

HB

129

Original sponsor: Miller, Anderson, SENATE Offered: 5/1/75
Beirne, et al .

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 129 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act limiting smoking in public places and vehicles."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 18.35 is amended by adding new sections to read:

9 ARTICLE 4. HEALTH NUISANCES.

10 Sec. 18.35.300. SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED.

11 Smoking in any form in any one of the following places or vehicles
12 used by or open to the public creates a public nuisance dangerous to
13 the public health and is prohibited:

14 (1) a train, plane, bus, or elevator;

15 (2) a library, indoor theater, museum, lecture or concert
16 hall, gymnasium, or swimming pool;

17 (3) a publicly operated school;

18 (4) the public waiting room of a physician, dentist, physio-
19 therapist, podiatrist, chiropractor, or any other practitioner of the
20 healing arts;

Original sponsor: Miller, Anderson, HOUSE Offered: 3/10/75
Beirne, et al Referred: Rules.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 129 am

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act limiting smoking in public places and vehicles."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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9 ARTICLE 4. HEALTH NUISANCES.

10 Sec. 18.35.300. SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED.

11 Smoking in any form may constitute a nuisance and be dangerous to the
12 public health, and is prohibited in the following areas, unless other-
13 wise exempted by this chapter:

14 (1) a motor vehicle, train, watercraft or other transporta-
15 tion mechanism, which carries passengers for hire;

16 (2) a publicly owned and operated library, indoor theater,
17 museum, lecture or concert hall, gymnasium, swimming pool, or other
18 indoor publicly owned and operated place of entertainment or recreation;

19 (3) a state or municipal office building, a public school, or
20 in a room, chamber, place of meeting or public assembly under the contro
21 of the state, or a municipality, or department or agency of either,
22 while a public meeting is in progress;

23 (4) the public waiting room of laboratories associated with
24 health care or the healing arts;

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21 (5) the public waiting room of laboratories associated with
22 health care or the healing arts; or
23

24 (6) the waiting room, rest room, lobby or hallway of a hos-
25 pital, nursing home, rest home or other health care institution or
26 facility.

27 Sec. 18.35.310. EXEMPTIONS. Smoking in the places or vehicles
28 set out in sec. 300 of this chapter is permitted if

29 (1) the smoking is confined to areas which are specifically
30 designated as smoking areas;

31 (2) the place, vehicle or passenger-carrying common carrier
32 is being used for a private gathering or affair which is privately
33 sponsored and is not open to the general public; or

34 (3) the smoking is done by performers upon the stage as part
35 of a theatrical production.

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25 (5) the waiting room, rest room, lobby or hallway of a
26 hospital, nursing home, rest home or other health care institution or
27 facility; or, in a room of a hospital, nursing home, rest home or other
28 health care institution or facility in which more than one patient is
29 accommodated, unless all patients residing or hospitalized in that room
30 are in agreement that smoking is permitted; or

31 (6) a place of business in which the owner, manager, pro-
32 prietor, or other person who has control of the premises posts a sign
33 conveying the message that smoking is prohibited by law; the format of
34 the sign shall be approved by the department.

35 Sec. 18.35.310. EXEMPTIONS. Smoking in the places or vehicles set
out in sec. 300 of this chapter is permitted if

(1) the smoking is confined to areas which are specifically
designated as smoking areas;

(2) the place, vehicle, or passenger carrier is being used
for a private gathering or affair which is privately sponsored and is
not open to the general public;

(3) the smoking is done by performers upon the stage as part
of a theatrical production;

(4) the passenger carriers found in sec. 300(1) when all
passengers consent; or

(5) the department has exempted the building or room on the
basis that it is sufficiently well-ventilated by natural or mechanical
means; or

(6) a municipality by ordinance exempts municipally owned
buildings from the provisions of secs 300 - 360 of this chapter.

SENATE

6 Sec. 18.35.320. DISPLAY OF SMOKING PROHIBITED SIGNS. Every
7 owner, manager, proprietor or other person who has control of a place or
8 vehicle set out in sec. 300 of this chapter shall conspicuously display
9 in the place or vehicle a sign reading "Smoking Prohibited by Law".

10 Sec. 18.35.330. PENALTIES. A person who violates a provision of
11 sec. 300 or 320 of this chapter is punishable by a civil fine of not
12 more than \$100 for each offense. Punishment under this section shall be
13 initiated only by civil complaint or citation. The court may establish
14 procedures for payment of fines by mail. Criminal records shall not be
15 maintained for penalties imposed under this section.

HOUSE

22 Sec. 18.35.320. SMOKING AREAS PROVIDED. (a) In any building
23 covered by sec. 300(2), (3) or (5), reasonable smoking areas must be
24 provided, unless prohibited for the protection and preservation of the
25 building or its contents.

26 (b) To the extent practicable, the state shall require any of
27 its lessees or sublessees to provide separate smoking areas.

28 Sec. 18.35.330. DISPLAY OF SMOKING PROHIBITED SIGNS. Every
29 owner, manager, proprietor or other person who has control of a place
1 or vehicle set out in sec. 300(1) - (5) of this chapter shall conspicu-
2 ously display a sign conveying the message that smoking is prohibited
3 by law except in designated areas. The format of such signs shall be
4 approved by the department.

5 Sec. 18.35.340. REGULATIONS. The department may promulgate
6 regulations implementing secs. 300 - 330 of this chapter.

7 Sec. 18.35.350. PENALTIES. (a) A person who wilfully violates
8 the provisions of sec. 300 of this chapter is punishable by a civil fine
9 of not less than \$5 nor more than \$25 for each offense.

10 (b) A person who wilfully violates sec. 330 of this chapter is
11 punishable by a civil fine of not less than \$10 nor more than \$100 for
12 each offense.

13 (c) A person charged with a violation under secs. 300 - 320 of this
14 chapter is entitled to a trial by jury notwithstanding any other
15 provisions of law or judicial procedure.

SENATE

16 Sec. 18.35.340. DEFINITIONS. In secs. 300 - 340 of this chapter
17 "smoke" or "smoking" means the carrying, possession, or smoking of a
18 lighted pipe, lighted cigar, or lighted cigarette of any kind, or other
19 lighted smoking material, or the lighting of it.

HOUSE

16 Sec. 18.35.360. DEFINITIONS. In secs. 300 - 350 of this chapter

17 (1) "smoke" or "smoking" means the carrying or possession
18 of a lighted pipe, lighted cigar, or lighted cigarette of any kind,
19 or other lighted smoking material, or the lighting of it;

20 (2) "department" means the Department of Health and Social
21 Services;

22 (3) "publicly owned and operated" includes properties held,
23 used, or controlled by the state without reference to ownership, but
24 excludes facilities leased by the state to a private enterprise.
25

House Judiciary Committee
February 18, 1975

The meeting was called to order at 3:10 p.m. by Chairman Gardiner. Members present: Gardiner, Bradley, Fink, Cotton, Brown.

HB 45 Ombudsman

Stu Hall presented the committee substitute which incorporated the amendments requested by the committee. Rep. Fink moved that the CS be adopted after language on page 9 concerning the judicial branch be deleted. Mr. Brown amended Mr. Fink's motion to delete the language on the first two lines of page 10 also. Mr. Brown's amended motion failed. Mr. Fink's motion passed and so the CS was adopted. Mr. Brown moved that when the committee receives SB 1 that the CS HB 45 be substituted and that it do pass. There being no objection, Mr. Brown's motion passed.

HB 129 Smoking in Public

Mr. Gardiner indicated that he wished only an idea of what the committee intended to do with this bill. Mr. Fink stated that he would attempt to prove that smoking is not "dangerous" and would then add other habits that bother people to the bill. Mr. Brown recommended that the definition of public accommodation in the 1964 Civil Rights Act be checked to possibly include more public places. Other committee members mentioned other possible amendments including the substitution of approved air conditioning for separate areas.

HB 154/HB 74

Mr. Cotton moved that in 220 six months be changed to 1 year. Amendment 1 passed.

Mr. Brown moved that in 190 the language in lines 22 and 23 relating to imposition of fine be added. Amendment 2 passed.

Mr. Brown will draft language to cover reckless actions to be another section either before or after Sect 4.

21

House Judiciary Committee
February 20, 1975

HB 129/ SB 148 Smoking in Public

The joint public hearing was called to order by Representative Gardiner. All members of House Judiciary were present except Mr. Bradley.

Leo Kay of the Alaska Lung Association testified that the bill would be a protection of the rights of the majority.

Dr. George Stewart, lung specialist, testified that cigarettes are the highest source of carbon dioxide. There is legislation to protect the external environment but nothing for inside. The Anchorage Medical Society endorses HB 129.

Floyd Strain, P.E. teacher and ex-smoker favors HB 129.

Harry Lupro stated that anything that keeps people from public meetings is not to be favored. He is for ventilated rooms. The proposed bill is not enforceable -- the courts are already too full. The bill does not encourage public transportation. He suggested designated spaces for non-smokers.

Dove Kull, Alaska Home Aid Service, urged the committee to protect the rights of all citizens.

Bernie Brakel, state worker, stated that the proposed bill would be administratively difficult and costly.

Glen Gregery of the 7th Day Adventist Church favors the bill.

Max Lewis, high school teacher, favors the bill. He needs a lounge where he can work without smoke.

House Judiciary Committee
February 26, 1975

The meeting was called to order at 11 a.m. by Chairman Gardiner.
Mr. Bradley was not present.

