

H

B

665

COMMITTEE REPORT

HOUSE

(5)

1/14/82

FURTHER: JUDICIARY

Date: 2/2/82

Mr. Speaker:

HEALTH, EDUCATION &
SOCIAL SERVICES

The Committee on _____ has had HB 665

"An Act relating to smoking in public places."

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s) () with zero fiscal impact
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation () with zero fiscal impact
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

J. Malone

Steve Martin

J. Smith

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

A M E N D M E N T

OFFERED IN THE HOUSE:

By: House HESS

To: _____ HOUSE BILL No. HB 665

SENATE BILL No. _____

PAGE: 1

LINE: 9

Insert after "...public schools"

"including"University of Alaska and Community Colleges"

MARCH 23, 1982

Representative Mike Beirne
Pouch V
Juneau, Alaska 99811

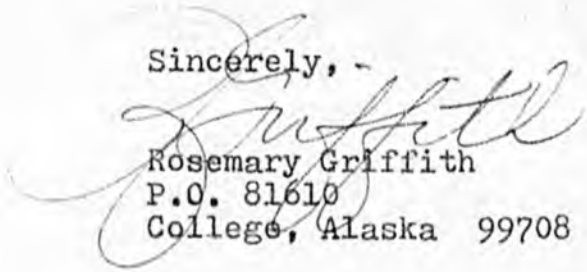
Dear Rep. Beirne:

I am writing in support of House Bill 665. I am delighted that Alaska is finally taking a positive step in the direction of protecting non-smokers right to breathe clean air. While I believe that people should be free to do as they wish, it would be wonderful if the day would come when we could avoid smoke-filled situations if we choose.

I hope that the future will bring legislative proposals to ban smoking in all public areas (public buildings, elevators, grocery stores, etc.) so that those who choose not to smoke will not be forced to by their neighbors that do.

Your support and consideration of these bills is greatly appreciated.

Sincerely, -



Rosemary Griffith
P.O. 81610
College, Alaska 99708

Introduced: 1/14/82
Referred: Health, Education &
Social Services and Judiciary

1 IN THE HOUSE

BY ROGERS AND MILLER

2 HOUSE BILL NO. 665

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to smoking in public places."

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

8 * Section 1. AS 18.35.300(3) is amended to read:

9 (3) a public school; *including at the University of Alaska* [OR IN A ROOM, CHAMBER, PLACE OF MEETING

10 OR PUBLIC ASSEMBLY UNDER THE CONTROL OF THE STATE, OR A DEPARTMENT OR
11 AGENCY OF THE STATE, WHILE A PUBLIC MEETING HELD UNDER THE AUSPICES OF
12 THE STATE, OR A DEPARTMENT OR AGENCY OF THE STATE, IS IN PROGRESS;]

13 * Sec. 2. AS 18.35.300 is amended by adding new paragraphs to read:

14 (7) a room in which a meeting is being conducted by a legisla-
15 tive body, a board of regents, or an administrative body, board, commis-
16 sion, committee, subcommittee, authority, council, agency, or other
17 organization, including a subordinate unit of these groups, of the state
18 or a political subdivision of the state, including but not limited to a
19 municipality, borough, school board, and all other boards, agencies,
20 assemblies, councils, departments, divisions, bureaus, commissions or
21 organizations, advisory or otherwise, of the state or local government
22 supported in whole or in part by public money or authorized to spend
23 public money; or

24 (8) a room in which a jury is meeting.

(7) "remodeling" means any substantial modification of the physical structure or redesign and redecoration the value of which exceeds 10 per cent of the fair market value of the structure. (§ 1 ch 58 SLA 1974; am § 3 ch 78 SLA 1976; am Executive Order No. 51, § 36 (1981))

Effect of amendments. — The 1976 amendment added paragraph (7). The 1981 amendment, effective July 1, 1981, substituted "Department of Envi-

ronmental Conservation" for "Department of Health and Social Services" in paragraph (1).

Article 4. Health Nuisances.

