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8 4

COMMITTEE REPORT

SENATE

8/26/83

FURTHER: State Affairs

Date: September 1, 1983

Mr. President:

The Committee on HEHS has had CS 310 B4 (P1)
Relating to smoking in public places and vehicles.

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)
- replace with CS for CS 463 84 (P1) same title
 new title
- and recommends do pass
- AND attaches a "Letter of Intent" New Fiscal Note
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

CHAIRMAN

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 20, 1984

SUBJECT: Smoking in public places
(SCS CSHB 84 (Finance)) (draft)

TO: Senator Joe Josephson

FROM: Edward H. Hein *EHA*
Legislative Counsel

The enclosed draft Finance Committee CS makes the following changes to SCS CSHB 84 (Rules): (page and line references are to the Rules CS)

Section 5 Sec 18.35.330 is amended to exempt taxis and limousines from the requirement of posting a no smoking sign. Signs that must be posted in other places and vehicles covered under the bill must list \$50 as the maximum penalty for smoking in a no smoking area.

Section 6 Sec. 18.35.340 is amended to allow the commissioner of environmental conservation to file a civil complaint or to dispatch an employee to issue a citation in accordance with Sec. 18.35.341. Civil complaints will be filed in district court to allow for a small claims procedure.

Section 7 Sec 18.35.341 is amended to incorporate references to AS 12.25 providing for the form and processing of citations and directing peace officers to arrest persons who refuse to provide proper identification or to accept the citation. Violations of Sec 18.35.300 may be cited by a peace officer only if they occur in the officer's presence. A new subsection (b) is inserted to provide authority to designated DEC employees to issue citations. The subsection specifically prohibits DEC employees from making arrests. A new Sec. 18.35.342 is inserted to prevent a person from being charged for violating the smoking law with both a civil complaint and the issuance of a citation.

Senator Joe Josephson
Page 2
March 20, 1984

Section 10 The directive to the Department of Environmental Conservation to adopt regulations to implement the smoking law is changed from "shall" to "may" at page 6, line 10.

Section 11 The definition of "peace officer" is deleted at page 6, lines 22 - 26. Peace officers are defined in AS 02.10.060(6). DEC employees are not peace officers under this bill.

Section 11 This section is renumbered section 13 and a new section 12 is inserted to provide that citations issued under AS 18.35.341 need not be signed by the offender.

EHH:lmb
L3/053

REQUEST

Bill/Resolution No.: CS HB 84 (Judiciary)
 Title: Smoking in public places & vehicles
 Sponsor: Rep. Fritz, et al
 Requestor: House Judiciary

II. FISCAL DETAIL

Agency Affected: Health & Soc. Services
 Program Category Affected: Health
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING	0	0	0	0	0	0
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

II. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

V. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Dean Tirador Phone: 465-2113
 Division: Public Health Date: 4-13-83

Approved by Commissioner: Robert Landon Smith, Ph.D. Date: 4/18/83
 Department: Health and Social Services

Distribution:

Original to Legislative Finance
 Copy to Office of Management and Budget (for Legislature introduced bills)
 Copy to Department (for Governor introduced bills)
 Copy to Sponsor
 Copy to Requestor (if different from Sponsor)

3/8/83

POSITION PAPER

CS FOR HOUSE BILL NO. 84 (Judiciary)

"An Act Relating to smoking in public places and vehicles."

BACKGROUND INFORMATION:

First, there is mounting evidence in the medical literature that passive smoking by children, particularly young children, and adults with heart or lung ailments cause them to suffer physiological and eventually anatomic consequences that adversely affect their health status. Second, there is a mounting public awareness of the annoyance caused by persons smoking indoors in public areas. Third, and this is the fact of greatest significance, in 1981, there were 92 deaths in Alaska due to cancer of the respiratory system and 145 premature deaths due to coronary disease. Smoking undoubtedly contributed heavily to these numbers.

WHAT THE BILL DOES:

This bill strengthens the rights of persons who choose not to damage their lungs and cardiovascular systems by smoking - either active or passive smoking. It recognizes several features of indoor air quality that are not adequately recognized by the present statute.

Starting on page 4 through the end of the bill there is considerable discussion adding and amending items regarding size of no smoking signs, civil complaints/penalties, citations/penalty, injunctions, enforcement authority, public education and definitions which delineate the context of the subject.

SUGGESTION FOR IMPROVEMENT:

On page 3, line 14: Due to the difficulty of defining a "smoker" this line could be more effectively stated; "(4) a place of employment if all the employees consent to the designation in entirety,".

On page 3, line 27: Addition of "per Alaska statute 18.35.300" would make the sign more effective.

DEPARTMENT POSITION:

This bill is an enlightened public health policy statement and is strongly endorsed by this department.

CSHB No. 84
Page 2

Recommended by:

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

Date:

5/19/83

Approved by:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and
Social Services

Date:

19 May 83

STATE OF ALASKA
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill No. 84 Date on Bill: 1/20/83
 Title: "An Act relating to smoking in public places and vehicles"
 Sponsor: Rep. Fritz, et al.
 Requestor: HESS

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

			FY 83	FY 84	FY 85	FY 86		
Capital			0	0	0	0		
Operating			0	0	0	0		
Total			0	0	0	0		

b. Revenues:

Revenue								

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Dean Tirador *Dean Tirador*
 Division: Public Health

Phone: 465-3090
 Date: 2/10/83

Approved by Commissioner: *JR Fritz*
 Department: Health and Social Services

Date: 2/17/83

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor

House Bill No. 84

"An Act Related to Smoking in Public Places and Vehicles"

BACKGROUND INFORMATION:

First, there is mounting evidence in the medical literature that passive smoking by children, particularly young children, and adults with heart or lung ailments cause them to suffer physiological and eventually anatomic consequences that adversely affect their health status. Second, there is a mounting public awareness of the annoyance caused by persons smoking indoors in public areas. Third, and this is the fact of greatest significance, in 1981, there were 92 deaths in Alaska due to cancer of the respiratory system and 145 premature deaths due to coronary disease. Smoking undoubtedly contributed heavily to these numbers.

WHAT THE BILL DOES:

This bill strengthens the rights of persons who choose not to damage their lungs and cardiovascular systems by smoking - either active or passive smoking. It recognizes several features of indoor air quality that are not adequately recognized by the present statute.

SUGGESTION FOR IMPROVEMENT:

On page 3 line 13: Due to the difficulty of defining a "smoker" this line could be more effectively stated; "(4) a place of employment if all the employees consent to the designation in entirety,".

On page 3, line 27: Addition of "per Alaska statute 18.35.300" would make the sign more effective.

On page 4, Section 6 would add a potential case load to already over-crowded district and superior courts. The personal injury sustained by a violation, or even a brief series of violations, of this statute would be minimal and difficult to prove. The remedies contained in Sections 7 and 8 of this bill set forth adequate avenues for correction of violations.

DEPARTMENT POSITION:

This bill is an enlightened public health policy statement and is strongly endorsed by this department.

RECOMMENDED BY:

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

DATE:

Feb 10, 1983

APPROVED BY:

Robert London Smith
Robert London Smith, Ph.D.
Commissioner
Department of Health and
Social Services

DATE:

2/14/83

APPROVED BY:

Emil Notti
Emil Notti
Legislative Assistant to
the Governor

DATE:

STATE OF ALASKA
FINAL STATEMENT OF FISCAL IMPACT

Bill No: HB 84 Date on Bill: January 20, 1983
 Title: "An Act relating to smoking in public places and vehicles"
 Sponsor: Fritz et al
 Requestor: _____

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital		-0-		
Operating		510,000.00		
Total		510,000.00		

b. Revenues:

Revenue		-0-		
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

18 AAC 55, "Smoking In Public Places" will be amended if this legislation passes. It would necessitate printing new regulations and public education to inform affected public facility operators and the general public of their rights and responsibilities under the new law.

4. This statement has been reviewed by the OMB in the Office of the Governor. It may be considered to represent the policy of the Sheffield Administration and the final estimate of fiscal impact.