HB 129 Smoking in Public

Proposed amendments:

page 1, line 17 - 19 to read (2) a publicly owned and operated library, indoor theater, museum, lecture or concert hall, gymnasium, swimming pool, or other indoor publicly owned and operated place of entertainment or recreation;
Mr. Brown moved AM 1 which passed with no objections.

definition section - exclude state leased buildir from the definition of publicly owned and operated. When the state makes a lease they should recommend seperate smoking areas be included. AM 2 - Mr. Walker was requested to draft language.

page 1, line 15: Mr. Brown moved that "plane" be changed to "aircraft" but withdrew his motion.

page 1, line 16: after carrier, add except that if no seperate area is provided for in 310 (1) of this chapter, smoking may be permitted if all passengers are in agreement.
Mr. Brown moved AM 3 which passed with no objections.

page 2, lines 8 and 9: Delete "kept seperate and are"
Mr. Specking moved AM 4 which passed with no objections.

new section - In publicly owned and operated places in 300 there shall be designated areas for smoking. AM 5 - Mr. Walker was requested to draw up language.

After a noon recess, the committee came to order at 1:40 p.m.

Mr. Walker was asked to research and prepare the following:

- a legal definition of "wherever practicable"
- a purpose clause - to guarantee pure air not segregate
 - possible exceptions for good ventilation
- change penalty from misdemeanor
- that no smoking signs be in other languages or symbols
- possible exemptions for Pioneers Homes, municipal buildings, hospital waiting rooms
- possibility that the legislature approve H & SS regulations and whether any regulations would be necessary

The meeting was called to order by Chairman Gardiner at 7:05 p.m. All members were present except Reps. Fink and Specking.

HB 129 Smoking

Am 1: page 1, line 17: "a publicly owned and operated library, indoor theatre, museum, lecture or concert hall, gymnasium, swimming pool, or other indoor publicly owned and operated place of entertainment or recreation"
AM 1 was previously adopted.

Am 2: define "publicly owned and operated" to exclude any facilities leased by the state of a private enterprise, but include properties held, used, or controlled by the state without reference to ownership. Whenever practicable, the state shall require lessees and sublessees to provide separate smoking areas.
Am 2 was previously adopted.

Am 3: another exception: the passenger carriers found in sec. 300 (1) when all passengers consent
Am 3 was previously adopted

Am 4: page 2, line 8: delete "kept separate and are"
Amendment 4 was previously adopted.

Am 5: Mr. Cotton moved and asked unanimous consent that a new section be added to "provide that in any building covered by 300 (2) or (3) or (6) reasonable smoking areas must be provided. Mr. Brown objected. Mr. Brown moved to amend Am 5 to add "unless prohibited for the protection and preservation of the building or its contents." Am 5 am passed.

Am 6: page 1, line 12: delete present language and insert "Smoking tobacco any form may constitute a nuisance and be dangerous to the public health, and is prohibited in the following areas, unless otherwise exempted by this chapter:" Am 6 passed.

Am 7: change section title and page 1, line 15: delete present language and insert: "in any motor vehicle, aircraft, train, watercraft or other transportation mechanism, which carries passengers for hire;" Am 7 passed.

Am 8: line 4, page 2 "all patients residing or hospitalized in that room are in . . ." Amendment 8 passed.

Mr. Parr moved page 1, line 20 and 22, delete reference to municipal buildings. This proposed amendment failed on vote.

House Judiciary Committee
March 6, 1975
page 2

Am 9: page 2, line 18: delete all line 18 and insert: "a sign conveying the message that smoking is prohibited by law except in -designated areas. The format of such signs shall be approved by the department." Am 9 passed.

Am 10: page 2, line 20: change "shall" to "may"
Am 10 passed.

Am 11: page 2, line 23: after "chapter" delete the rest of the line and insert the word "civil" before the word "fine" in line 24. Page 2, sec 340(b) same. Am 11 passed

Am 12: page 2 line 28: delete sentence beginning "Each day. . ." Page 2, line 27 change fine to \$10 to \$300.
Am 12 passed

Am 13: page 3: define "department to mean Department of Health and Social Services. Am 13 passed

Am 14: add to exceptions section "the department has exempted the building or room on the basis that it is sufficiently well-ventilated by natural or mechanical means." Am 14 passed

The committee requested that a clean CS be drafted for their further consideration. The meeting was adjourned at 9:10 p.m.

51

House Judiciary Committee
March 10, 1975

The meeting was called to order at 1:20 p.m. by Chairman Gardiner. All members were present except Mr. Cotton and Mr. Brown.

HB 129 Smoking

The following amendments were acted on:

In Section 300 (1) delete "aircraft"
Transfer language in definition Section to section 320.
In Section 350 (b) delete the language that makes each day in violation an additional violation.

Mr. Parr moved the rough CS HB 129 with the above amendments out of committee with individual recommendations. There being no objection, it was so ordered.

HB 148 Conscience Clause

Elder Lickey of the Seventh Day Adventist Church stated that there are approximately 1,000 Adventists in Alaska, including children. .5% of all public employees in the state (maximum) are Adventists.

He stated that the AFL CIO in the state of Washington supports this bill and that the APEA will not oppose it.

wage increase: An Adventist would not receive the increase because it had been negotiated by the union but because the employer wanted to give it to him.

strike: An Adventist would stay out of the issue as much as possible. If the majority of workers were on strike, he too would strike. He would do whatever necessary to create the least controversy.

freeloader: He would pay the same amount as a union member.

unconstitutional: This has not yet been determined by the courts.

The meeting broke at 2:10 and was resumed after the session at 2:50 p.m.

Mr. Lickey answered committee questions. Belief in not belonging to a union is not a requirement for membership in the church -- it is not a fundamental principle.

Janet Bradley of the Human Rights Commission testified that as yet, the Commission has no official position. However, the Equal Employment Opportunity Commission guidelines support the position in the bill.

Pastor Gingery testified in favor of the bill.

The committee is waiting for an opinion from the AG's office on the constitutionality of the bill.



ALASKA STATE

MEDICAL ASSOCIATION

1135 W. Eighth Avenue • Anchorage, Alaska 99501 • (907) 277-6891

file on no-smoking

March 10, 1975

Representative Terry Gardiner
Chairman, Judiciary Committee
House of Representatives
Juneau, Alaska 99801

Dear Representative Gardiner:

We understand that House Bill 129 - "An Act limiting tobacco smoking in public places, vehicles, or other passenger-carrying common carriers" has been referred to the Judiciary Committee for consideration.

We are also aware that CS 4 SB 148 has passed the Senate.

As indicated in our "Health and Legislative Action - 1975" packet, the Legislative Committee of the ASMA strongly supports legislation which would provide non-smoking and smoking areas in those areas related to public conveyance and work. We have been extremely pleased and gratified by the number of co-sponsors of HB 129.

Attached is some information which your committee may wish to use in its deliberations about this bill. We certainly strongly support passage of legislation like HB 129 and/or CS 4 SB 148.

If we can answer questions about this important health issue or provide additional information, please let us know.

Thank you very much for this consideration.

Sincerely,

Carolyn V. Brown, M. D.
Chairperson, Legislative Committee

cVB:mlm
Attachment

MAR 6 1975

ANCHORAGE MEDICAL SOCIETY

1135 W. EIGHTH AVENUE

SUITE 6

ANCHORAGE, ALASKA 99501

February 19, 1975

The Honorable Terry Gardner
The House of Representatives
Pouch V
Juneau, Alaska 99801

SUBJECT: HOUSE BILL 129 - PROHIBITING SMOKING IN PUBLIC
PLACES

Dear Mr. Gardner:

Whereas it is documented that smoking tobacco products in enclosed spaces such as those listed in House Bill #129, does cause accumulation of toxic levels of recognized air pollutants such as carbon monoxide, hydrocarbons, oxides of sulfur and nitrogen,

Therefore, the Anchorage Medical Society at its meeting on February 18, 1975 voted overwhelmingly to endorse and support House Bill #129. We urge the Legislature to accept and enact this bill.

Sincerely yours,

John J. Smith, M.D.,
President,
Anchorage Medical Society

JJS/nr

PROPOSED PRESENTATION

Dr. Jim Patterson

12/74

I have been asked to speak on proposed legislation governing smoking in public places. I feel it is most important to remove as much as possible the emotional bias which exists in both the smokers and the nonsmokers, and to bring into effect realistic, practical and enforceable ordinances.

It is probably an infringement on a smokers civil rights as well as unrealistic to attempt to control his behavior through legislation in the name of reducing the hazard to his health. It is much more important to view the problem in another manner and to assure that the nonsmoker is not involuntarily exposed to the smokers increased health risks.

Certain evidence presently exists which clearly demonstrate that cigarette smoking is associated with an increased rate of disability and death due to coronary artery disease, malignant neoplasia of the bronchus, trachea and lung; chronic bronchitis and emphysema. Pregnant women who smoke produce infants of a lower birth weights which also have an increased mortality rate. Children who live in homes where the parents are heavy smokers have an increased number of upper respiratory infections and an increased school absentee rate.

Specific studies have demonstrated that in a relatively closed environment such as may exist in an elevator, a small room or in a vehicle that the toxic biproducts of cigarette combustion, namely dry particulate matter, tar, nicotine, carbon monoxide, benzpyrene and the oxides of nitrogen attain significant levels in both the smoker and nonsmoker. Certain of the biproducts, namely carbon monoxide has been shown to exceed the occupation threshold limit value as specified in the USPHS air quality criteria.

Smoke from an ideling cigarette has been shown to release much more toxic biproducts into the environment than exhaled smoke from it human filter.

With the above facts in mind the ^{Alaska State} ~~Anchorage~~ ^{Association} Medical Society earnestly solicits your help and support in the passage of legislation to limit tobacco smoking in public places.

NONSMOKING LEGISLATION GROWS

Over the past several years more than a dozen states have passed legislation aimed at protecting the rights of nonsmokers. In several states — particularly Arizona, California, Nebraska, South Dakota, and Utah — the legislation is rather far reaching. Below is a state-by-state listing (the first ever compiled) of active state legislation protecting the rights of nonsmokers. What's happening in your state?

