long term, short term, in addition to future generations.

[1:52:48 PM](#)

JULIE SCHMIDT, volunteer, American Association of Retired Persons (AARP), Anchorage, Alaska, testified in support of SB 63, in addition to the inclusion of e-cigarettes and marijuana. She detailed that 51 percent of smokers in Alaska support SB 63. She noted that over 1,000 Alaska businesses and organizations have signed resolutions in support of a law in Alaska to make all workplaces 100-percent smoke-free.

[1:55:37 PM](#)

BROOKE HEPPESTALL, volunteer, American Association of Retired Persons (AARP), Palmer, Alaska, testified in support SB 63. She opined that the vast majority of Alaskans, including smokers, support SB 63. She said she appreciated individual rights, but opined that individual rights are her rights as well as the smokers' rights and said it's her right not to breathe air with smoke. She disclosed that Palmer has been smoke-free for four years and the law has been good for business. She noted that Alaska's prisons have been smoke-free for a long time and asked that the Legislature not "imprison" employees who cannot get away from the smoke.

[1:59:04 PM](#)

KEN HELANDER, Advocacy Director, American Association of Retired Persons (AARP), Anchorage, Alaska, testified in support of SB 63. He stated that AARP has long supported the non-smoking policy in many states and does so because younger people who are able to breathe smoke-free air grow up to be healthy older people. He pointed out that a state law is required because so many communities don't have the power to make the smoke-free decision themselves.

[2:00:53 PM](#)

At ease.

[2:01:53 PM](#)

CHAIR WILSON called the committee back to order.

[2:02:09 PM](#)

CHARLES HOLYFIELD, Director, Respiratory Department, Fairbanks Memorial Hospital, Fairbanks, Alaska, testified in support of SB 63. He revealed that he is also a member of the American Lung Association. He detailed that 88 percent of Alaskans surveyed agreed that all Alaskan workers should be protected from secondhand smoke in the workplace. He added that 72 percent of Alaskans support including e-cigarettes due to their harmful vapors.

[2:04:23 PM](#)

EDWARD DAILEY, representing self, Fairbanks, Alaska, testified in support of SB 63. He addressed the negative effects he experienced from secondhand smoke.

[2:06:11 PM](#)

LARRY HACKENMILLER, representing self, Fairbanks, Alaska, testified in opposition of SB 63. He questioned the effects from secondhand smoke based on the Occupational Safety and Health

Administration's indoor air-quality standards and the U.S. Environmental Protection Agency's risk standards for regulating acceptable exposure limits to toxic chemicals.

2:09:03 PM

PETE HANSON, Chief Operating Officer; Alaska Cabaret, Hotel, Restaurant and Retailers Association (CHARR); Anchorage, Alaska; testified in opposition of SB 63. He remarked that SB 63 is not needed because government officials and citizens on the local level have said "no" to a ban on smoking in bars.

He asserted that bars are different from other public places where smoking has already been banned due to the following restrictions: you have to be 21 to enter a bar, no one has to go into a smoking bar, and there are numerous smoke-free bars in communities that have voted against smoking bans. He opined that the patrons and the employees at bars that allow smoking have chosen to be in a bar that allows smoking.

He concurred that there may be communities where local governments do not have the authority to institute non-smoking measures, but pointed out that there are many communities where local governments and citizens have already exercised their rights to not go the full-smoking ban that includes bars.

He opined that consumers do a better job of choosing than governments do. He pointed out in the hospitality marketplace that more and more bars are going non-smoking because that's what consumers want. He pointed out that most bars in Alaska are already non-smoking and that was achieved without a state mandate squashing local control and consumer choice.

He summarized that a state mandate is not necessary and to let consumers and local officials decide on their own.

2:11:57 PM

BRIAN SAYLOR, representing self, Alaska Lung Association, Anchorage, Alaska, testified in support of SB 63. He disclosed that he is a former official with local and state health departments. He asserted that most people know someone who has been substantially affected by either smoking or secondhand smoke. He set forth that the effects from smoking and secondhand smoke on public health is very real and all are preventable. He opined that one of the most important articles in the state's constitution says that the Legislature shall promote and protect the public health and welfare; that is very easy to do with SB 63. He said he disagrees with allowing individual businesses or

communities to make the non-smoking decision. He opined that it is the employees who take the brunt of the dangerous effects of secondhand smoke when they work in a bar or other facility where secondhand smoke is prevalent.

[2:14:04 PM](#)

RICHARD BLOCK, representing self, Anchorage, Alaska, testified in support of SB 63. He disclosed that he is the manager for an organization that owns and manages about 125 apartments in the Anchorage area. He added that he is the president of a newly formed organization call the Association of Alaska Multi-family Building Owners, an organization that takes interest in public-policy issues that affect the operation of apartment houses.

He opined that SB 63, related to its effect on apartment houses, is divided into three parts:

1. Prohibition of smoking in common areas and areas that need to be protected.
2. Obligations imposed on landlords to do certain things like posting signs.
3. Enforcement and regulation.