Prepared By: Joe Cladouhos Phone: 465-2640
 Division: Environmental, Quality Management Date: 2-14-83
 Approved by Commissioner: James T. Sullivan for R. B. French Date: 2/14/83
 Department: Environmental Cooperation
 Reviewed by OMB: _____ Date: _____
 Phone: _____

5. Distribution:

- Original to Legislative Finance
- Copy to Department
- Copy to Sponsor

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTIETH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 84
 Title "An Act relating to smoking in public places and vehicles."
 Requested by House State Affairs Committee Date 7/15/87

II. FISCAL DETAIL

Agency Affected Department of Law
 Program Category Affected Local Services
 BRU, Program, Or Subprogram(s) Affected Local Services
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		46.4	51.1	54.2		

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		46.4	51.1	54.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
 This bill extends the state's current mandatory prohibition of smoking in public places to include public meetings of municipalities and most places of business such as retail stores, restaurants, banks, offices, factories, warehouses, and other places of employment. Under existing statute, this extended prohibition is at the option of the person having control of such places of employment. The bill would also make the existing mandatory requirement to provide reasonable smoking areas, in most prohibited areas, optional. Because of the very broad changes to the existing law, requiring mandatory compliance by nearly every place of business in the state, except for cocktail lounges, taverns and tobacco shops, it is anticipated that the department will have to devote additional resources to provide the enforcement actions required by the bill such as seeking injunctions and the collection of fines and penalties.

IV. DATE February 9, 1987 PREPARED BY Richard L. Feeser, Dir. Adm. Svcs.
 AGENCY Department of Law
 Original: Legislative Finance PHONE 465-1611
 cc: Budget and Management
 Prime Sponsor of/First Legislator Named)

Alaska State Legislature

OFFICE OF THE MINORITY



POUCH V
JUNEAU, ALASKA 99811

House of Representatives

MEMO: Feb. 14, 1983
TO: Rep. Mike Miller
FROM: Bob Speed, /A.A.
RE: Penalties in existing law and regulations in regard to smoking in public places and display of "smoking prohibited" signs.

You asked that I research the existing penalties for smoking in areas where smoking is prohibited, in reference to HB 84.

In existing law, there are penalties as follows:

- 1) for smoking in areas where smoking is prohibited; and
- 2) for not displaying "no smoking" signs in public places where smoking is prohibited.

Penalty provisions are in AS 18.35.340 (copy attached). Briefly, statute calls for a civil fine of not less than \$5 nor more than \$25 for violation of AS 18.35.300, which prohibits smoking in designated areas (.340(a)). Subsection (b) provides for a civil fine of not less than \$10 nor more than \$100 for failure to conspicuously display a "smoking prohibited" sign in areas where smoking is prohibited.

Punishment under these penalties is initiated only by civil complaint or citation. The courts may establish procedures for payment of fines by mail.

Enforcement authority is by the Department of Environmental Conservation. DEC has promulgated regulations regarding penalties under AAC 55.040, as follows.

Penalties for smoking in areas where smoking is prohibited by law are as follows:

First offense: civil fine of \$15.
Subsequent offenses: civil fine of \$25 for each subsequent offense.

Penalties for not displaying a "no smoking" sign in a public place as required by AS 18.35.330 are as follows:

First offense: \$ 50.
Subsequent offenses: \$100 for each subsequent offense.
However, the first offense complaint may be dismissed without payment of a fine if the defendant demonstrates that the required sign has been posted.

STATUTE re penalties/smoking

§ 18.35.310

ALASKA STATUTES

§ 18.35.350

(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 theatrical production; or

(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))

1980 to
Fish and Game
Title 17
Food and Drugs
Title 18
Health and Safety

REGULATIONS re: Smoking

Register 84, January 1983

ENVIRONMENTAL CONSERVATION

18 AAC 55.010

18 AAC 55.020

CHAPTER 55. SMOKING IN PUBLIC PLACES

Section

- 10. Exemptions from smoking prohibition
- 20. Smoking areas
- 30. Signs
- 40. Penalties
- 50. Complaint procedure
- 60. Waiver of provisions
- 900. Definitions

18 AAC 55.010. EXEMPTIONS FROM SMOKING PROHIBITION. (a) An area may be designated as a smoking area under AS 18.35.310(1) only by the owner, manager, proprietor, or other person who has control over the premises.

(b) An exemption under AS 18.35.310(4) must be in writing, contain a description of the exempted area and its location, and be based upon documentation by a mechanical engineer registered in the state that

(1) the building or room has total air circulation which meets the minimum standards established by ASHRAE Standard 62-73 (1973); or

(2) an electrostatic precipitator, a high-efficiency filter, or other device yields air quality in the building or room which meets the minimum standards established by ASHRAE Standard 62-73 (1973).

(c) A copy of an exemption and appropriate documentation under (b) of this section must be filed with the department before the exemption becomes effective.

(d) The department will, in its discretion, revoke an exemption described in (b) of this section if the ventilating equipment or other device upon which the exemption is based is not properly maintained or is not used while the room or building is occupied.

(e) A state agency or department which exempts a room or building under AS 18.35.310(4) must provide for and designate a clearly separate no-smoking area in the room or

building to which the exemption applies. (Eff. 8/28/81, Reg. 79)

Authority: AS 18.35.310

AS 46.03.020

AS 18.35.360

AS 46.03.140

Editor's Note: Copies of ASHRAE Standard 62-73 (1973) are available from ASHRAE, 345 East 47th Street, New York, N.Y. 10017.

18 AAC 55.020. SMOKING AREAS. (a) Subject to (d) and (e) of this section and where smoking is not otherwise prohibited by law, the owner, manager, proprietor, or other person who has control of a vehicle or place described in AS 18.35.300(1), (4) or (6) may designate a smoking area in the vehicle or place.

(b) Subject to (d) and (e) of this section and where smoking is not otherwise prohibited by law, the owner, manager, proprietor, or person who has control of a building described in AS 18.35.300(2), (3) or (5), or which contains a room described in AS 18.35.300(2), (3), or (5), must designate at least one smoking area in the building.

(c) A smoking area designated under this section must be a separate room, hallway, or entrance area. However, in a building described in AS 18.35.300(5), or which contains a room described in AS 18.35.300(5), the designated smoking area may not be a lobby or hallway.

(d) If a smoking area designated is in a bus, it must be clearly separated from the part of the bus in which smoking is prohibited, and it may not occupy more than one-half of the total passenger area of the bus. A smoking area may not be designated in a limousine for hire or in an elevator.

(e) A smoking area may not be designated in a building, vehicle, or other place if the department determines in writing that prohibiting the designation is necessary to protect the public safety or to protect and preserve the building, vehicle, or place and its contents. The department will deliver a written determination under this subsection to the owner, manager, proprietor, or person who has control of the building, vehicle, or place. (Eff. 8/28/81, Reg. 79)

Authority: AS 18.35.310

AS 46.03.020

AS 18.35.320

AS 46.03.140

AS 18.35.360

18 AAC 55.030. SIGNS. (a) An owner, manager, proprietor, or other person who has control of a vehicle or place described in AS 18.35.300(1) - (5) shall conspicuously display in the vehicle or place signs reading "Smoking Prohibited by Law," unless smoking is permitted in the vehicle or place under AS 18.35.310. The person shall display the signs so that at least one sign is legible from any part of the vehicle or place in which smoking is prohibited. A sign required by this subsection must include the international smoking-prohibited symbol.

(b) An owner, manager, proprietor, or other person who has control of a vehicle or place in which a smoking area has been designated under 18 AAC 55.020 shall conspicuously display in the smoking area signs designating the area as one in which smoking is permitted. These signs may not be larger than the "Smoking Prohibited by Law" signs in the same vehicle or place. Signs required by this subsection must include the international smoking-permitted symbol.

(c) "Smoking Prohibited by Law" signs in elevators must be permanently and conspicuously mounted under glass or other clear, durable, and protective material.