<p>Section 300. Smoking in public places, vehicles prohibited 310. Exemptions 320. Smoking areas provided</p>	<p>Section 330. Display of smoking prohibited signs 340. Penalties 350. Enforcement authority 360. Regulations</p>
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Sec. 18.35.300. Smoking in public places, vehicles prohibited. Smoking in any form may constitute a nuisance and is prohibited in the following areas, unless otherwise exempted by AS 18.35.010 — 18.35.340:

- (1) a train, limousine for hire, bus, state-operated ferry vessel, or elevator;
- (2) a library, indoor theater, museum, lecture or concert hall, gymnasium, or swimming pool or other indoor publicly owned and operated place of entertainment or recreation;
- (3) a public school; or in a room, chamber, place of meeting or public assembly under the control of the state, or a department or agency of the state, while a public meeting held under the auspices of the state, or a department or agency of the state, is in progress;
- (4) the public waiting room of laboratories associated with health care or the healing arts;
- (5) the waiting room, restroom, lobby or hallway of a hospital, nursing home, rest home or other health care institution or facility; or
- (6) a place of business in which the owner, manager, proprietor, or other person who has control of the premises posts a sign conveying the message that smoking is prohibited by law. (§ 1 ch 125 SLA 1975)

Sec. 18.35.310. Exemptions. Smoking in the places or vehicles set out in AS 18.35.300 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

(4) the state, or a department or agency of the state, has exempted the building or room over which it has control on the basis that the building or room is sufficiently well-ventilated by natural or mechanical means. (§ 1 ch 125 SLA 1975)

Sec. 18.35.320. Smoking areas provided. (a) In a building covered by AS 18.35.300(2), (3) or (5), reasonable smoking areas must be provided, unless prohibited for the protection of the public safety or the protection and preservation of the building and its contents.

(b) To the extent practicable, the state shall require its lessees or sublessees to provide separate smoking areas. (§ 1 ch 125 SLA 1975)

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 AS 18.35.300(1) — (5) shall conspicuously display in the place or vehicle a sign reading "Smoking Prohibited by Law." (§ 1 ch 125 SLA 1975)

Sec. 18.35.340. Penalties. (a) A person who wilfully violates the provisions of AS 18.35.300 is punishable by a civil fine of not less than \$5 nor more than \$25 for each offense.

(b) A person who wilfully violates AS 18.35.330 is punishable by a civil fine of not less than \$10 nor more than \$100 for each offense.

(c) Punishment under this section shall be initiated only by civil complaint or citation. The court may establish procedures for payment of fines by mail. (§ 1 ch 125 SLA 1975)

Sec. 18.35.350. Enforcement authority. The commissioner of environmental conservation or his designee is responsible for enforcing the provisions of AS 18.35.300 — 18.35.340 and the regulations adopted under AS 18.35.360. This section does not limit the authority of peace officers. (Executive Order No. 51, § 37 (1981).

Effective dates. — Section 43 of Executive Order No. 51 (1981) makes this section effective July 1, 1981.

Revisor's notes. — The words "provisions of" were deleted preceding "regulations"

in the first sentence and the word "section" was added in the second sentence by the revisor of statutes under AS 01.05.031.

Sec. 18.35.360. Regulations. The Department of Environmental Conservation may adopt regulations to implement the provisions of AS 18.35.300 — 18.35.350. (Executive Order No. 51, § 37 (1981))

Effective dates. — Section 43 of Executive Order No. 51 (1981) makes this section effective July 1, 1981.

18 COMMUNITY &
REGIONAL AFFAIRS

21 MISCELLANEOUS
BOARDS & COMMISSIONS

COMPLAINT PROCEDURE.

Who observes a violation of this chapter AS 18.35.300 - 18.35.360 may file a complaint with the department.

The complainant will provide an affidavit describing the observed violation and a form agreement in which the complainant may promise to testify in court concerning the observed violation if necessary.

The complainant executes both documents with the assistance of the department's office. Will, in its discretion, file a claim in small claims court for a civil penalty and attorney's fees against the person observed violating this chapter AS 18.35.300 - 18.35.360. (Eff. 8/28/81,

- AS 18.35.340 AS 46.03.020
- AS 18.35.350 AS 46.03.140
- AS 18.35.360

WAIVER OF PROVISIONS.