He set forth that the Association of Alaska Multi-family Building Owners probably does not oppose the first two parts of SB 63, but noted his concern for the third part that addresses enforcement and regulation.

[2:17:59 PM](#)

MARK BUTLER, representing self, Anchorage, Alaska, testified in support of SB 63, in addition to the inclusion of e-cigarettes and marijuana as well. He disclosed that he was an employee of the Municipality of Anchorage Department of Health and Human Services when the city passed the local non-smoking ordinance in 2007. He revealed that he spoke with many bar owners and managers who were very worried about their businesses, but the result from the non-smoking ordinance turned out to be good for business.

[2:20:15 PM](#)

KRISTEN MCDONALD, volunteer, American Cancer Society - Cancer Action Network, Homer, Alaska, testified in support of SB 63. She remarked that as a nurse she has experienced too many patients who suffered and died from the effects of smoking and secondhand smoke. She added that she has seen friends and family members suffer and die as well. She disclosed that she attributed secondhand smoke to her having asthma. She said the

state needs to protect the 50 percent of Alaskans that are not covered by smoke-free workplace laws. She set forth that an individual should not have to choose between a paycheck and their life.

[2:21:27 PM](#)

CHRYSTAL SCHOENROCK, member, Kenai Peninsula and Alaska Cabaret, Hotel, Restaurant and Retailers Association (CHARR), testified in opposition of SB 63. She disclosed that she is a bar owner in Nikiski and asserted that her patrons want to smoke in their own public place. She added that employees, some who do not smoke, chose to work at her establishment. She asserted that bar owners should be able to dictate how they run their establishments.

[2:23:42 PM](#)

DANIEL LYNCH, representing self, Soldotna, Alaska, testified in opposition of SB 63. He noted that bars in Soldotna are either smoking or non-smoking, a result of a free-market economy that is decided by the property and business owners. He asserted that the bill's sponsor opposes free-market economies, the rights of property and business owners to determine their fate, and endorses a government "nanny state." He noted that the bill will have an impact on cigarette revenue that is generated for the state.

[2:26:01 PM](#)

NOEL BELL, representing self, Palmer, Alaska, testified in support of SB 63. She revealed that she had experienced working in an office where smoking was allowed. She said she had no protection from secondhand smoke because a non-smoking ordinance was not enacted at the time. She stated that her desire to be a good steward to her health took second place to her need to support herself. She noted that not all Alaskan communities have the power to pass a smoke-free ordinance and employees in those communities are exposed to the known dangers of secondhand smoke.

[2:27:37 PM](#)

ROBIN MINARD, representing self, Wasilla, Alaska, testified in support of SB 63. She revealed that she works for the Mat-Su Health Foundation in Wasilla. She noted that most communities in Alaska, such as Mat-Su, don't have health powers so Wasilla cannot have a local law and the community badly needs help from the Legislature to have a statewide smoke-free workplace law. She asserted that SB 63 is not about freedom and taking away anybody's right to smoke or vape, the bill is simply about

letting all Alaskans have the right to breathe smoke-free indoor air.

[2:28:20 PM](#)

BECKY STOPPA, representing self, Wasilla, Alaska, testified in support of SB 63. She remarked that she is fortunate enough to live in a place that has a lot of voluntary smoke-free workplace policies.

[2:29:32 PM](#)

BETTY MACTAVISH, representing self, Kodiak, Alaska, testified in support of SB 63. She pointed out that there has never been a vote by citizens of Kodiak on the issue of smoke-free workplaces. She added that the Kodiak Island Borough Assembly did unanimously pass a resolution of support for a smoke-free Alaska.

[2:31:45 PM](#)

SHARON WOLKOFF, representing self, Kodiak, Alaska, testified in support of SB 63. She set forth that it is important to have clean indoors.

[2:33:22 PM](#)

TERRENCE ROBBINS, representing self, Ketchikan, Alaska, testified in support of SB 63. He recounted the impact on his immediate family, relatives and friends from tobacco-related maladies.

[2:36:08 PM](#)

DALE FOX, President and CEO; Alaska Cabaret, Hotel, Restaurant and Retailers Association (CHARR); Anchorage, Alaska; testified in opposition of SB 63. He asserted that SB 63 adds bars to the existing smoking bans that are already in place. He pointed out that there is no smoking on planes, public buildings, hospitals or the other enumerated locations. He opined that SB 63 is really about bars. He pointed out that many bars have gone non-smoking as 75 percent of the population does not smoke; this allows customers the ability to make a free choice when choosing a smoking or non-smoking establishment.

He set forth that CHARR's opposition is simply based on economics. He opined that most of the smoking bars that were forced to go non-smoking lost customers, revenue and profit. He said remarks from advocates who say, "It's good for business" is simply not true. He contended that bar owners respond to market demands by their customers and people should have the choice whether or not to go into a smoking or non-smoking

establishment. He remarked that he does not see a compelling reason for the state to get into the smoking-ban business.

[2:38:47 PM](#)

WAYNE CROWSON, representing self, Delta Junction, Alaska, testified in support of SB 63. He remarked that smokers are a selfish and inconsiderate of the non-smoking public because he was a smoker 20 years ago. He set forth that secondhand smoke remains the leading cause of health problems in America.