(d) Additional signs of the appropriate type may be posted at entrances to vehicles, places, and areas of vehicles and places. (Eff. 8/28/81, Reg. 79)

Authority: AS 18.35.330 AS 46.03.020
AS 18.35.360 AS 46.03.140

18 AAC 55.040. PENALTIES. (a) A person who willfully violates AS 18.35.300 by smoking where smoking is prohibited is punishable by a civil fine of \$15 for the first offense and by a civil fine of \$25 for each subsequent offense.

(b) A person who willfully violates AS 18.35.330 or 18 AAC 55.030 by not displaying the required sign is punishable by a civil fine of \$50 for the first offense and by a civil fine of \$100 for each subsequent offense. However, the department may dismiss a first offense complaint without payment of a fine if the defendant demonstrates that the required sign has been posted. (Eff. 8/28/81, Reg. 79)

Authority: AS 18.35.340 AS 46.03.020
AS 18.35.360 AS 46.03.140

16. ECONOMIC DEVELOPMENT

17. TRANSPORTATION & PUBLIC FACILITIES

18. ENVIRONMENTAL CONSERVATION

18 AAC 55.050. COMPLAINT PROCEDURE.

(a) A person who observes a violation of this chapter or of AS 18.35.300 - 18.35.360 may notify an office of the department.

(b) The department will provide an affidavit in which the complainant may describe the observed violation and a form agreement in which the complainant may promise to testify in court under subpoena concerning the observed violation if testimony becomes necessary.

(c) If the complainant executes both documents the department, with the assistance of the attorney general's office, will, in its discretion, file a complaint in small claims court for a civil fine, court costs, and attorney's fees against the person who was observed violating this chapter or AS 18.35.300 - 18.35.360. (Eff. 8/28/81, Reg. 79)

Authority: AS 18.35.340 AS 46.03.020
AS 18.35.350 AS 46.03.140
AS 18.35.360

18 AAC 55.060. WAIVER OF PROVISIONS.

(a) The department will, in its discretion, waive a provision of 18 AAC 55.010 - 18 AAC 55.900 if it determines that the public health and the satisfaction of the purpose of the provision are reasonably assured and that the requirements of AS 18.35.300 - 18.35.360 are satisfied.

(b) Application for a waiver must be made in writing and must include

(1) identification of the provision for which the waiver is requested;

(2) reasons why the provision cannot be satisfied, and

(3) a description of an alternative method, if any, proposed for meeting the purpose of the provision to be waived.

(c) The department will answer a request for a waiver in writing within 30 days after receipt of the request. (Eff. 8/28/81, Reg. 79)

Authority: AS 18.35.350 AS 46.03.020
AS 18.35.360 AS 46.03.140

18 AAC 55.900. DEFINITIONS. (a) In this chapter

(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

authorized to give administrative direction to and exercise general supervision of the activities in a vehicle or place; in a state office building. "other person who has control" means a division director who has authority over the office or his designee;

(4) "room" means an indoor area which is bordered on all sides by walls or partitions which are continuous and solid except for door portals for entry and exit and except for windows and vents;

(5) "smoking" means holding or carrying a lighted cigar, cigarette, pipe, or other lighted smoking equipment or material. (Eff. 8/28/81, Reg. 79)

Authority: AS 18.35.360
AS 46.03.020
AS 46.03.140

16. ECONOMIC DEVELOPMENT

17. TRANSPORTATION & PUBLIC FACILITIES

18. ENVIRONMENTAL CONSERVATION

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MEMORANDUM

October 4, 1982

SUBJECT: Smoking in public places
(Work Order No. 13-0037)

TO: Representative Mike Miller
Attn: Russ Josephson

FROM: Edward H. Hein
Legislative Counsel

Enclosed is a copy of the ASHRAE Standard that is currently being used by the Department of Environmental Conservation to regulate smoking in public places. See, 18 AAC 55.010. John Laugh, a mechanical engineer with Vern Akin Associates in Juneau, told me this morning that ASHRAE has adopted a new standard 62-81, entitled "Ventilation for acceptable indoor air quality", or something to that effect. The new standard deals specifically with smoking and non-smoking areas. Perhaps the department should be revising their regulations to include this new standard. I do not know whether the department is considering doing so. The new standard was adopted by ASHRAE in December, 1981.

EHH:csh

Enclosure

62-73

ANSI B 194.1-1977

ASHRAE STANDARD

Standards for NATURAL AND MECHANICAL VENTILATION

Approved by the American Society of Heating, Refrigerating and Air-Conditioning Engineers Inc. Standards Committee January 28, 1973, and Board of Directors by Letter Ballot February 16, 1973.

ASHRAE Standards are updated on a five-year cycle; the date following the Standard number is the year of approval. The latest copies may be purchased from the ASHRAE Circulation Sales Department, 345 East 47th Street, New York NY 10017.

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**The American Society of Heating, Refrigerating,
and Air-Conditioning Engineers, Inc.**

345 East 47th Street, New York, N.Y. 10017



PROJECT COMMITTEE 62

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FOREWORD

This Standard was prepared under the auspices of the American Society of Heating, Refrigerating and Air-Conditioning Engineers. It may be used, in whole or in part, by any association or government agency with due credit to the American Society of Heating, Refrigerating and Air-Conditioning Engineers. Adherence is strictly on a voluntary basis and merely in the interest of obtaining uniform standards throughout the industry. Ratings published as conforming to this Standard must comply with the publication provisions stated herein.

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The following form of statement should be used:

A representative product sample of the model, has been tested in accordance with ASHRAE Standard 62-73.

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INTRODUCTION

The importance and confusion regarding the need for ventilation standards is evidenced by the existence of such standards in numerous building codes since the early 1900's and, at the same time, the diverse and often conflicting specifications. In 1965, ASHRAE was invited to participate in the revision and updating of ASA Standard A53.1, Light and Ventilation, dated May 23, 1946. Responsibility for the Mechanical Ventilation Section of this Standard was assigned to an ASHRAE Project Committee appointed in 1966. With the reorganization of ASA (now ANSI) and a change in its procedures, the A53 Committee became inactive; at the instructions of the ASHRAE Standards Committee, the Project Committee was advised to continue its efforts and develop an ASHRAE Standard.

To meet its responsibility, the Project Committee undertook an extensive program to obtain input from all segments of industry, the public, and ASHRAE members. A comprehensive review and comparison of ventilation codes was undertaken to aid the Committee in its formulation and standardization of definitions and recommendations. An article in the ASHRAE JOURNAL and a press release to the trade press solicited opinions, comments and suggestions. An open forum was held at the ASHRAE Semi-annual Meeting in Chicago, January 1969. Interest was high and considerable information was obtained for guidance of the Project Committee. Following Project Committee acceptance of the eighth draft, the proposed Standard was submitted to an additional review by ASHRAE members and representatives from industry and government prior to approval by the Standards Committee and ASHRAE's Board of Directors.

The Standard recommends ventilation rates based upon the best available scientific and technical knowledge. It also incorporates, for the first time, a quantitative definition of "acceptable outdoor air" and specifies conditions under which the amount of outdoor air may be reduced, thereby taking advantage of advancements in air cleaning technology.

The Committee wishes to thank all those who submitted comments and suggestions and wishes it to be known that each reviewer's comment received serious consideration and in many cases was incorporated into this final document. Further comments are welcome and should be sent to the ASHRAE Director of Standards.

STANDARDS FOR NATURAL AND MECHANICAL VENTILATION

SECTION 1.0 PURPOSE AND SCOPE

This standard* defines ventilation requirements for spaces intended for human occupancy and specifies minimum and recommended ventilation air quantities for the preservation of the occupants' health, safety, and well-being.

Good ventilation practice exists when clean ventilation air is provided in sufficient quantities to maintain the required oxygen, carbon dioxide, and other air quality levels in the space under consideration.