The department will, in its discretion, waive the requirements of AS AAC 55.010 - 18 AAC 55.010 if the complainant demonstrates that the public health and safety purposes of the provisions are not impaired and that the requirements of AS 18.35.300 - 18.35.360 are satisfied.

A waiver must be made in writing and include a statement of the provision for which the waiver is requested.

The department will answer a request for a waiver of an alternative method, if it meets the purpose of the provision.

- AS 18.35.350 AS 46.03.020
- AS 18.35.360 AS 46.03.140

DEFINITIONS. (a) In this

- (1) "ASHRAE" means the American Society of Heating, Refrigeration and Air Conditioning Engineers;
- (2) "complainant" means a person who has observed a violation of this chapter and notifies the department;
- (3) "department" means the Department of Environmental Conservation.

(b) In AS 18.35.300 - 18.35.360 "public meeting" means a regular or special meeting of a legislative body, a board of regents, or an administrative body of the state, including but not limited to their boards, agencies, assemblies, councils, departments, divisions, bureaus, commissions, committees, offices, organizations, and other subordinate units, advisory or otherwise, supported in whole or in part by public money or authorized to spend public money; however, "public meeting" does not include a meeting of

- (1) a judicial or quasi-judicial body solely to make a decision in an adjudicatory proceeding;
- (2) a jury;
- (3) a parole or pardon board;
- (4) the medical staff of a hospital; or
- (5) the governing body or a committee of a hospital solely to act upon matters of professional qualifications, privileges, or discipline.

(c) In this chapter and in AS 18.35.300 - 18.35.360

- (1) "bus" means a self-propelled vehicle with capacity for carrying more than 10 passengers which is used on public highways to transport passengers for compensation;
- (2) "limousine for hire" means a self-propelled vehicle with capacity for carrying six to 10 passengers which is used on public highways to transport passengers for compensation between a transportation terminal and other designated points;
- (3) "other person who has control" means the agent of the owner, manager, or proprietor

HB 665 SMOKING IN PUBLIC PLACES

PROPOSED AMENDMENTS

*Section 1. AS 18.35.300 is amended to read:

- (9) a place used as a waiting room for paying passengers of a vessel or winged or wheeled vehicle;
- (10) in any place where food or beverage is offered to the public for sale and on-premise consumption.

*Section 2. AS 18.35.310 is amended to read:

- (1) Smoking in the places or vehicles set out in in AS 18.35.300 is permitted if
 - (a) the smoking is confined to areas which are specifically designated as smoking areas;
 - (b) 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;
 - (c) the smoking is done by performers upon the stage as part of a theatrical production; or
 - (d) the state, or a department or an agency of the state, has exempted the building or room over which it has control on the basis that the building or room is sufficiently well ventilated by natural or mechanical means.
- (2) Areas may be designated as smoking areas only if
 - (1) they are ventilated in a manner which will prevent smoke generated within them from creating a nuisance in adjacent areas;
 - (2) neither their combined seating capacity nor their combined area are greater than one half of the total seating capacity or area available to the public in the place or vehicle; and
 - (3) the areas where smoking is prohibited are not of inferior quality, use or function to the areas which are designated for smoking.

PAGE 2

Proposed Amendments to HB 665

*Section . AS 18.35. 330 is amended to read:

Every owner, manager, proprietor, or other person who has control of a place or vehicle set out in AS 18.35.300 (1)-(5) and (7)-(10) shall conspicuously display in the place or vehicle a sign reading "smoking prohibited by law".

Prepared by Larry Edwards ~~586-6942~~

no longer in town

#

12023 NL FAIRBANKS ALASKA 61 03-23 145P AST
PMS REP MIKE BEIRNE

1769

JUN

MYSELF AND A GROUP OF MY CUSTOMERS ARE GOING TO BE VERY INTERESTED
IN HOW YOU VOTE ON HB665 WE SHOULD THINK YOU HAVE MORE IMPORTANT
THINGS TO DO THAN PROHIBIT SMOKING IN JURY ROOMS OTHER STATES
HAVE TIME TO MAKE UP STUPID LAWS BUT I THINK ALASKA HAS HER
FILL OF THEM THANK YOU