STATE	NUMBER/SPONSOR/DATE	BANNED/RESTRICTED SMOKING IN:
ARIZONA	1313 — Holsclaw — May 1973	Elevators, indoor theaters, libraries, art museums, concert halls, buses.
	1213 — Turley, Holsclaw, et. al., April 1974 Approved by the Governor May 2, 1974; Filed in Office of Secretary of State May 3, 1974. (Misdemeanor — not less than \$10 nor more than \$100 fine)	Expanded 1313 to include LECTURE OR concert hall, or bus which is used by or open to public, WAITING ROOM, REST ROOM, LOBBY OR HALLWAY OF A HEALTH CARE INSTITUTION, AS DEFINED IN CHAPTER 4 OF THIS TITLE: PUBLIC WAITING ROOM OF HEALTH ASSOCIATED LABORATORIES OR FACILITIES; PUBLIC WAITING ROOM OF ANY PHYSICIAN, DENTIST, PSYCHOLOGIST, PHYSIOTHERAPIST, PODIATRIST, CHIROPRACTOR, NATUROPATH, OPTOMETRIST OR OPTICIAN; SCHOOL BUILDING. Does not prohibit smoking in areas listed in subsection A if confined to areas designated AND POSTED as smoking areas.
CALIFORNIA	S.206 — Mills — March 1971	Railroad, stage, air carrier, street railway originating in State of California — provides separate sections.
	S.1112 — Mills — October 1973	Requires railroad, stage, air carrier, street railway corporations to display notices to specify locations of nonsmoking sections required by law.
CONNECTICUT	Public Act 74-126 (Substitute House Bill 5518 — April 1974)	"No person shall smoke in any room in a public building while a meeting open to the general public is in progress in such room" Fine \$5.
	Public Act 73-90 (S.B. 8074 April 1973)	All common carriers (motor bus, passenger railroad car, school bus). Not applicable to special buses or compartments or parts of regular carriers set apart for smoking. Maximum fine \$25.
FLORIDA	HB 1537—Operative April 1974	Department stores
	HB 318—Effective October 1974	Elevators--violators guilty second degree misdemeanor --maximum 60 days, \$500.
ILLINOIS	GUIDELINES — Rep. Bruce Douglas—July 1974 FOR STATE EMPLOYEES—in State buildings.	Guidelines restricting or banning smoking in elevators, conference rooms, hallways; banning in all areas where ventilation is poor; future office space to be planned in such a way that nonsmoking employees can be accommodated.
MAINE	April 1974 FOR STATE EMPLOYEES	No-smoking areas established in STATE BUILDINGS by Governor, acting on report showing nearly 60% state employees nonsmokers. Department heads to set aside work areas for nonsmokers, wherever possible. Includes state cafeterias, public waiting rooms, employee lounges, and conference rooms.

PREPARED AS A PUBLIC SERVICE FOR THE INFORMATION OF PERSONS AND ORGANIZATIONS CONCERNED WITH THE PROBLEM OF SMOKING AND THE RIGHTS OF NONSMOKERS, BY ACTION ON SMOKING AND HEALTH, 2000 H ST. N.W. WASHINGTON, D.C. 20006.

YOUR SUPPORT OF OUR WORK ON BEHALF OF ALL NONSMOKERS IS VITALLY NEEDED!

Con't from overleaf

MASSACHUSETTS	ON/ABOUT September 1973	School buses when used for transporting school children.
MICHIGAN	December 1973	Smoking banned at Air Pollution Control Commission meetings.
MINNESOTA	As of June 1974	No smoking in designated areas of tuberculosis sanitoriums.
NEBRASKA	LB 600 — Shirley Marsh, signed by Governor in July 1974	Elevators, indoor theaters, libraries, art museums, concert halls, buses, open to and used by public except areas designated smoking areas. \$10 to \$100 fine.
NEW JERSEY	Act amending NJS 2A: 17—July 1972	Buses or railroad passenger cars (if posted with no-smoking signs) First offense \$25.
OREGON	SB 508—Stevenson—June 1973	Any public meeting of a public body. Defines "meeting" and "public body." \$10 fine.
PENNSYLVANIA	June 1974	Directive of Pennsylvania Public Utility Commission requires smokers to sit in rear 20% of INTRASTATE buses.
SOUTH DAKOTA	SB 52 — Austad, et. al. — March 1974, eff. July 1974 (By amendment, SB 199 was added as Section 2)	Elevators, indoor theaters, libraries, art museums, concert halls and public buses, plus elementary and secondary schools. \$10 to \$100 fine.
UTAH	1973 Penal code updating	Any enclosed public place, defined to mean hotel dining rooms, restaurants and other eating places, public transit, state, county, or city buildings. Owners of eating places may post signs designating their establishments as public smoking rooms.
	As of June 1974	Buses
WASHINGTON	SHB 1979 — May 1974	Public meetings or state-owned buildings. (Legislation applies only to state-owned or controlled public buildings during meetings or hearings open to public).

ASH CHAPTER ACTIVITY EXPANDS

Below is a list of active ASH chapters. If a chapter already exists in your area, you and all other non-smokers are invited to join by writing directly to the address given below.

Arizona ASH
Mrs. Betty Carnes
11801 N. Sundown Drive
Scottsdale, Arizona 85254

San Diego ASH
Mrs. Angela Shefcik
P.O. Box 11392
San Diego, California 92111

Sebastopol ASH
Mr. Anthony McCormick
P.O. Box 935
Sebastopol, California 95472

Denver ASH
Mr. Milnor H. Senior
Suite 2013, 1700 Broadway
Denver, Colorado 80202

Connecticut ASH
Dr. Doris E. Nason
29 Agnes Drive
Manchester, Connecticut 06040

Chicago ASH
Ms. Eleanor H. Siegel
P.O. Box 2400
Chicago, Illinois 60690

Baltimore ASH
Mrs. Leslie Olsher
6668B Reider Court
Edgewood, Maryland 21040

New England ASH
Dr. David Wilson
15 Kennedy Road
Cambridge, Massachusetts 02138

New Hampshire ASH
Mr. Rick Lee, Program Director
New Hampshire Lung Association
456 Beech Street
Manchester, New Hampshire 03105

Long Island ASH
Mrs. Rhoda Nichter
7 Maxine Avenue
Plainview, New York 11803

North Carolina ASH
Mr. Harry G. Gordon
1203 Onslow Drive
Greensboro, North Carolina 27408

ASH of Ohio
Mr. Marion E. Hoar
P.O. Box 52
Dayton, Ohio 45459

Delaware Valley ASH
Mr. Alan R. Goldstein
1801 Blackberry Lane
Gladwyne, Pennsylvania 19035

Pennsylvania ASH
Mr. Vincent Romito
P.O. Box 4983
Pittsburgh, Pennsylvania 15206

ASH of Dallas
Mrs. E. Earl Moore
7022 South Jan Mar
Dallas, Texas 75230

Logan ASH
Dr. Gordon H. Flammer
P.O. Box 1350
Logan, Utah 84322

Provo ASH
Mr. CUN A. Bench
755 N. 100 E, #109
Provo, Utah 84601

If there hasn't been a chapter established in your area, and you believe that there is sufficient interest, write to ASH and learn how to start and operate a chapter in your area.

Assn. for Non-Smokers' Rights won a major victory in quest for legislation that would require all public buildings to have designated no-smoking areas when the Minnesota Hospital Assn. endorsed a three-point policy recommendation urging all hospitals to: prohibit visitors and staff from smoking except in designated areas; allow patients to smoke only with the approval of their physicians and, when in multi-bed rooms, with the approval of the other patient's doctor; and ban the sale of all tobacco products in the hospital. The association's recommendations have since been adopted by the Minnesota State Medical Assn.

CAPSULE COMMENTS

more than European men, according to the World Health Organization. The rise in female mortality is probably due to smoking and entrance into the job market..... A bill of their yearly expenses for installation and maintenance equipment has been introduced by Representative

ACROSS THE COUNTRY

Carbon monoxide levels in the Eisenhower Tunnel, across the country, indicated that the ventilation system does not meet health standards. A recent study of the National Institute of Health Study showed that the tunnel standard of

100 parts of CO per million parts of air per hour was exceeded 165 times between mid-November 1973 and March 1974. Motorists passing through the tunnel at the usual five-minute rate should not be adversely affected by the high CO concentrations. ASMA

Connecticut: The Connecticut legislature has approved a bill that prohibits smoking at public meetings. The bill states "no person shall smoke in any room in a public building while a meeting open to the general public is in process in such room." A five dollar fine will be imposed for violation.

California: The Daisy Toy Lending Library, a service project of the Daisy Guild Community Volunteer Organization provides toys to families of developmentally handicapped children. The library lends toys free, conducts clinics to teach parents how to select appropriate toys in an orderly developmental sequence and teaches techniques of positive interaction during play.

New York: High school students from the Brooke County Youth Council on Smoking and Health are participating in a smoking education program. The student representatives from all the county's high schools meet for training sessions and then give programs to the area 4th grade classes. The programs include the use of a film and smoking mannequin and a discussion period.

Illinois: A Southern Illinois dairy firm is printing the Illinois State Department of Health's recommended schedule for immunizations on the sides of its milk cartons. The message is being printed as a public service to make parents and others responsible for children's health care aware of the importance of complete protection against childhood diseases.

CONFERENCES...MEETINGS

The National Environmental Health Association's National Environmental Conference will be held June 21-27 at the Netherland-Hilton Hotel in Cincinnati Ohio. Workshops on individual sewage disposal systems, food service establishment sanitation, solid waste management, penal institutions, consumer product safety and many others will be held. There will also be panel discussions, addresses by Congressmen and an awards banquet. Write: 1974 Annual Conference, National Environmental Health Association, 1600 Pennsylvania, Denver, Colorado 80203.

An international symposium on "Recent Advances in the Assessment of the Health Effects of Environmental Pollution" will be held by the Commission of the European Communities, the U.S. EPA and the World Health Organization. It will take place June 24-28, 1974, in Paris, France. Write: The Secretariate of the Symposium, "Environment and Health," Health Protection Directorate, Commission of European Communities, 29 rue Aldringen, Luxemburg (Grand Duchy).