The standard does not specify the air quantities required for the control of temperature and humidity or the exhaust quantities required for source control of domestic or industrial wastes. The specifications are based on the current state of knowledge and acceptable practice related to air filtration, odor control and environmental physiology.

*Replaces the ventilation section of ASA Standard A53.1 dated May 23, 1946.

SECTION 2.0 DEFINITIONS (SEE FIG. 1)

2.1 AIR CLEANER: a device capable of removing airborne impurities such as dusts, gases, vapors, fumes and smokes.

2.2 AIR CONDITIONING: the process of treating air to meet the requirements of the conditioned space by controlling simultaneously its temperature, humidity, cleanliness, and distribution.

2.3 AIR, EXHAUST: air removed from a space and not reused.

2.4 AIR, OUTDOOR: air taken from outdoors and therefore not previously circulated through the system.

2.5 AIR, RECIRCULATED: return air again supplied to a space.

2.6 AIR, RETURN: air removed from a space and recirculated or exhausted.

2.7 AIR, SUPPLY: that air delivered to each or any space in the system, or the total delivered to all spaces in the system, which is used for ventilation, heating, cooling, humidification, dehumidification, distribution, etc.

2.8 AIR, VENTILATION: that portion of supply air which comes from outside (outdoors) plus any recirculated air that has been treated to maintain the desired quality of air within a designated space. (See Section 3.0).

2.9 EXFILTRATION: air flow outward through cracks and interstices, around windows and doors, and through floors and walls of a space or building.

2.10 INFILTRATION: the inward air leakage through cracks and interstices, around windows and doors, and through floors and walls of a space or building.

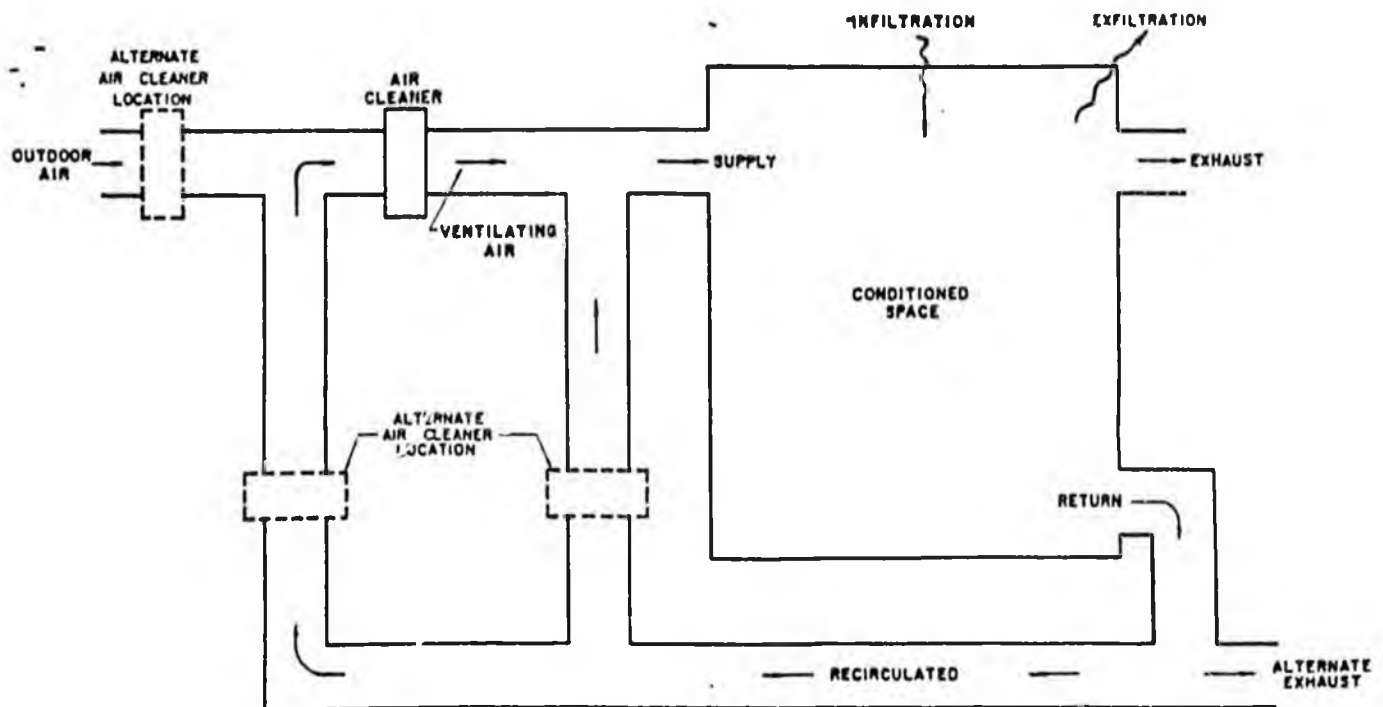


Fig. 1 Diagram of Definitions

2.11 MECHANICAL EXHAUST SYSTEM: a system for removing air from a room or space by mechanical means.

2.12 MECHANICAL SUPPLY SYSTEM: a system for forcing air into a room or space by mechanical means.

2.13 NATURAL VENTILATION: the movement of air into and out of a space through intentionally provided openings, such as windows and doors, or through non-powered ventilators.

2.14 VENTILATION: the process of supplying ventilation air to any space by natural or mechanical means. (Provision must be made for simultaneous removal of air from the space.)

SECTION 3.0. ACCEPTABLE VENTILATION AIR QUALITY (SEE BIBLIOGRAPHY)

3.1 TABLE I lists the maximum allowable pollutant concentrations in ventilation air commensurate with the ventilation requirements set forth in Section 6.0 of this Standard. In addition ventilation air shall conform to the limiting conditions given in Section 3.3.

3.2 OUTDOOR AIR shall be considered of that quality which meets or exceeds the criteria of Table I if one of the following conditions is met:

3.2.1 Monitoring Data of governmental pollution-control agencies such as the National Air Pollution Control Administration show that the air quality of the community in which the ventilation system is located meets the requirements of Table I;

3.2.2 The Community in which the ventilation system is located is similar in population, geographic and meteorological setting and industrial pattern to a community having acceptable air quality as determined in paragraph 3.2.1;

3.2.3 The Community in which the ventilation system is located has a population of less than 20,000 people, and no nearby substantial contamination source;

3.2.4 Air Monitoring, for three consecutive months, as required for inclusion in the NAPCA-SORAD System, shows that the air quality meets the requirements of Table I.

3.3 AIR shall be considered unacceptable for ventilation use in accordance with this standard if it contains any contaminant in a concentration greater than one-tenth the Threshold Limit Value (TLV) currently accepted by the American Conference of Governmental Industrial Hygienists. Where there is reasonable expectation that the air is unacceptable, as indicated above, sampling and analysis shall be carried out by qualified personnel in accordance with procedures and equipment acceptable to the American Conference of

Table I
Maximum Allowable Contaminant Concentrations
for Ventilation Air

Contaminant	Annual Average (Arithmetic Mean) $\mu\text{g}/\text{m}^3$	Short-Term Level (Not to be exceeded More than once a Year) $\mu\text{g}/\text{m}^3$	Averaging Period (hr)
Particulates	60*	150*	24
Sulfur Oxides	80	400	24
Carbon Monoxide	20,000	30,000	8
Photochemical Oxidant	100	500	1
Hydrocarbons (not including methane)	1,800	4,000	3
Nitrogen Oxides	200	500	24
Odor	Essentially Unobjectionable**		

* Federal criteria for U.S. by 1975.

** Judged unobjectionable by 90% of a panel of 10 untrained subjects.

The levels listed are met by ambient outdoor air in many major cities, or will be met by such outdoor air when passed through minimal air treatment systems (containing suitable combinations of heaters, coolers, humidifiers, etc., and including roughing particulate filters). Conformity of users' local air to these concentrations may be determined by reference to the Storage and Retrieval of Aerometric Data System (SORAD) of the National Air Pollution Control Administration, and by other means, as listed in Section 3.2.