[2:39:39 PM](#)

ISAAC HOWELL, representing self, Anchorage, Alaska, testified in opposition of SB 63. He disclosed that he owns and operates "Cold Vapes 907" in Anchorage. He set forth that it is premature to suggest that vaping is unhealthy prior to a national study. He asked that any reference to vaping be removed from SB 63.

SENATOR MICCICHE commented that vape shops have been removed from the bill and that was a result of significant testimony received on a similar bill last year. He said although he and others believe that people in the workplace that are not in vape shops should have to share vapors from e-cigarettes, vape shops themselves have been removed from bill.

[2:43:27 PM](#)

CARMEN LUNDY, member; Kodiak-Alaska Cabaret, Hotel, Restaurant and Retailers Association (CHARR); Kodiak, Alaska; testified that Kodiak-CHARR opposes SB 63. She set forth that Kodiak-CHARR believes strongly that business owners have a right to make their own choices without federal, state or local governments mandating laws that force business owners to go against their wishes. She remarked that she cannot understand why it is not possible to compromise on the issue the way that Kodiak has. She said she is proud of the way Kodiak uses common sense to handle the smoking issue. She detailed that Kodiak has 16-non-smoking establishments and 6-smoking establishments, giving every adult free choice. She asserted that punishing smokers for their own good is repulsive to basic freedom of choice.

[2:45:15 PM](#)

ERICK VARGASON, representing self, Anchorage, Alaska, testified in opposition of SB 63. He asserted that vaping should not be included in SB 63.

[2:47:10 PM](#)

CLARICE MINGO, representing self, Fairbanks, Alaska, testified in support of SB 63. She specified that she supported the bill

because the Fairbanks North Star Borough cannot pass a smoke-free law.

[2:47:54 PM](#)

STEVEN MAPES, advocate, Smoke Free Alternatives Trade Association, Kenai, Alaska, testified in opposition of SB 63. He opined that the bill will make it impossible for the vaping industry to grow in Alaska.

[2:51:44 PM](#)

DR. JAY BUTLER, Chief Medical Officer and Public Health Director, Division of Public Health, Alaska Department of Health and Social Services, Anchorage, Alaska, testified in support of SB 63. He addressed studies that have documented the short-term health effects of secondhand smoke and the benefits of smoke-free laws. He asserted that smoke-free laws will lower medical costs as well.

[2:54:45 PM](#)

SENATOR VON IMHOF asked Dr. Butler to address his thoughts regarding secondhand smoke and how it relates to vaping and e-cigarettes.

DR. BUTLER replied that there is a lot that is not known about the health risks from vaping.

[2:56:55 PM](#)

CHAIR WILSON closed public testimony.

SENATOR MICCICHE commented on discussions.

As you can imagine, I have spoken to almost everyone on the list in the past. I will continue to discuss the issues with them. We felt that pulling the vape shops out was for what we know about vapes right now was sort of a fair way to deal with this issue right now, but frankly when I'm somewhere with my children I don't want them breathing vapes. I have no idea what's included in those vapors, they can include marijuana and other sources, even for just what is in the regular nicotine replacement agent that is in vaping. I don't want my children or employees in Alaska to be subjected to those, and that's why we just ask them to take them outside as well; we hope that the finding is that it is safer and that it helps people to lead to not needing the nicotine replacement that they are getting through that eventually. But I will also reach

out to Mr. Block because multi-family building owners are only responsible for the signs and then someone smoking in that space afterward is the person who would receive the complaint, not the property owner. We will contact those that certainly have suggestions if there's anything that can improve the bill, but I will tell you that after four years and a significant amount of support this legislature, we believe it is in the right form to pass today and hope that's the case.

[2:58:50 PM](#)

SENATOR GIESSEL commented on testimony.

I appreciate all of the folks that called in today. One of the themes we heard from some concerned folks was their rights and even the word "liberty" was used, and I am certainly an advocate. Government's main role is to protect the liberty and the property of its citizens, the personal property rights. I turn to James Madison who wrote an essay on the issue of property rights quite some time ago, back in the 1700s, and in that essay he articulates that the ultimate property right is our person. This bill is not a prohibition on the choice to smoke, but it is a protection of our person and our property right as persons to choose what we are exposed to. I do support the bill, I am a co-sponsor and I appreciate Senator Micciche bringing it forward.

CHAIR WILSON entertained a motion to move SB 63 from committee.

[3:00:13 PM](#)

SENATOR VON IMHOF moved to report SB 63, [version 30-LS0024\U], from committee with individual recommendations and attached fiscal note(s).

[3:02:05 PM](#)

CHAIR WILSON announced that without objection, SB 63 moved from Senate Health and Social Services Standing Committee.

#

[3:02:13 PM](#)

At ease.

[3:03:15 PM](#)

CHAIR WILSON called the committee back to order.

3:03:38 PM

There being no further business to come before the committee, Chair Wilson adjourned the Health and Social Services Committee at 3:03 p.m.