A four-week Summer Institute on Air Pollution will be held by the Harvard School of Public Health: July 1-26, 1974. Registration will be limited to 30 members of faculties. Write: Dr. Wade Moeller, Harvard School of Public Health, 655 Huntington Ave., Boston, Massachusetts 02115.

Macrophage Activity Impaired in Smoke Inhaling Rats

Continued from page 1

following challenge, mice were exposed to puffed non-filtered cigarette smoke. They breathed in smoke for as long as four hours after challenge.

The number of *S. aureus* organisms that could be cultured from the trachea of these smoke-exposed mice fell markedly. The counts were two- to threefold below those that had been obtained from the mice in smoke-free air. This decline in tracheal clearance implied that greater than normal numbers of bacteria may remain trapped in the lungs. And this indeed was so. Termination of the cigarette smoke brought excellent results. Three hours later,

clearance was back to normal.

Apparently, puffed smoke in these experiments led to an increase in the number of basal or unmobilized macrophages and did not interfere with the mobilization by mice of macrophages in response to the inhalation of *Staphylococci*.

"What happens to the alveolar macrophages when the smoke exposure is repeated?" Dr. Guarneri was asked.

"We have completed studies in which mice were exposed to cigarette smoke for one hour daily for 15 to 30 days. We got exactly the same results as those reported today. There was impairment which was reversible and no change in cell viability.

"In my opinion, all these studies point to the extraordinary ability of the normal respiratory tract to adapt and repair. It can apparently respond to an insult, such as bacteria, even

respond to a hostile environment—especially if the hostile environment is removed," he declared.

"As our next step, we hope to study the structure and functional integrity of macrophages in normal animals," Dr. Guarneri told this publication, "and in animals exposed to cigarette smoke. Then we will analyze their continued ability to kill bacteria." ID

Macrophage Activity Impaired in Smoke Inhaling Rats

SAN FRANCISCO—Cigarette smoke reduces the ability of the respiratory system of animals to defend itself against bacteria, but the impairment can be reversed within hours by stopping the smoke inhalation. This assessment, which seems only commonsensical, was made by Joseph J. Guarneri, Ph.D., attending microbiologist at Long Island Jewish-Hillside Medical Center, New York.

The experiment was set up to see how cigarette smoke affects the ability of the respiratory tract to fight off bacteria. The normal lungs, after all, are free of viable bacteria, he commented, although the lower respiratory tract is constantly bombarded by airborne bacteria. It is normally cleansed by means of the cilia and by alveolar macrophage activity. These macrophages, found in the air sacs of the lungs, are mobilized when foreign matter is inhaled.

Their ability to ingest and destroy bacteria makes them essential to the defense of the lungs. Anything that impairs their mobilization or reduces the number of viable cells may predispose the individual to pulmonary infection.

As a first step, Dr. Guarneri established the norm—the ability of mice to rid their lungs and tracheas of bacteria following challenge. These first experiments took place in a smoke-free atmosphere. Mice received *Staphylococcus aureus* by means of an aerosol. Afterwards, the animals were sacrificed at intervals, and the trachea and lungs were removed in a separate block from each. These were washed out and bacterial counts were made.

Tracheal and lung clearance were effective and rapid—90 percent of the *S. aureus* deposited were cleared

within four hours. Dr. Guarneri emphasized that these were the results of his first series of experiments and many more remain to be done.

Bacterial provocation mobilized the alveolar macrophages. Dr. Guarneri observed that the pulmonary deposition of *S. aureus* was accompanied by a 2.5-fold increase in the number of macrophages mobilized.

What influence would cigarette smoke have on the numbers of *Staphylococci* retained in trachea and lungs and on the numbers of viable macrophages mobilized? At various intervals

Continued on page 15

ADDITIONAL AWARDS GIVEN BY THE NATIONAL INTERAGENCY COUNCIL ON SMOKING AND HEALTH

On October 1, 1974 at its fall Board of Directors meeting in New York City, the NIC presented Mr. John F. Banzhaf III, Executive Director of Action on Smoking and Health, with an award. Mr. Emerson Foote, NIC member-at-large, made the presentation on behalf of the Council citing Mr. Banzhaf's outstanding achievement invoking the Fairness Doctrine with respect to cigarette commercials.

Congressman John E. Moss of California was also honored with an award from the NIC for his invaluable leadership in the House of Representatives. The California Interagency Council, acting on behalf of the NIC, made the presentation at a special ceremony held in Old Sacramento, California, October 24, 1974.

Senator Frank E. Moss of Utah is the third legislator chosen to be honored by the Council. Presentation of this award is scheduled for December 16 in Salt Lake City.

Three other awards announced by the Council and awarded in January 1974 went to the American Cancer Society, Dr. Luther L. Terry and the National Clearinghouse for Smoking and Health.

STUDY IMPLICATES CARBON MONOXIDE

A recent study conducted by the Environmental Protection Agency has found that carbon monoxide has so saturated American's blood that nearly half of non-smokers have more of it in their systems than federal safety standards would allow. However smokers were found to have two to four times more. The study sponsored a survey of 29,000 persons in 18 areas including the nation's largest cities.

Carbon monoxide binds the red blood cells to displace oxygen. At high levels it is fatal but at lower levels it causes no known results. It is a special risk for heart patients, infants and the elderly. All vehicle related workers such as taxi drivers were found to have high levels of carbon monoxide. Other high groups were workers where carbon monoxide is coupled with industrial pollution, people who live where there are faulty furnaces and those exposed to heavy cigarette smoking indoors

DEPARTMENT OF LABOR PROPOSES STANDARDS

The Department of Labor, Office of Standards Development announced in August its intention to prepare an environmental statement assessing the impact of a proposed standard for occupational exposure to carbon monoxide. They are currently collecting data on possible environmental impacts of the proposed standard. The issues of particular interest are.

/a/ Any medical or toxicological evidence which indicates exposure to carbon monoxide is harmful. /b/ Information on decrease in health hazard to workers if proposed standard is implemented. /c/ Current levels of occupational exposure. /d/ The extent to which carbon monoxide pollutes the ambient air and the decrease in pollution that will result from implementation of proposed standard.

THE NIC RESPONDS.

When the NIC learned of the proposed standard a letter was sent to the U.S. Dept. of Labor urgently requesting that the proposed standard include specific protection from carbon monoxide generated by cigarette smoking and other tobacco products. The Council's position cited our concern for smokers and non-smokers exposed to excessive carbon monoxide. It noted that non-smokers are not only exposed to high levels of carbon monoxide from transportation and industrial sources but are further endangered by being forced to breathe air contaminated by tobacco smoke. This latter hazard is certainly the most preventable source of carbon monoxide pollution.

*Carelyn
Brown*

The
Health Consequences
of SMOKING
1974

124 pages

*available from Alaska Health Sci
Library -*

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service
Center for Disease Control



ASH FILES ON AIRLINE SMOKING COMPLAINTS

Since announcing its new get-tough policy to enforce C.A.B. "no-smoking" section regulations aboard airplanes, Action on Smoking and Health has launched a three-pronged attack aimed at cleaner air for passengers.

As a first step, ASH has just filed a number of formal complaints with the Civil Aeronautics Board on behalf of supporters who have suffered from an airline's failure to comply with the C.A.B. rules. The most common complaints seem to be a failure to enforce the "no-smoking" rules in designated sections, or a failure to permit a nonsmoking passenger to sit in a "no-smoking" section.

The C.A.B. rules clearly state that airline personnel must vigorously enforce the "no-smoking" rule, and require smoking passengers to either move or refrain from smoking. The rules also provide that any nonsmoker who wishes must be seated in the "no-smoking" section, and do not excuse compliance in cases where an unexpectedly large number of nonsmokers appear, or in cases of multi-stop flights.

Unlike informal letters of complaint which hundreds of persons have already filed with the C.A.B., the ASH complaints seek penalties of as much as \$1000 for each violation, and may also result in direct orders to the airlines to modify their policies. C.A.B. attorneys are now investigating the charges in these complaints.

As a second step, we are including as a special insert in the NEWSLETTER a letter signed by ASH's attorneys setting forth the text of the C.A.B. rules and explaining to airline personnel why they must be enforced. On the other side is room to record the information necessary to file a formal complaint. Many supporters have suggested that airline personnel are not familiar with the rules, and that showing them

such a letter would substantially increase compliance. The letter replaces the idea of a small wallet-sized card suggested in the last issue of the NEWSLETTER which proved too small to contain all of the necessary information.

Finally, letters are being sent out to top airline personnel advising them of our new get-tough policy, and suggesting that they redouble their efforts to comply with the rules.

If you fly, it is suggested that you carry the enclosed letter with you and follow the instructions on the back of it carefully. If you do not fly, why not give it to a friend who does? Additional copies of the letter may be obtained upon request.

ASH depends solely on your contributions to support its fight against smoking. Please give generously to help yourself and others.

SMOKING BANNED IN D.C. STORES

January "white sale" bargain hunters in Washington, D.C. will be able to see the merchandise more clearly than they have in the past, beginning on New Year's Day.

On January 1, smoking will be banned in all District of Columbia retail stores and elevators. The regulation, introduced by Councilwoman Marguerite Selden, was passed by the D.C. Council November 19 and signed by Mayor Walter Washington on December 1.

It prohibits smoking in all retail stores in the nation's capital that employ more than 20 persons or have a capacity for 200 or more customers, and bans smoking in all elevators except those in single family dwellings.

ACTION ON SMOKING AND HEALTH EXTENDS SEASON'S GREETINGS
AND BEST WISHES FOR A YEAR OF GOOD HEALTH AND HAPPINESS IN 1975

TIME FOR A TAX INCREASE?