Governmental Industrial Hygienists, the American Industrial Hygiene Association or the Occupational Health Section of the U.S. Public Health Service.

3.4 IF OUTDOOR AIR of the quality specified by Sections 3.1 and 3.3 is not available, filtration or other treatment devices shall be used to bring its quality to or above the minimum level defined by Sections 3.1 and 3.3.

3.5 ACCEPTABLE VENTILATION AIR may contain a mixture of suitably treated recirculated air and outdoor air such that the mixture meets or exceeds the quality limits stated in 3.1 and 3.3 (See Section 5.0).

SECTION 4.0. VENTILATING SYSTEMS— GENERAL REQUIREMENTS

4.1 VENTILATING SYSTEMS shall be provided with adequate openings for supply, return and exhaust air to obtain the required circulation.

4.2 OUTDOOR AIR INLETS shall be located to minimize or eliminate possible contamination.

4.3 EXHAUST DISCHARGES shall be located so that the air exhausted to the outside does not create a nuisance or contaminate outdoor air near outdoor air inlets.

4.4 VENTILATING SYSTEMS shall be designed and installed so that the air coming in contact with occupants is at a temperature, velocity and quality not to constitute a health hazard or discomfort.

4.5 VENTILATING DUCTS shall be constructed entirely of incombustible, nonporous materials. Their construction shall comply with the standards of air conditioning and ventilating systems of the National Fire Protective Association (Pamphlets NFPA No. 90A and NFPA No. 90B).

4.6 OCCUPIED SPACES shall be provided with means of supplying sufficient ventilation air for the maximum number of persons for which such spaces are designed.

4.7 THIS STANDARD assumes that contaminants from concentrated sources which can be a potential hazard or nuisance (heat, smoke, fumes, etc.) are collected as close as possible to the source by exhaust systems separate from the space ventilating system.

4.8 WHEN SPECIAL EXHAUSTS are used (as in the kitchen), consideration must be given to provide adequate supply air to the space to replace the exhaust air.

SECTION 5.0. RECIRCULATION

The requirements for ventilation quantities given in Section 6.0 are for 100% outdoor air when the outdoor air meets the specifications for air quality given in Section 3.0. Except for areas where recirculation is prohibited by other codes or standards having precedence, the outdoor air requirements may be reduced to 33% of the specified required ventilation air quantity if adequate temperature control is provided, in addition to filtering equipment, so that the maximum allowable concentration of particulates entering the space is less than that specified in Table I. If, in addition, high efficient adsorption or other odor and gas removal equipment is employed, so that the air entering the space has been purified to meet the requirements of Sections 3.1 and 3.3, the outdoor air requirement may be reduced to 15% of the specified required ventilation air quantity. *In no case shall the outdoor air quantity be less than 5 cfm per person.*

SECTION 6.0. VENTILATION REQUIREMENTS

The required air quantities are for outdoor air meeting the requirements of Section 3.0 or for a combination of acceptable outdoor air and recirculated air in accordance with Section 5.0. Minimum and recommended values are given to provide different quality levels in recognition of the need to provide choices of environmental performance for different classes of projects. In either case the designer is encouraged to use his experience and judgment in the application of this Standard as long as the minimum requirements are satisfied.

In many cases the required ventilation air quantities for spaces with positive exhaust systems, such as toilets, baths, lobbies, corridors, and kitchens, may be supplied from adjacent spaces. The sum of the ventilation requirements for the space and the adjacent space shall be provided.

	Estimated persons/ 1000 sq ft floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
6.1. RESIDENTIAL				
Private dwelling places, (single or multiple units)				
Single Unit Dwellings				
General Living Areas, Bedrooms	5	5	7-10	
Kitchens	-	20	30-50	•
Baths, Toilet Rooms	-	20	30-50	•
Basements, Utility Rooms	-	5	5	
Multiple Unit Dwellings				
General Living Areas, Bedrooms	7	5	7-10	
Kitchens	-	20	30-50	•
Baths, Toilet Rooms	-	20	30-50	•
Basements, Utility Rooms	-	5	7-10	
Garages	-	(1.5)	(2.0)-(3.0)	**
Mobile Homes	7	5	7-10	
*1/2 hilled capacity for intermittent use.				
**cfm per sq ft of floor area.				
6.2. COMMERCIAL				
General Requirements—Merchandising (Apply to all forms unless specially noted)				
Sales Floors and Showrooms (Basement and Street Floors)	30	7	10-15	
Sales Floor and Showrooms (Upper Floors)	20	7	10-15	
Storage Areas (Serving Sales Floors and Storerooms)	5	5	7-10	
Dressing Rooms	-	7	10-15	
Malls and Arcades	40	7	10-15	
Shipping and Receiving Areas	10	15	15-20	
Warehouses	5	7	10-15	
Elevators	-	7	10-15	
Food Markets, Supermarkets, etc.				
Meat Processing Rooms	10	5	5	•
*Spaces maintained at low temperatures (-10 to 50 F) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirement. (See Chapter 23, Refrigeration Load, ASHRAE Handbook of Fundamentals, 1972).				
Drug Stores				
Pharmacists' Work Rooms	10	20	25-30	
Specialty Shops				
Pet Shops	-	(1.0)	(1.5)-(2.0)	•
Florists	10	5	7	**
Greenhouses	1	5	7-10	***

*cfm per sq ft of floor area

**Maximum allowable concentration (MAC) for sulfur dioxide = 30 µg/cu m

***Ventilation to optimize plant growth, temperature, humidity, etc., will almost always be greater than shown.

	Estimated persons/ 1000 sq ft floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Banks (see sales floors and offices)				
Vaults	—	5	5	
Food Services				
Dining Rooms	70	10	15-20	
Kitchens	20	30	35-35	•
Cafeterias, Short-Order, Drive-Ins, Seating Areas, and Queuing Areas	100	30	35-35	
Bars (Predominantly Stand-up)	150	30	40-50	
Cocktail Lounges	100	30	35-40	
Exhaust to outside; source control as required.				
Hotels, Motels, Resorts				
Bedrooms (Single, Double)	5	7	10-15	
Living Rooms (Suites)	20	10	15-20	
Baths, Toilets (attached to bedrooms)	—	20	30-50	•
Corridors	5	5	7-10	
Lobbies	30	7	10-15	
Conference Rooms (Small)	70	20	25-30	
Assembly Rooms (Large)	140	15	20-25	
Public Rest Rooms	100	15	20-25	
Cottages (treat as single- unit dwellings)	—	—	—	
(See also Food Services, Industrial, Merchandising, Barber and Beauty Shops, Garages for associated Hotel/Motel Services)				
*Installed capacity for intermittent use.				
Dry Cleaners and Laundries				
Commercial	10	20	25-30	•, **
Storage/Pickup Areas	30	7	10-15	
Coin-operated	20	15	15-20	**
*Exhaust to outside; source control as required. **Installed equipment must incorporate positive exhaust and control (as required) of undesirable contaminants (toxic or otherwise).				
Barber, Beauty and Health Services				
Beauty Shops (Hair dressers)	50	25	30-35	
Reducing Salons (Exercise Rooms)	20	25	30-35	
Sauna Baths and Steam Rooms	—	5	5	
Barber Shops	25	7	10-15	
Photo Studios				
Camera Rooms, Stages	10	5	7-10	•
Darkrooms	10	10	15-20	
*Thermal effects probably determine requirements.				
Shoe Repair Shops (Combined Workrooms/ Trade Areas)	10	10	15-20	