DAVID SHAW PIPE N POUCH TOBACCO SHOP
3627 AIRPORT WAY FAIRBANKS AK 99701

07
7
PM
23
MAR
'82

TELEGRAM

ALASCOM, INC.
PHONE: 586-6442
DUNEAU, AK 99802



Official Business

Alaska State Legislature

House of Representatives

Committee on

Health, Education & Social Services

Pouch V
State Capitol
Juneau, Alaska 99811

March 26, 1982

AGENDA

— HB 412	Dental Disease Prevention Program ✓
— HB 798	Disclosure/Vital Statistics ✓
SB 399	Relating to Adoption
— HB 801	Sp. Approp. to City of Kodiak for day care Center
— CSSB 692	Relating to the duties of coroners and the coroners inquest.
— HB 665	Smoking in Public Places. ✓

Witnesses:

✓ HB 412 Rep. Thelma Buchholdt
Jana Varrati
Dr. David Spence, DHSS

SB 399 Joyce Lanier

① HB 665 Rep. Brian Rogers

P.O. Box 343
Fairbanks, AK 99707
March 8, 1982


Representative Mike Beirne
Pouch V
Juneau, AK 99811

Dear Sir:

I am writing in support of House Bill 665. Last summer I served on jury duty, which I feel is a part of my responsibility as an American citizen. However, the smoke-filled jury waiting room, as well as the adjacent hall area, was not only uncomfortable, but a health hazard as well.

Your consideration and aid in regard to this bill will be greatly appreciated.

Sincerely,


Elizabeth M. Klaich

Alaska State Legislature



Senate

SENATOR MIKE COLLETTA

February 19, 1982

Mrs. Barbara Petruska
P.O. Box 4-1910
Anchorage, Alaska 99509

Dear Mrs. Petruska:

Thank you for your petition of February 1, listing the names of interested persons in HB 665; inclusion of a non-smoking area in public restaurants.

I have taken the liberty of forwarding your petition to the House Health, Education and Social Services Committee (HESS) for review by said committee.

By way of HB 10, Representative Miller introduced legislation pertaining to food and smoking in public places in February, 1981. I believe that HB 665 is a comprehensive bill that would tend to benefit the public more. Inclusion of the ammendment you suggest could indeed accommodate the smoker, as well as the non-smoker. The policy of a "non-smoking section" has already been implemented at many restaurants in the Anchorage area with proven success.

Mrs. Petruska, please be assured I will support measures that would include this ammendment to HB 665.

Thank you again for your comments and interest in this bill. Legislation that may be of interest to you in the future is of my concern, please feel free to contact my office any time.

Sincerely,

Mike Colletta

NO 213

Representative Rogers
Representative Miller
House HESS ✓

Barb -
Is this your bill?
Jane

P.O. Box 4-1910
Anchorage, Alaska 99509

February 1, 1982

Rep. Bierne
Health, Education and Social Services
Pouch V
Juneau, Alaska 99811

Dear Rep. Bierne:

We urge you to make an amendment to House Bill 665 stipulating that all restaurants provide a non-smoking section in their dining areas. This has been done in several states and proved most effective as both smokers and non-smokers are very satisfied with the arrangement.

Sincerely,

Mrs. Barbara Petruska

Barbara Petruska

Maria McLaughlin 3841 corner bay St AK
Lianne Wesley POB 1251 Anchorage, AK 99510
(5520 E 97th, Anchorage, AK)
Jeffrey E. Wesley P.O. Box 1251 Anchorage, AK 99570
Kym Hohl P.O. Box 4-1264 Anchorage, AK 99509
Michael Baffay 1321 Latouche St. Anchorage 99501
Jan Ayette SRA Box 376 P Anchorage 99507
Jackie Williams SRA Box 489 Anchorage, 99507
Joyce Myers 454 Atlantis, Anchorage, 99502
Arlene Creason SRA 1551-S Anchorage, AK 99507
Leary Entwistle P.O. Box 4-1910, Anch. AK 99509
Dumb SRA 1903 A Anchorage AK 99507
Jane Warner SRA Box 480 D anchorage, AK 99507
Laura Harton SRA Box 1580 Z Anch. AK 99507
Martha Ethington SRA. Box 948-A Anch AK 99502
Lorn Washburn SRA Box 1515 C anch ak 99507
Dyanne L. Combs P.O. Box 10-252 Anch. ak. 99511
Mary Westra SRA Box 331 " " 99507