Washington observers note that increased cigarette taxes could become a major focus of interest in the upcoming 94th Congress, for a number of significant reasons.

For many years, the tax-writing House Ways and Means Committee has been dominated by Southerners and chaired by Rep. Wilbur Mills of Arkansas. With Mills' departure as chairman and expansion of the committee from 25 to 37 members, this situation will be altered considerably.

At the same time, many more citizens are becoming aware that, although Federal excise taxes or other items such as alcoholic beverages, airplane travel, and telephone service have often been revised or increased in recent years, the Federal tax on cigarettes has re-

mained static at only 8¢ a pack since late 1951, more than 23 years ago.

Furthermore, they have noted that during this same period, every state in the Union has either enacted a cigarette tax (including North Carolina and Kentucky) or raised a pre-existing tax, some of them several times. Today, both Florida and Connecticut, for example, now levy more than 20 cents per package on this "luxury".

Also of significance is the fact that the new Chairman of the House Ways and Means Committee, Rep. Al Ullman of Oregon, through his press spokesman, has expressed an interest in hearing from concerned Americans about the cigarette tax situation. Interested readers may write to Congressman Ullman at the House Office Building, Washington, D.C. 20515.

FORD URGED TO PUSH FOR LOW-TAR CIGARETTES

The National Cancer Advisory Board has urged President Ford to personally and publicly appeal to the tobacco industry to market more low-tar and nicotine cigarettes.

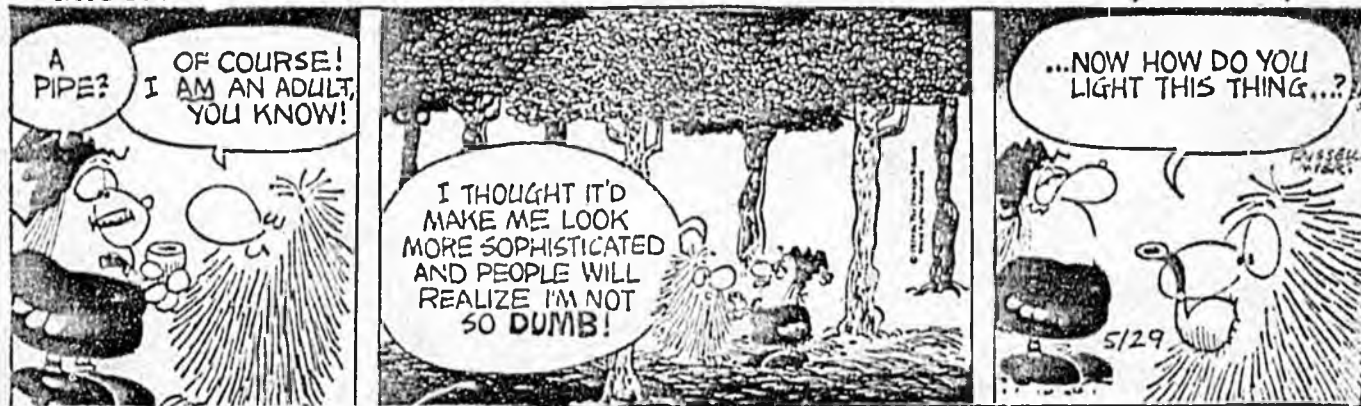
In a resolution adopted Nov. 20, the Board said "the President of the United States might consider making a public personal appeal to the tobacco and cigarette industry for voluntary and rapid effort towards preferential marketing of low-tar and low nicotine cigarettes, and towards reduction of other smoke components that may be recognized as hazardous."

The board said the relationship between cigarette smoking and lung cancer had been established beyond doubt; that smoking has had severe impact on diseases of the heart, circulatory and respiratory systems, and that the public must be informed that there is no known formula for a safe cigarette.

The resolution, a partial response to Mr. Ford's reception to similar recommendations made by the board in its recent annual report to the President, urged that a Federal agency be empowered by law to set maximum levels of tar and nicotine for cigarette

BROOM HILDA

By Russell Myers



NEWS YOU SHOULD KNOW

A heavy cigarette smoker burns 1,155 pounds of tobacco in his lifetime. By comparison, a cigar smoker consumes 935 pounds of the weed and a pipe smoker 468 pounds. According to Dr. John W. Turner of Wesson Memorial Hospital in Springfield, Mass., these figures might be a reason cigarette smokers are more prone to lung cancer than smokers of cigars or pipes. "For every additional 100,000 cigarettes smoked, the chance of a heavy smoker getting lung cancer is increased by 7 percent," he said.

In another recent finding, Dr. Bernard Roswit, chief of radiology therapy at the VA Hospital in the Bronx, said cigarette smoking is almost entirely responsible for lung cancer. Of a study of 8,000 patients with lung cancer, 98 percent were smokers, he reported. "The only way to stop this disease is to prevent it. And that means stop smoking," he said. Dr. Roswit said "a man who smokes two packs of cigarettes a day has about as much chance of surviving as a bull in Spain."

Scientists in England have warned that children's chances of getting pneumonia or bronchitis in the first year of life are nearly double when both parents smoke. If only one parent smokes, the chances of the child becoming ill are half as great again as for the child of nonsmoking parents. The scientists said they found a "serious risk to infants in the first year of life from exposure to their parents' cigarette smoke."

Glenn A. Goldberg has joined the staff of Action on Smoking and Health as General Counsel, working with Executive Director John F. Banzhaf III on the organization's legal action program. The small, devoted ASH staff, now completing another hard-working year, also includes Development Director Alfreda Winnings, Executive Secretary Faith Randall, Joy Peterson, Sandy Perrin and Terry Leonino. A special salute at the holiday season goes to these dedicated people.

When a smoker lights up in Dr. Jazz Old Fashioned Ice Cream Parlor in Chicago, smoke sensors automatically detect the burning tobacco, a loud siren sounds, and red lights begin flashing. Co-owner Mrs. Mary Ann Bortz, who has never smoked, said "people are often offended by someone coming over personally and asking them to put out their cigarettes. This form of group censorship appears very effective."

Bleak future for cigarette smoking? So predicts "The Futurist," a journal of forecasts, trends and ideas about tomorrow. In a recent issue, the magazine sees a sharp trend against smoking. It said some 41 million smokers have tried to quit and at least 10 million have succeeded since the Surgeon General's antismoking report of 1964. Although 52 million Americans puffed a record 583 billion cigarettes last year, the magazine said per capita consumption is 53 percent less than 20 years ago. The future will bring further declines, "The Futurist" said.

One of the nation's leading allergists says eight million Americans are allergic to tobacco smoke. "Tobacco sensitivity is now a major health hazard that involves some 16 percent of the allergic people in the nation," Dr. Bernard Zussman of Memphis, Tenn. recently told the International Congress on Allergies in Tokyo. "Sufferers must endure running noses and watering eyes. And breathing difficulties suffered by allergic persons when exposed to tobacco smoke can range from slight coughing, wheezing and shortness of breath all the way to violent asthma attacks and severe coughing spells," he said.

ASH supporter Joy Lattman Wouk of New York City reports that The Puffing Billy Restaurant at Madison Avenue and 86th Street in Manhattan has a "no puffing" section. "The old fashioned railroad decor may put 'puffing' in the name," Mrs. Wouk said, "but Lawrence Lowenstein, the proprietor, has set aside a section for nonsmokers which unfortunately is usually full so that some of us have to suffer." Lowenstein says he'll enlarge the nosmoking section as necessary.

For the first time in 126 years, members of the world's largest commodity futures exchange banned smoking on the floor of the Chicago Board of Trade. Board members voted 530 to 348 for the ban during trading hours from 9:15 am to 1:30 pm. Officials said there had been increasing complaints about indiscriminate smoking in the pits. Smoking had always been banned but the rule wasn't enforced. Some members found that holes were being burned in their clothing during wild flurries of trading in the pits.

EXECUTIVE DIRECTOR'S REPORT



Dear Friends of ASH,

The holiday season we are now enjoying will not be very merry for millions of people around the world because they will be dead, or dying of starvation or starvation-caused diseases. Tens of millions more, a substantial portion of the total world's population, will be going to bed hungry as we enjoy our holiday feasts. Although the causes of this crisis, and the problems of meeting it, are undeniably complex, one aspect is particularly ironic.

While millions of people are starving, and tens of millions are going to bed hungry, the world is producing and consuming almost TEN BILLION pounds of tobacco each year, TWO BILLION pounds of which are grown in the United States alone. Tobacco is a unique crop: It satisfies no nutritional needs whatsoever; it serves no socially essential purpose; its use is actually detrimental to the health of the user and to those around him; and the entire crop literally goes up in smoke. Yet, each year more and more is produced, and land and other valuable resources which could go towards feeding the starving is wasted. Moreover, at least in this country, this misuse is encouraged by massive government subsidies and other promotions, while our anti-smoking efforts are cut to the bone to save money.

Our country is now in the midst of a raging inflation, coupled with a decrease in production and rising unemployment. Thus, virtually every American family is looking for ways to cut corners and make each dollar go further. Yet, cigarettes cost the American public over FIFTEEN BILLION dollars a year from premature deaths, increased medical care, disability and other payments, tens of millions of days lost from work, forest and urban fires, fabric damage, additional cleanup costs, etc., over and above their cost of production and sale. Since the federal tax on cigarettes of only 3¢ a pack has not been raised since 1951(!), much of this burden is borne by nonsmokers through higher taxes, increased costs of products, services, insurance, etc. The cost is over \$50 for every nonsmoking man, woman and child! Thus, we nonsmoking Americans pay through our taxes to subsidize smoking; we share in the substantially increased costs smoking inflicts on our society; and we suffer as a result from the befouling of the air we breathe.

Are you upset? Angry? Determined to do more about it? Then let us resolve together that in the year 1975 more MUST be done with regard to the problems of smoking. Let us resolve together that in the year 1975 we will speak up more for the rights of nonsmokers, and try to persuade at least one person each month to join the fight for life and clean air by joining ASH. With your continued help and support, ASH can continue to win for you, and for all Americans.