	Estimated persons/1000 sq ft floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Garages, Auto Repair Shops, Service Stations				
Parking Garages (enclosed)	—	(1.5)	(2.0)-(3.0)	•
Auto Repair Workrooms (general)	—	(1.5)	(2.0)-(3.0)	•, ••
Service Station Offices	20	7	10-15	
*cfm per sq ft of floor area				
**Stands where engines are run must incorporate systems for positive engine exhaust withdrawal				
Theatres				
Ticket Booths	—	5	7-10	
Lobbies, (Foyers and Lounges)	150	20	25-30	
Auditoriums (in Motion Picture Theatres, Legitimate Theatres, Lecture, Concert and Opera Halls—no smoking)	150	5	5-10	
Auditoriums (smoking permitted)	150	10	10-20	
Stages (with proscenium and curtains)	70	10	12-15	•, ••
Green Rooms and Workrooms	20	10	12-15	
Public Rest Rooms	100	15	20-25	
*Thermal effects probably determine requirements				
**Special ventilation will be needed to eliminate stage effect contaminants				
Ballrooms				
Public	100	15	20-25	
Bowling Alleys (Seating Area)	70	15	20-25	
Gymnasiums and Arenas				
Playing Floors—minimal or no seating	70	20	25-30	
Locker Rooms	20	(30)	(40)-(50)	•
Spectator Areas	150	20	25-30	
Ramps, Foyers, and Lobbies	150	10	15-20	
*cfm/locker				
Pool Rooms	25	20	25-30	
Amusement Parlors	25	20	25-30	
Tennis, Squash, Handball Courts (indoor)	—	20	25-30	
Swimming Pools (indoor)	25	15	20-25	•
*The same for air-supported structures				
Ice-skating and Curling Rinks	70	10	15-20	•
*The same for air-supported structures				
Roller Rinks	70	10	15-20	•
*The same for air-supported structures				

	Estimated persons/ 1000 sq ft floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Transportation				
Waiting Rooms	50	15	20-25	
Garages	-	(1.5)	(2.0)-(3.0)	•
Ticket and Baggage Areas, Corridors and Gate Areas	50	15	20-25	
Control Towers	50	25	30-35	
Hangers	2	10	15-20	••
Public Rest Rooms	100	15	20-25	
Platform	150	10	15-20	
Concourses	150	10	15-20	
Repair Shops	-	10	15-20	
*cfm per sq ft of floor area				
**Special solvent and exhaust problems handled separately				
Offices				
General Office Space	10	15	15-25	
Conference Rooms	60	25	30-40	
Drafting Rooms, Art Rooms	20	7	10-15	
Doctor's Consultation Rooms	-	10	15-20	
Waiting Rooms (Doctors, Em- ployment Agencies, etc.)	30	10	15-20	•
Lithographing Rooms	20	7	10-15	•
Diazo Printing Rooms	20	7	10-15	
Computer Rooms	20	5	7-10	
Keypunching Rooms	30	7	10-15	
Public Rest Rooms	100	15	20-25	
† Installed equipment must incorporate positive exhaust and control (as required) of undesirable contaminants (toxic or otherwise).				
Communication				
TV/Radio Broadcasting Booths, Radio Studios	20	30	35-40	•
Motion Picture and TV Stages	20	30	35-40	
Pressrooms	100	15	20-25	
Composing Rooms	30	7	10-15	
Engraving Shops	30	7	10-15	
Telephone Switchboard Rooms (Manual)	50	7	10-15	
Telephone Switchgear Rooms (Automatic)	-	7	10-15	
Teletypewriter/Facsimile Rooms	-	5	7-10	
*Thermal effects probably determine requirements				

6.3. INDUSTRIAL

Occupational safety laws in the various states usually regulate the ventilation requirements. Almost always, these are far in excess of the ventilation requirements for the occupants. The following list gives the requirements for the occupants only, assuming that the ventilation air is of a quality equal to or exceeding the limits listed in Section 3.0.

Estimated persons/ 1000 sq ft floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
	Minimum	Recommended	
Mining and Rock Products*			
Underground Mine Shafts	—	20	25-30
Underground Mine Faces (non-Toxic Materials)	—	35	40-45
Underground Mine Faces (Toxic Materials: Beryl, Uranium and other radioactive rocks; radon emanators)	—	35	40-45
Underwater Tunneling	—	35	40-45
Control Cabs for Rock-Handling Machinery	—	20	25-30
Control Rooms (for Lime and Cement Kilns, Crushers, Tipples, Weighing stations, etc.)	—	15	20-25
Stonecutting Rooms	—	36	40-45
Areas Serving Cement Kilns, Crushers, etc.	—	35	40-45
*Special contaminant control systems may be required			
Metallurgy*			
Control Rooms	—	15	20-25
Crane Cabs	—	20	25-30
Halls Containing Cupolas, Melting Furnaces, Oxygen Furnaces, Pot Lines, etc.	—	35	40-45
*Special contaminant control systems may be required			
Metalworking and Metal Finishing*			
Foundry Mold, Core Making and Shakeout Areas	—	35	40-45
Halls Housing Heavy Metalworking, such as Foundry Pouring Rooms, Drop Forges, Scarfing and Rolling Stands, Cast Iron Machining	—	35	40-45
Halls Housing Medium Metalworking, such as Finish and non-Ferrous Machining, Punch Press and Brake Operations, Spot-welding, Extruding	—	35	40-45
Gas- and Arc-Welding Booths	—	35	40-45
Halls Housing Light Metalworking: Appliance, Aircraft, Automotive and Machine Assembly (Excluding 3.3.7)	—	20	25-30
Automotive Engine Test, Drive-Away Areas in Automotive Assembly Plants	—	—	..
Paint Spray Booths	—	—	..
Pickling, Etching, and Plating Lines	—	—	..

	Estimated persons/ 1000 sq ft floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Degreasing Booths, Steam Cleaning Booths	-	-	--	••
Sandblasting Booths, Frit Spraying Booths	-	-	-	••
Rooms Serving Porcelain Enamel and Heat-Treating Furnaces	-	-	--	••
Grinding and Polishing Rooms	-	30	35-40	••
*Special contaminant control systems may be required				
**Special exhaust systems required				
Chemicals and Pharmaceuticals Rooms Containing Grinders, Mullers, Blenders, Pulver- izers, Pelletizers Sieving and Other Dusty Operations	-	30	35-40	•
Rooms Containing Reaction Vessels, Stills, Contactors, Extractors, Evaporators and Other Potential Gas Emitters	-	20	25-30	•
Rooms Containing Drying Ovens	-	15	20-25	•
Fermentation Rooms	-	15	20-25	•
Pillmaking and Capsule Filling Booths	-	10	15-20	•
Packaging Areas	-	10	15-20	•
Utility Rooms (Refrigeration Plants, Heating Plants)	-	7	10-15	
Control and Computer Rooms	-	7	10-15	
*Special contaminant control systems may be required				
Textiles, Clothing Manufacture Carding Rooms; Nonwoven Fabric Production and Pile Fabric Shearing Areas	-	15	20-25	
Spinning Rooms (Natural and Staple Fibers)	-	15	20-25	
Spinning Rooms (Synthetic Continuous Fiber Production)	-	15	20-25	
Yarn Rewinding, Warping Rooms	-	15	20-25	
Yarn and Cloth Dyeing and Coat- ing; Cloth Printing Rooms	-	15	20-25	
Weaving and Knitting Rooms	-	15	20-25	
Cutting and Sewing Lofts	-	15	20-25	
Plastics and Rubber Processing* Rooms Containing Mixing and Compounding Operations (dry or liquid)	-	15	20-25	
Rooms Housing Thermoplastic Thermosetting Forming Opera- tions (Extrusion, Injection Molding, Bead Molding, Vacuum Forming, etc.)	-	15	20-25	