Dianne Walle SRA Box 720 Anch 99507
Virginia L Pettibon SRA Box 404 Anch 99507
LaPril Christian SRA Box 1507-R Anch 99507
Susan Hood SRA 500 B Anch 99507
Effie E. McEwen Box 254 SRA Anch. AK 99507
Susette Walling SRA Box 493 Anch. AK 99507
Rekema Kwak SRA Box 1548M Anch. AK 99507
Julie Moody SRA Box 477-w Anch. AK 99507
Jacquelyn Shea P.O. Box 1367 Anch. AK 99510
Dean Troyer Box 189 Dillingham AK 99576
John W. Winkler 1611 Early View Dr. Anchorage, AK 99504
Bick Moody SRA Box 477-w Anch. AK 99507
Kerin Apgau SRA Box 1548M Anch AK 99507
David J. Tremont Box 64 Juneau AK 99802

POSITION PAPER / Department of Health and Social Service

POSITION PAPER

HOUSE BILL NO. 665

"An Act relating to smoking in public places."

House Bill No. 665 adds to the "smoking in public places" statute additional locations that will be declared off limits to smoking.

Smoking is the single most important preventable cause of disease and is responsible for approximately 320,000 deaths annually in the U.S. It is associated with heart and blood vessel disease; chronic bronchitis and emphysema; cancers of the lung, larynx and other problems such as respiratory infections and stomach ulcers. The Department of Health and Social Services knowing this, and that even the involuntary or passive inhalation of cigarette smoke can precipitate or exacerbate symptoms of existing disease status such as asthma, cardiovascular and respiratory disease has mandated, and requires, strict enforcement of a policy that, pursuant to AS 18.35.300 - AS 18.35.330, prohibits smoking in elevators; meeting or public assembly rooms while a meeting or public assembly is in process; waiting rooms, restrooms, lobbies or hallways of health centers, health clinics, or laboratories; any room to which the public has access with respect to DHSS services when occupied by a member of the public.

The effect of this bill would be to further the Department's policy of health promotion and disease prevention through placing greater emphasis on environmental and occupational hazards. The bill is consistent with the program objectives of the department and should be enacted.

Recommended by: E. S. Rabeau
E. S. Rabeau, M.D., Director
Division of Public Health

Date: 1-22-81

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 1-25-82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 665
 Title "An Act relating to smoking in public places."
 Requested by Commissioner's Office Date 1-18-82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Health/Public Health
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 1-18-82 PREPARED BY David Bruce
 AGENCY Health & Social Services
 PHONE 465-3090

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

James C. Clark, Dir. of Dept. of Budget

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB-665
 Title An Act relating to smoking in public places
 Requested by Rogers and Miller Date January 14, 1982

II. FISCAL DETAIL

Agency Affected Department of Environmental Conservation
 Program Category Affected Environmental Sanitation
 BRU, Program, Or Subprogram(s) Affected Environmental Quality Management
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	-0-					
200 TRAVEL	-0-					
300 CONTRACTUAL	-0-					
400 COMMODITIES	-0-					
500 EQUIPMENT	-0-					
600 LAND & STRUCTURES	-0-					
700 GRANTS, CLAIMS, ETC.	-0-					
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND	-0-					
FEDERAL FUNDS	-0-					
OTHER (Specify Source)	-0-					

POSITIONS

FULL TIME	-0-					
PART TIME	-0-					
TEMPORARY	-0-					

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

This Bill will have no fiscal impact on this agency. There will be no new positions required.

IV. DATE March 26, 1982 PREPARED BY Lynn H. Suksdorf
 AGENCY Dept. of Environmental Conservation
 Original: Legislative Finance PHONE 465-2643
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

ARS 665 / 3-26-82

Rogers

don allen, ok. Lung Assoc.

Joe geldhof At. Tobacco Inst.

ARS 798

ARS 412

Buch

Dr Spence -- no org. program in state.
OK. only state 5 health officer

John
Ayers