In closing, let me wish you, on behalf of everybody at Action on Smoking and Health, a very happy holiday season and the very best and healthiest New Year!

Yours for good health,

John F. Banzhaf III

A.S.H.



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Dr. Carolyn V. Brown
3140 Wesleyan Drive
Anchorage, Alaska 99504

IMPORTANT MESSAGE

FOR _____ DATE _____
TIME _____

Keep in file
will want to read
on floor when bill
is up for a
vote

SIGNED _____

February 23, 1975

Dear Mr. Gardiner,

We are the third and fourth grade class at Inlet View School, 1219 N street, Anchorage, Alaska. We are writing to you in regards to House Bill 129, sponsored by M. Miller. We want to support the bill and in addition we feel that smoking should be banned altogether in public places. We appreciate all the support you can give to this bill. Thank you very much for your help.

Sincerely,

Room 2

T. Gardiner - Judiciary

THIS PETITION IS ASKING ALL PEOPLE IN FAVOR OF THE HOUSE BILL 129, TO SIGN IT. HOUSE BILL 129 IS IN FAVOR OF BANNING ALL SMOKING IN PUBLIC AREAS WITH EXCEPTIONS TO SPECIAL PLACES DESIGNATED FOR SMOKERS.
"exceptions for" ?

Mayaia a. Mock

Ann C. Donn

Carol James

Mrs. Jacqueline Mitchell

Jane Kerns

Richard Kern

Susan Miller

Daphne M. Stegman

Jean Wax

Dianne Dietrich

John T. Wise

Rep. * Terry Gardiner

THIS PETITION IS ASKING ALL PEOPLE IN FAVOR OF THE HOUSE BILL 129, TO SIGN IT. HOUSE BILL 129 IS IN FAVOR OF BANNING ALL SMOKING IN PUBLIC AREAS WITH EXCEPTIONS TO SPECIAL PLACES DESIGNATED FOR SMOKERS.

1 Timothy J. Campbell

2 Mrs Forest T. Webb

3 George B. Jones

4 Fr. Dozyn

5 John Mahor

6 Eric Chance

7 Lawrence C. Hill

8 Jeanette Diamond

9 Elaine Hammes

10 Louise Wood

11 Leahy Berne

12 ~~XXXXXXXXXXXXXXXXXXXX~~

13 Fern Kawakami

14

15

16

17

18

19

1022 W 11th

1213 "L" St

1134 H St

1132 H St

330 P. Franklin Jno

1101 "H" St.

1237 "H" St.

1245 G St

1229 G St

1047 G St

936 W 10th Ave

~~XXXXXXXXXXXXXXXXXXXX~~

1222 W 10th Ave.

F. Gardner

THIS PETITION IS ASKING ALL PEOPLE IN FAVOR OF THE HOUSE BILL 129, TO SIGN IT. HOUSE BILL 129 IS IN FAVOR OF BANNING ALL SMOKING IN PUBLIC AREAS WITH EXCEPTIONS TO SPECIAL PLACES DESIGNATED FOR SMOKERS.

Alan T. Jones
Mrs. Frank Sherell
Liane S. Sulford
Mrs. Jack Guffen
Mrs. J. Snyder
Mrs. John C. Franigan
Pamela Page
D. A. Rubin

Cynthia Wentworth
Janice Root
Barbara DeMeyer
Paul Collett
William Edson
Michele Brunet
Carol Brunet
Linda Tuttle
Lance Flander
Carol Golding - Diabrown
Kandy Dehn
Harold Wagner
Edith Wagner
Ester Lourensberg - West
William J. Nugent
Larlene Hadges

Al Waddell Jr.
Lynne Harrison
Dilly Mc Cann
Barbara Conover
Eleanor Sullivan
C. Sullivan
William J. Dink

THIS PETITION IS ASKING ALL PEOPLE IN FAVOR OF THE HOUSE BILL 129, TO SIGN IT. HOUSE BILL 129 IS IN FAVOR OF BANNING ALL SMOKING IN PUBLIC AREAS WITH ACCEPTIONS TO SPECIAL PLACES DESIGNATED FOR SMOKERS.

Mrs. Forrest Noret

Holly Noret

Jodi Cameron

Mark Demmeret

Eddie Still

Eric Logan

W. Benjamin Young

Domeival Le frans

Mr. & Mrs. Bruce Walder

Terry Gardiner

THIS PETITION IS ASKING ALL PEOPLE IN FAVOR OF THE HOUSE BILL 129, TO SIGN IT. HOUSE BILL 129 IS IN FAVOR OF BANNING ALL SMOKING IN PUBLIC AREAS WITH EXCEPTIONS TO SPECIAL PLACES DESIGNATED FOR SMOKERS.

William M. Davis	1010 W 10
Virginia Beirne	1020 W 10 th
William Y. Kinnin	1025 W. 11 th
Mabel M. Spencer	961 W 11 th Ave
Hatcher Rowe	945 W. 11 th Ave
Linda Hornberger	3501 E 42 nd APT 308
Julie Ann Shaw	830 W 12 th
Ross S. Festizian	816 W. 12 th .
Don Tate	1124 N 5 th St
Kathy Reelie	1116 N ST
Robert Reelie	1116 N ST.
Steve McKinnon	1707 "21" ST
Lee Luford	745 W. 13 th
Don Kelly	1289 G. St
Catherine Heimer	1307 S. St
Wesley D. Garwood	1135 G St.
Corinne A. Beirne	936 W. 10 th and, Overage

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A UNIT IN THE ORIGINAL FILE.

TERRY GARDINER
P. O. Box 1092
KETCHIKAN, ALASKA 99901

Phone 225-3551

Alaska State Legislature



House

POUCH V
JUNEAU, ALASKA 99801

February 18, 1975

Ms. Betty McCormick
1506 Patterson
Anchorage, Ak. 99504

Dear Ms. McCormick:

Thank you for your letter in support of the effort to restrict smoking. Your point about a half a loaf is well taken and I think many legislators share your point of view. We are holding a public hearing on Thursday and will be working on the bill in committee, taking the edges off the rough spots. Hopefully then we will have a bill which will receive the necessary votes for final passage on the floors of the House and Senate.

Sincerely,

Terry Gardiner
Representative



February 15, 1975

Rep. Terry Gardiner, D., Ketchikan
House Judiciary Committee Chairman
Pouch V, Juneau, Alaska, 99811

Dear Mr. Gardiner

This is written to let you know that I support your efforts to ban smoking in public places. As a non-smoker I resent being forced to breath tobacco polluted air. All to often I've had to sit in smoke filled meeting rooms only to go home with a severe headache and reeking with the odor of smoke.

I also resent shopping for food and garments where the goods have been contaminated by tobacco smoke. I do respect the right of a smoker to pollute his own lungs with tobacco smoke. At the same time I believe I have a right not to have the air I breath polluted with their smoke. In short, their freedom stops just short of my nose!

However, I believe it is only realistic to understand that smokers are addicts, (Many times, unwilling addicts) and if pushed to extremes will become vehement in their opposition. Therefore I think it is prudent to see this legislation from their point of view and not push them to the brink.

Banning smoking in enclosed public areas must be carefully spelled out and allowances for say Bar owners to ban or not ban smoking at their discretion. As a non smoker I would be willing to compromise. "A half a loaf is better than none."

Sincerely,

Betty M^c McCormick

Ms. Betty McCormick
1st J6 Patterson
Anchorage, Alaska, 99504



Smoking poses health hazard

By Col. (Dr.) Joseph J. Pollock
Pulmonary Specialist, Elmendorf Hospital

The extent and importance of cigarette smoking in America and, in general, the Western Hemisphere, is astounding. Each year, 300,000 Americans die prematurely of the effects of smoking.

Millions more live with lung or heart disease which is all or in part related to smoking. Careful studies have documented that smoking is a major cause of emphysema, chronic bronchitis, lung cancer and heart disease.

In Great Britain, 39 per cent of all deaths due to cancer in men are from lung cancer. Chronic bronchitis in large U.S. metropolitan areas has an incidence of about 20 per cent of the male population, while the incidence in women is not as high.

This, at least in part, is because women have not been smoking as long or as heavily as men. However, at the present time, about a million teenagers take up smoking each year and the percentage of teenage girls who smoke is almost as high as boys.

The cost per year of purchasing cigarettes, time lost from work and medical bills is incalculable - not to mention the human suffering involved.

Dr. Gareth Green, noted authority in pulmonary diseases, has said, "A future medical historian may describe as the health (mystery) of the 20th century, the phenomenon of an industry permitted to distribute so toxic a product to millions of the population in the face of full knowledge . . . of the social and economic costs to the culture."

Cigarette smoke contains at least 150 different chemicals in solid, liquid and gaseous state, of which carbon monoxide, formaldehyde,

acetaldehyde, nitrogen dioxide and cyanide are just some of these substances.

The concentration of particulate matter in cigarette smoke is roughly 100 million times that of the worst air pollution disaster known. Smokers are sick in bed an estimated 88 million more days each year than nonsmokers.

Smoking speeds up your heartbeat, increases your blood pressure, upsets the flow of blood and air in your lungs and causes a drop in the skin temperature of your toes and fingers.

It also impairs, and over long periods, paralyzes the cilia of the lungs. Cilia work like brooms to clean your lungs of germs and dirt. Cigarette smoking also replaces some of the oxygen in your red blood cells with carbon monoxide.

Thus far this article has been designed to get the smoker to stop. Perhaps, all I have accomplished is making you so nervous that you have a cigarette to calm your nerves.

But how about the nonsmoker? Cigarette smoke affects the nonsmoker, too.

Inhaled second-hand smoke makes the heart beat faster, increases the blood pressure and increases the blood carbon monoxide. There is more tar and nicotine from an idling cigarette than an inhaled one.