	Estimated persons/ 1000 sq ft floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Foam-moulding Rooms (especially Urethane)	-	15	20-25	
Glassfiber Reinforced Plastic Layup Rooms	-	15	20-25	
Trimming, Grinding and Polishing Rooms	-	25	30-35	
Vacuum-Coating Rooms	-	15	20-25	
Painting, Printing and Adhesive Assembly Operations	-	15	20-25	
Rubber Calendaring Rooms	-	15	20-25	
Moulding, Vulcanizing, Lamination Rooms	-	15	20-25	
*Special contaminant control systems may be required				
Electrical Electronics and Aerospace Semiconductor Processing Rooms	-	10	15-20	
Circuit Board Etching, Soldering Rooms	-	20	25-30	
Magnetic Tape Production Areas	-	10	15-20	
Clean Rooms (Class 100)	-	10	15-20	
Clean Rooms (Class 10,000)	-	10	15-20	
Clean Rooms (Class 100,000)	-	10	15-20	
Encapsulation Operations (Plastic, Glass and Ceramics)	-	10	15-20	
Coil Winding Capacitor, Relay and Transformer Manufacturing Areas	-	10	15-20	
Lamp and Tube Manufacture	-	10	15-20	
TV Picture and Image Tube Manufacturing Areas	-	10	15-20	
Magnet, Magnetic Core Manufacturing Areas	-	10	15-20	
Wood Products, Papermaking Sawmills, Lumber Planing and Sanding, Wood Turning, Shaping, Drilling and Routing Operations, Veneer Making Areas	-	20	25-30	•
Glueing and Plywood Manufacturing Areas	-	20	25-30	•
Chipboard, Bagasseboard and Hardboard Manufacturing Areas	-	20	25-30	•
Rubbing, Staining, Varnishing and Painting Rooms	-	20	25-30	••
Crate and Pallet Making, Building Prefabrication (Nailing Operations) Areas	-	20	25-30	
Lumber and Panel Warehouses	-	20	25-30	
Chipping, Barking and Grinding Operations Areas	-	20	25-30	•
Pulping Operations, Digesters, Bleachers	-	10	15-20	•

	Estimated persons/1000 sq ft floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Papermaking Operations (Beaters, Fourdrinier machiners, dryers, creped wadding machines, calendars)	—	10	15-20	•
Winding, Slitting, Curing, Envelope Making Rooms	—	10	15-20	
Paper Warehouses	—	20	25-30	
Corrugated Board Honeycomb Manufacture, Boxmaking room	—	20	25-30	••
Coating Rooms	—	20	25-30	••
*Special contaminant control systems may be required				
**Special solvent and exhaust problems handled separately				
Brewing, Distilling, Wineries, Bottling**				
Grain Mixing and Handling Areas	—	20	25-30	•
Yeast Production Areas	—	20	25-30	•
Fermentation Areas	—	20	25-30	•
Distillation Rooms	—	20	25-30	•
Fruit Handling, Crushing Areas	—	20	25-30	•
Caves	—	20	25-30	
Warehouses	—	20	25-30	
Filtration Rooms, Blending Rooms	—	20	25-30	
Bottling Areas	—	20	25-30	
Soft-Drink compounding Areas	—	20	25-30	
Carbonation Areas	—	20	25-30	
*Special solvent and exhaust problems handled separately				
**Spaces maintained at low temperatures (-10 to 50 F) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirement. (See Chapter 23, Refrigeration Load, ASHRAE Handbook of Fundamentals, 1972).				
Food Processing****				
Fruit and Vegetable Sorting and Cleaning Areas	—	20	25-30	
Cutting, Chopping, Shredding, Crushing, Squeezing Areas	—	20	25-30	•
Canning Operations	—	20	25-30	•
Bakeries, Cereal Processing, Candy-making	—	20	25-30	•
Fish Processing	—	20	25-30	••
Meat Curing, Canning	—	20	25-30	•
Dairies (Fluid Milk Operations)	—	20	25-30	
Cheesemaking, Yogurt	—	20	25-30	
Flour Milling, Baggging, etc.	—	30	35-40	•••
Sugar Purification and Salt Purification	—	20	25-30	
Control Rooms for Coffee Roasting, Grinding	—	10	15-20	
Vacuum Drying Operations	—	10	15-20	

	Estimated persons/ 1000 sq ft floor area. Use only when design occupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Tea and Spice Handling, Packaging	-	20	25-30	
Packaging	-	20	25-30	
Refrigeration Plants, Steam Plants	-	20	25-30	•
<p>*Thermal effects probably determine requirements **Special solvent and exhaust problems handled separately ***Special contaminant control systems may be required ****Spaces maintained at low temperatures (-10 to 50 F) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining spaces is permissible. When the occupancy is intermittent, infiltration will normally exceed the ventilation requirement. (See Chapter 23, Refrigeration Load, ASHRAE Handbook of Fundamentals, 1972).</p>				
Tobacco Processing				
Blending and Shredding	-	20	25-30	
Redrying, Reconstituting	-	20	25-30	
Cigar Manufacturers	-	20	25-30	
Cigarette Manufacturers, Pipe Tobacco Packaging	-	20	25-30	
Power Plants				
Control Rooms	-	10	15-20	
Boiler Rooms	-	35	40-45	
Generator Rooms	-	20	25-30	
Sewage Treatment Plants				
Control Rooms	-	10	15-20	
Compressor/Blower Motor Rooms	-	20	25-30	
Glass and Ceramic Manufacture				
Sand Handling and Mixing Areas	-	20	25-30	•
Melting Furnace Support Areas	-	20	25-30	•
Platemaking, Pouring Areas	-	20	25-30	•
Bottlemaking, Blowing Machinery Areas	-	20	25-30	•
Fiber Spinning Areas	-	20	25-30	•
Grinding Rooms	-	20	25-30	••
Ceramics (Powder) Pressing and Molding Areas	-	20	25-30	
Potters Workrooms (wet)	-	20	25-30	
Kiln and Sintering Furnace Service Areas	-	20	25-30	•
Frit and Glaze Sprayrooms	-	20	25-30	••

*Thermal effects probably determine requirements
**Special contaminant control systems may be required

6.4. AGRICULTURAL
(Includes installations on farms, farmers' markets, grain elevators, etc.; for processing operations)

Fodder, Seed and Grain Handling, Storage	-	20	25-30	•
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	Estimated persons/ 1000 sq ft floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Animal Husbandry	—	20	25-30	•
Vegetable and Fruit Handling, Storage	—	20	25-30	••
Dairy Products	—	20	25-30	••
Natural Fiber Handling	—	20	25-30	
Tobacco Handling, Warehousing	—	20	25-30	
Mushroom Growing	—	10	15-20	

*Special contaminant control systems may be required

**Spaces maintained at low temperatures (-10 to 50 F) are not covered by these requirements unless the occupancy is continuous. Ventilation from adjoining infiltration will normally exceed the ventilation requirement. (See Chapter 23, Refrigeration Load, ASHRAE Handbook of Fundamentals, 1972).

6.5. INSTITUTIONAL

Schools				
Classrooms	50	10	10-15	
Multiple Use Rooms	70	10	10-15	
Laboratories	30	10	10-15	•
Craft Shops, Vocational Training Shops	30	10	10-15	•
Music, Rehearsal Rooms	70	10	15-20	
Auditoriums	150	5	5-7½	
Gymnasiums	70	20	25-30	
Libraries	20	7	10-12	
Common Rooms, Jungles	70	10	10-15	
Offices	10	7	10-15	
Lavatories	100	15	20-25	
Locker Rooms	20	(30)	(40)-(50)	••
Lunchrooms, Dining Halls	100	10	15-20	
Corridors	50	15	20-25	
Utility Rooms	3	5	7-10	
Dormitory Bedrooms	20	7	10-15	
*Special contaminant control systems may be required				
**cfm/locker				
Hospitals, Nursing and Convalescent Homes				
Foyers	50	20	25-30	
Hallways	50	20	25-30	
Single, Dual Bedrooms	15	10	15-20	
Wards	20	10	15-20	
Food Service Centers	20	35	35	
Operating Rooms, Delivery Rooms	—	20	—	•
Ready Rooms, Recovery Rooms	—	15	—	•
Amphitheatres	100	10	15-20	
Physical Therapy Areas	20	15	20-25	
Autopsy Rooms	10	30	40-50	
Incinerator Service Areas	—	5	7-10	••

For Shops, Restaurants, Utility Rooms, Kitchens,
Bathrooms and other service items see Hotels.