There is more cadmium in the smoke that drifts off the burning end of a cigarette than in the drag the smokers takes. The amount of carbon monoxide in the blood of a nonsmoker doubles in a poorly-ventilated room filled with cigarette smoke.

Researchers have found that lung illnesses are twice as common in young children whose parents smoke at home, compared to those with non-smoking parents. An estimated two million Americans are sensitive to tobacco smoke and

from the American Lung Association of Alaska, 406 E Street, Anchorage, Alaska 99501, suffer smoke-caused asthma attacks.

The U.S. Surgeon General has said, "Nonsmokers have as much right to clean air and wholesome air as smokers have to their so-called right to smoke, which I would redefine as a so-called right to pollute."

The American Lung Association has adopted this idea. Individuals wishing a copy of the Nonsmokers Bill of Rights can obtain a free copy

for Terry Gardner, House Judiciary Committee

I just found out the bill is in your hands.

I found out, also, that there is some sentiment that simply having segregated sections on air craft is sufficient. That doesn't work. The only answer is no smoking period.

Juneau

February 15, 1975

Susan Sullivan
Chairman, HESS Committee
House of Representatives

Dear Rep Sullivan:

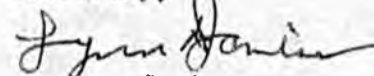
HB #129 is very important and quite a constructive piece of proposed legislation.

I'm hoping that in addition to what is proposed in this bill, that smoking will no longer be practiced in offices. I have discovered that I am made ill by smoke present in an enclosed space and have found out that there are lots of people similarly situated. Smoke is a very serious health hazard not just to the smoker.

Tragically, a certain percentage of people seem to be born with the propensity to develop an adverse reaction to tobacco. This adverse reaction becomes apparent after repeated exposure to the offending substance. After the person becomes sensitized, he or she shows symptoms of allergy which sometimes are quite severe. It could mean that the person can't fly in a commercial airplane, for example. Here in Alaska, that's one awful fix to be in.

A local columnist mentioned the smoking legislation in what I think was not a very constructive light. I'm enclosing a copy of my letter I sent him. It helps further explain why I agree that there is a need for legislation on this subject.

Sincerely,



Lynn D. Jamison
156 Behrends Ave.
Juneau, Alaska 99801

Juneau, Alaska
February 13, 1975

Mr. Vern Metcalf
Juneau, Alaska

Dear Vern,

I caught your story on spittoons and smoking in the Empire today. I take it that your offering was a lighthearted spoof on the subject of smoking in public places. I don't think your offering was too helpful or entertaining. Maybe you don't know about the serious quality of the issue. I'll tell you some of it.


The AMA estimates that 34 million Americans have respiratory illnesses which are aggravated in a serious way when these people encounter smoke in public buildings. There are several other conditions that are worsened by smoke in the air and tobacco smoke is harmful to everybody. If you would like some data on what tobacco smoke does to smokers and non-smokers alike, check with Grace Akiyama, a local representative of the National Lung Society.

As for the need for legislation, that's the way it is in America these days. People just don't seem to be able to be considerate. I've tried friendly slogans like, "If you don't put smoke in my air, I won't spit in your beer". This approach does not work. Actually, smoking in the presence of another is an ego-centric, childish act in which one person indulges his perceived need oblivious of the needs of others. We have too much of doing your own thing in this country, it seems. There may be times and places where doing your own thing in the form of tobacco smoking would be appropriate. Certainly, if you want to smoke at home (and your family doesn't object), that's your business. In public buildings, however, the smoker should realize that the moment his smoke that he looses into the air enters the nostrils of another, the smoker has created a problem. If he persists in smoking, he is carrying "doing your own thing" too far. I, for example, have a respiratory illness that is aggravated by smoke. I have not licensed anyone to dispose of the products of tobacco combustion into my share of the air.

I feel very strongly that the so-called rights you referred to in your article do not exist as such. Smokers have been enjoying a privilege, not a right. What ever happened to consideration in our country?

I realize that you smokers are very much attached to your habits. But, the practice is archaic; the rights of the others who would like to breath in public places without being injured in the process must also be considered. As for spitoons, I suppose some-
one may feel that they are a bit unsightly, but they don't cause near as much misery as does smoke.

Yours,



Lynn D. Jamison
156 Behrends Ave
Juneau, AK 99801

February 7, 1975

TO: Senator Robert Ziegler

FROM: Terry Gardiner

SUBJECT: HB 129

HB 129, relating to smoking in public places, has been introduced in the House and sent to HESS and Judiciary. It is planned that the bill will be moving out of HESS the first part of next week.

Senator Miller has suggested that House Judiciary and Senate Judiciary hold some sort of joint public hearing on HB 129 and Senator Miller's bill. He has suggested that the hearing be scheduled for a couple weeks from now to allow time for any interested citizens to come to Juneau.

Introduced: 2/7/75
Referred: Health, Education &
Social Services and Judiciary

BY MILLER, ANDERSON, BEIRNE, BRADNER,
BROWN, BUCHHOLDT, COTTEN, DAVIS, DUNCAN,
ELIASON, GARDINER, GRUENING, HACKNEY,
HERSHBERGER, ITTA, MCKINNON, NAUGHTON,
OSTERBACK, OSTROSKY, RHODE, SMITH,
SPECKING, SULLIVAN AND SWANSON

1 IN THE HOUSE

2

HOUSE BILL NO. 129

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

NINTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act limiting tobacco smoking in public places,

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vehicles or other passenger-carrying common carriers."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. AS 18.35 is amended by adding new sections to read:

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ARTICLE 4. HEALTH NUISANCES.

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Sec. 18.35.300. TOBACCO SMOKING IN PUBLIC PLACES, VEHICLES PRO-

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HIBITED. Smoking tobacco in any form in any one of the following places

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or vehicles used by or open to the public creates a public nuisance

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dangerous to the public health and is prohibited:

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(1) a train, plane, ferry, bus, taxi, courtesy car, or any

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other passenger-carrying common carrier;

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(2) ^{pub. owned & operated} a library, indoor theater, museum, lecture or concert

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hall, gymnasium, swimming pool, bowling alley, or other ^{indoor} place of ~~public~~ ^{indoor} entertainment or recreation;

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entertainment or recreation;

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(3) a state or municipal office building, a public school, or

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in a room, chamber, place of meeting or public assembly under the control

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of the state, or a municipality, or department or agency of either, while

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a public meeting is in progress;

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(4) the public waiting room of a physician, dentist, phycho-

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logist, physiotherapist, podiatrist, chiropractor, optometrist, optician,

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or any other practitioner of the healing arts;

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(5) the public waiting room of laboratories associated with

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health care or the healing arts; or

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(6) the waiting room, rest room, lobby or hallway of a

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Sec. 18.35.350. DEFINITIONS. In secs. 300 - 340 of this chapter "smoke" or "smoking" tobacco means the carrying or possession of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or other lighted smoking material, or the lighting of it.

#

The Seattle Times

AN INDEPENDENT NEWSPAPER

Founded August 10, 1896

Alden J. Blethen, 1896-1915

Elmer E. Todd, 1942-1949

C. B. Blethen, 1915-1941

W. K. Blethen, 1949-1967

John A. Blethen, Publisher

W. J. Pennington, President

SUNDAY, MARCH 16, 1975

The Times' opinion and comment:

Smoking ban in tune with the times

ACTING on the theory that the one third of the people who smoke ought not to have the right to pollute the breathing space of the two thirds who abstain, the State Board of Health has prohibited smoking, effective May 1, in most public places.

To our mind, the board's action was a forward step and in tune with a nationwide trend as evidenced by separate sections for smokers and nonsmokers on airplanes and other public conveyances.

The new rules require the posting of "no smoking" signs

in most enclosed public areas; not, however, in bars and restaurants.

True, the board has no enforcement authority; violators cannot be fined or otherwise penalized by the state. The question of whether the board should ask the Legislature for enforcement authority is an open one at present, and perhaps that is just as well.

Smoking mores are changing, and it could be that social pressures, together with the Health Board's ban, will prove increasingly effective in providing relief for nonsmokers.

SB 180 The Resources Committee has had SENATE BILL NO. 180 (relating to salmon hatcheries) under consideration and the committee recommends it do pass. The report was signed by Senator Poland, Chairman, and concurred in by Senators Meland, Butrovich, Orsini and Rodey.

SENATE BILL NO. 180 was referred to the Rules Committee.

SB 181 The Resources Committee has had SENATE BILL NO. 181 (loans for construction of hatchery facilities) under consideration and the committee recommends it do pass. The report was signed by Senator Poland, Chairman, and concurred in by Senators Meland, Butrovich, Orsini and Rodey.

SENATE BILL NO. 181 was referred to the Finance Committee.

SB 148 The Judiciary Committee has had SENATE BILL NO. 148 (smoking in public places) under consideration and the majority of the committee recommends it be replaced with COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 148 and that the committee substitute do pass. The report was signed by Senator Ziegler, Chairman, and concurred in by Senators Miller, Tillion and Meland. Senator Poland signed "no recommendation."

SENATE BILL NO. 148 was referred to the Rules Committee.

The following letter accompanied the Judiciary Committee report on SENATE BILL NO. 148:

COMMITTEE REPORT ON CSSB 148

The Senate Judiciary Committee's substitute for SB 148 represents a satisfactory compromise between two competing elements within the general public: first, the legitimate desire of many nonsmoking Alaskans not to be subjected to the smoking habits of others; and, second, the long-standing practice of Alaskan smokers to freely smoke where they please.

After receiving written and oral testimony, the committee has opted for legislation which restricts smoking in certain public places; public places where a ban on smoking, or at least a requirement for separate smoking and nonsmoking areas, is both reasonable and in the public interest.

The committee notes that local government may wish to consider more stringent controls on smoking. Within the local government context, each community may, by ordinance, place greater restrictions on smoking

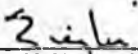
In public facilities as deemed proper by the prevailing community sentiment.


SB
148

Similarly, each department of state government should review its policy in this regard towards the possible goal of establishing separate smoking and nonsmoking areas within state owned or leased buildings. Utilizing this individual approach, carefully considering the separate circumstances involved, better determinations can be made. This case by case approach is clearly superior to legislating one set of smoking rules for all public facilities.

Concerning the penalty provisions in this measure, it is recommended the Court System use its rule-making power to establish a "mail-in" bail system similar to the one recently instituted for minor traffic offenses whereby an individual may pay a fine by mail and waive a Court appearance. Establishment of such a system would do much to relieve the Court of potential congestion resulting from enforcement of this bill.

The committee feels that more restrictive legislation, at this time, would be inappropriate. No doubt future legislatures will review this policy question and as greater scientific evidence becomes available involving the effects of smoking on nonsmokers, more restrictive legislation may become necessary. However, as of this date, it is felt that CSSR 148 represents a careful balancing of competing interests and accordingly, should be enacted into law.


Robert W. Ziegler, Chairman
Senate Judiciary Committee


Terry Miller, Member
Senate Judiciary Committee
And Sponsor of SB 148

The State Affairs Committee has had SENATE BILL NO. 173 (Alaska industrial incentive taxes and tax credits) under consideration and the committee recommends it do pass. The report was signed by Senator Ferguson, Chairman, and concurred in by Senators Huber, Miller, Meland and Colletta.

SB
173

SENATE BILL NO. 173 was referred to the Finance Committee.

INTRODUCTION AND REFERENCE OF SENATE RESOLUTIONS

SENATE JOINT RESOLUTION NO. 18 by Senator Ray,

SJR
18

Relating to the closure of the USARAF Military Affiliate Radio System (MARS) command radio station, A87USA,

was read the first time and referred to the State Affairs Committee.

February 26, 1975

Ms. Helen L. Eldredge
Box 1557
Ketchikan, Ak. 99901

Dear Ms. Eldredge:

Thank you for your letter in support of HB 129. You can be certain of my support, as I am one of the chief sponsors. HB 129 has passed out of the House HESS Committee and is now in the House Judiciary Committee, which I chair.

We have conducted a joint public hearing between the House Judiciary Committee and the Senate Judiciary Committee, which is chaired by Senator Ziegler. It appears that we will be able to get the bill through the House easily enough. Senator Ziegler has expressed some opposition to the House version but might be amenable to a weaker version of the bill. House Judiciary is currently in the process of amending HB 129 in an effort to make it more acceptable to all and, hopefully, encourage its passage.

Sincerely,

Terry Gardiner
Representative

February 23, 1975

Jerry Daroline
State Representative
Branch 1, State Capitol
Juneau, Alaska 99801

Dear Jerry:

As a non-smoker I urge
you to support the passage
of House Bill No. 129.

Being a member of the Board
of Directors for the Alaska Lung
Association, I know the harm
smoking can do and also do
to both smokers and non-
smokers.

Thank you for your support
and for sending me your
Legislative Reports.

Sincerely yours,
Helen L. Eldredge
Box 1557
Ketchikan, Alaska
99901

Helen L. Eldredge
P. O. Box 1557
Ketchikan, Alaska 99901



February 25, 1975

Mrs. Jennings Graham
P.O. Box 544
Ketchikan, Ak. 99901

Dear Mrs. Graham:

Thank you for your excellent letter in support of HB 129. You can be certain of my support, as I am one of the chief sponsors. HB 129 has passed out of the House Health, Education and Social Services Committee and is now in the House Judiciary Committee, which I chair.

We have conducted a joint public hearing between the House Judiciary Committee and the Senate Judiciary Committee, which is chaired by Senator Ziegler. It appears that we will be able to get the bill through the House easily enough. Senator Ziegler has expressed some opposition to the House version but might be amenable to a weaker version of the bill. I am sending him a copy of your letter in case you have already not done so.

I am entering your letter as part of the written record on HB 129.

Sincerely,

Terry Gardiner
Representative

P. O. Box 544
Ketchikan, Alaska 99901
February 22, 1975

Representative Terry Gardiner
Chairman, Judiciary Committee
Pouch V
State Capitol
Juneau, Alaska 99801

Dear Terry:

I am writing in support of HB 129.

I have suffered through hundreds of meetings in smoke-filled rooms, but let me tell you about a recent occasion. In November I sat with the Grand Jury for three days, during which time the District Attorney and about half of the jurors smoked. I was ill with inflamed sinus and sore throat for a week afterwards, and then developed strep throat and was ill for another two weeks with doctor bills of over \$70.00, plus medications, etc. (I know, of course, the strep was caused by a germ, but I am not sure it would have affected me in my normal state of health.) Dr. Art Wilson Jr. has offered to write a letter for me enabling me to be excused from future jury duty, etc. but I feel I have as much right to participate in public meetings and civic duties as the smoker, and I don't want to give up such things if I can help it.

Another juror who served at the same time, Betty Constable, went home every evening with terrible headaches from the smoke.

Sharon Wilson, who had just recovered from virus pneumonia, had to be excused from the jury because the smoking aggravated her coughing so severely.

To a person who is sensitive to cigarette smoke, this is a problem we must continually contend with. Ironically enough, if K.P.C., or any other industry, produced pollution sufficient to cause those physical symptoms in people, imagine the consequences they would face.

As an ex-smoker myself I can sympathize with the smokers too, but in most cases a smoker can leave the room to have a cigarette when necessary. It is not always possible for the non-smoker to leave the room to breathe when necessary.

I hope you will give your favorable support to HB 129.

Sincerely,



Mrs. Jennings Graham

cc: Rep. Oral Freeman

"An Act limiting tobacco smoking in public places, vehicles or other passenger-carrying common carriers."

COMMITTEE REPORT

2/11/75

HOUSE

Mr. Speaker: Date _____

The Committee on JUDICIARY has had HB 129

under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- () recommends it BE REPLACED WITH CS FOR HB 129 AND THAT

CS FOR HB-1 DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other" See CS HB 129

Members signing the Majority report:

_____ - Do Pass

_____ Do Pass

_____ Do Pass

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ Chairman

For an Act entitled: "An Act limiting tobacco smoking in public places and vehicles."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 18.35 is amended by adding new sections to read:

ARTICLE 4. HEALTH NUISANCES.

Sec. 18.35.300. TOBACCO SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED. Smoking tobacco in any form may constitute a nuisance and be dangerous to the public health, and is prohibited in the following areas, unless otherwise exempted by this chapter:

(1) in any motor vehicle, ~~aircraft~~ train, watercraft or other transportation mechanism, which carries passengers for hire;

(2) in a publicly owned and operated library, indoor theater, museum, lecture or concert hall, gymnasium, swimming pool, or other indoor publicly owned and operated place of entertainment or recreation;

(3) a state or municipal office building, a public school, or in a room, chamber, place of meeting or public assembly under the control of the state, or a municipality, or department or agency of either, while a public meeting is in progress;

(4) the public waiting room of a physician, dentist, psychologist, physiotherapist, podiatrist, chiropractor, optometrist, optician, or any other practitioner of the healing arts;

(5) the public waiting room of laboratories associated with health care or the healing arts; or

(6) the waiting room, rest room, lobby or hallway of a

hospital, nursing home, rest home or other health care institution or facility; or, in a room of a hospital, nursing home, rest home or other health care institution or facility in which more than one patient is accommodated, unless all patients residing or hospitalized in that room are in agreement that smoking is permitted.

Sec. 18.35.310. EXEMPTIONS. Smoking in the places or vehicles set out in sec. 300 of this chapter is permitted if

- (1) the smoking is confined to areas which are specifically designated as smoking areas;
- (2) The place, vehicle or passenger carrier is being used for a private gathering or affair which is privately sponsored and is not open to the general public;
- (3) the smoking is done by performers upon the stage as part of a theatrical production;
- (4) the passenger carriers found in sec. 300(1) when all passengers consent; or
- (5) the department has exempted the building or room on the basis that it is sufficiently well-ventilated by natural or mechanical means.

Sec. 18.35.320. SMOKING AREAS PROVIDED. ^(a) In any building covered by sec. 300(2), (3) or (6), reasonable smoking areas must be provided, unless prohibited for the protection and preservation of the building or its contents. ~~Whenever practicable, the state shall require owners and lessees to provide separate smoking areas.~~ ^{(b) To the extent practicable, the state shall require owners and lessees to provide separate smoking areas.}

Sec. 18.35.330. DISPLAY OF SMOKING PROHIBITED SIGNS. Every owner, manager, proprietor or other person who has control of a place or vehicle set out in sec. 300 of this chapter shall conspicuously display a sign conveying the message that smoking is prohibited by law except in designated areas. The format of such signs shall be approved by the department. ^{to provide separate smoking areas}

Sec. 18.35.340. REGULATIONS. The department may promulgate regulations implementing secs. 300 - 330 of this chapter.

Sec. 18.35.350. PENALTIES. (a) A person who violates the provisions of sec. 300 of this chapter is punishable by a civil fine of not less than \$10 nor more than \$100 for each offense.

(b) A person who violates sec. 320 of this chapter is punishable by a civil fine of not less than \$10 nor more than \$300 for each offense. ~~Each day a violation continues constitutes a separate offense.~~

Sec. 18.35.360. DEFINITIONS. In secs. 300 - 350 of this chapter

(1) "smoke" or "smoking" means the carrying or possession of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or other lighted smoking material, or the lighting of it;

(2) "department" means the Department of Health and Social Services;

(3) "publicly owned and operated" includes properties held, used, or controlled by the state without reference to ownership, but excludes facilities leased by the state to a private enterprise. ~~Wherever practicable, the state shall require lessees and sublessees to provide separate smoking areas.~~