*Special requirements or codes may determine requirements

**Special exhaust systems required

	Estimated persons/ 1000 sq ft floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Research Institutes				
Laboratories (Light-duty, nonchemical)	50	15	20-25	•
Laboratories (Chemical)	50	15	20-25	•
Laboratories (Heavy-duty)	50	15	20-25	•
Laboratories (Radioisotope, Chemically and Biologically Toxic)	50	15	20-25	•
Machine Shops	50	15	20-25	
Darkrooms, Spectroscopy Rooms	50	10	15-20	
Animal Rooms	20	40	45-50	••
*Special contaminant control systems may be required				
**Special requirements or codes may determine requirements				
Military and Naval Installations				
Barracks	20	7	10-15	
Toilets/Washrooms	100	15	20-25	
Shower Rooms	100	10	15-20	
Drill Halls	70	15	20-25	
Ready Rooms, MP Stations	40	7	10-15	
Indoor Target Ranges	70	20	25-30	•
*Floor area behind firing line only				
Museums				
Exhibit Halls	70	7	10-15	
Workrooms	10	10	15-20	
Warehouses	5	5	7-10	
Prisons (See also Gymnasiums, Libraries, Applicable Industrial Areas)				
Cell Blocks	20	7	10-15	
Eating Halls	70	15	20-25	
Guard Stations	40	7	10-15	
Veterinary Hospitals				
Kennels, Stalls	20	25	30-35	•
Operating Rooms	20	25	30-35	•
Reception Rooms	30	10	15-20	
*Special requirements or codes may determine requirements				

6.6. ORGANIZATIONAL

Churches, Temples (See theaters, schools and offices)	-	-	-	
Legislative Halls				
Legislative Chambers	70	20	25-30	
Committee Rooms and Conference Rooms	70	20	25-30	

	Estimated persons/ 1000 sq ft floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
		Minimum	Recommended	
Foyers, Corridors	50	20	25-30	
Offices	10	10	15-20	
Press Lounges	20	20	25-30	
Press/Radio/TV Booths	20	20	25-30	
Public Rest Rooms	20	15	20-25	
Private Rest Rooms (For Food Service, Utilities, etc. see Hotels)	-	20	30-50	
Police and Fire Stations (See Prisons and Military Installations)	-	-	-	
Survival Shelters	-	5	-	

*Special requirements or codes may determine requirements

BIBLIOGRAPHY

1. Air Quality Criteria for Particulate Matter, National Air Pollution Control Administration, (NAPCA) Pub AP-49, 1969; Environmental Protection Agency.
2. Air Quality Criteria for Sulfur Oxides, (NAPCA, Pub AP-50, 1969)
3. Field Study of Air Quality in Air-Conditioned Spaces, J.R. Swanton, Jr. et al (Final Report, ASHRAE Study RP-86; Arthur D. Little, Inc. 1971)
4. Contributions to the London Conference on Museum Climatology, The International Institute for Conservation of Historic and Artistic Works, London, 1968
5. Performance and Application of Electric Air Cleaners in Occupied Spaces, D.J. Sutton et al, ASHRAE JOURNAL, June 1964, p. 55
6. Air Quality Criteria for Carbon Monoxide, NAPCA, Pub AP-62, 1969
7. Air Quality Criteria for Photochemical Oxidants, NAPCA, Pub AP-63, 1969
8. Air Quality Criteria for Hydrocarbons, NAPCA, Pub AP-64, 1969
9. Effects of Air Pollution on Electrical Contact Materials: A Field Study, V.R. Chiarenzelli and E.L. Joba, Journal Air Pollution Control Association, (JAPCA) 16 (3) 123-127, 1967
10. Effects of Air Pollution on Exposed Cotton Fabrics, R.J. Bryson et al, JAPCA, 17 (5) 294-299
11. Effects of Photochemical Oxidants on Materials, L.S. Jaffe, JAPCA 17 (6) p. 375, 1967
12. Effects of Photochemical Air Pollution on Vegetation with Relation to Air Quality Requirements, L.S. Jaffe, JAPCA 17 (1), p. 38, 1967
13. Threshold Limit Values of Airborne Contaminants Adopted by ACGIH: American Conference of Governmental Industrial Hygienists, Cincinnati OH
14. Air Quality Criteria for Nitrogen Oxides, NAPCA, Pub. 1971

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*28 Construction Drawings for ASHRAE STANDARD 52-78 describe how to apply the methods outlined in the Standard in the building of apparatus for testing air cleaning devices. The set \$25.00. Postage: add \$1.00 for U.S. and \$2.00 for foreign.

Chapter 55. SMOKING IN
PUBLIC PLACES

Section

- 10. Exemptions
- 20. Smoking Areas
- 30. Signs
- 40. Penalties
- 50. Complaint Procedure
- 60. Waiver of Provisions
- 900. Definitions

18 AAC 55.010. EXEMPTIONS FROM SMOKING PROHIBITION (a) An area may be designated as a smoking area under AS 18.35.310(1) only by the owner, manager, proprietor or other person who has control over the premises.

(b) An exemption under AS 18.35.310(4) must be in writing, contain a description of the exempted area and its location and be based upon documentation by a mechanical engineer registered in the state that

(1) the building or room has total air circulation which meets the minimum standards established by ASHRAE Standard 62-73 (1973); or

(2) an electrostatic precipitator, a high efficiency filter, or other device yields air quality in the building or room which meets the minimum standards established by ASHRAE Standard 62-73 (1973).

(c) A copy of an exemption and appropriate documentation under (b) of this section must be filed with the department before the exemption becomes effective.

(d) The department will, in its discretion, revoke an exemption described in (b) of this section if the ventilating equipment or other device upon which the exemption is based is not properly maintained or is not used while the room or building is occupied.

(e) A state agency or department which exempts a room or building under AS 18.35.310(4) must provide for and designate a clearly separate no-smoking area in the room or building to which the exemption applies.

Editor's Note. Copies of ASHRAE Standard 62-73(1973) are available from ASHRAE, 345 East 47th Street, New York, NY 10017. (Eff. 8/28/81 Reg. 79)

AUTHORITY: AS 18.35.310
AS 18.35.360
AS 46.03.020
AS 46.03.140

18 AAC 55.020. SMOKING AREAS. (a) Subject to (d) and (e) of this section and where smoking is not otherwise prohibited by law, the owner, manager, proprietor, or other person who has control of a vehicle or place described in AS 18.35.300 (1), (4) or (6) may designate a smoking area in the vehicle or place.

(b) Subject to (d) and (e) of this section and where smoking is not otherwise prohibited by law, the owner, manager, proprietor or person who has control of a building described in AS 18.35.300 (2), (3), or (5), or which contains a room described AS 18.35.300 (2), (3), or (5) must designate at least one smoking area in the building.

(c) A smoking area designated under this section must be a separate room, hallway or entrance area. However, in a building described in AS 18.35.300 (5), or which contains a room described in AS 18.35.300(5), the designated smoking area may not be a lobby or hallway.

(d) If a smoking area designated is in a bus, it must be clearly separated from the part of the bus in which smoking is prohibited, and it may not occupy more than one-half of the total passenger area of the bus. A smoking area may not be designated in a limousine for hire or in an elevator.

(e) A smoking area may not be designated in a building, vehicle, or other place if the department determines in writing that prohibiting the designation is necessary to protect the public safety or to protect and preserve the building, vehicle, or place and its contents. The department will deliver a written determination under this subsection to the owner, manager, proprietor, or person who has control of the building, vehicle, or place. (Eff. 8/28/81 Reg. 79)

AUTHORITY: AS 18.35.310
AS 18.35.320
AS 18.35.360
AS 46.03.020
AS 46.03.140

18 AAC 55.030. SIGNS. (a) An owner, manager, proprietor or other person who has control of a vehicle or place described in AS 18.35.300 (1)-(5) shall conspicuously display in the vehicle or place signs reading "Smoking Prohibited by Law", unless smoking is permitted in the vehicle or place under AS 18.35.310. The person shall display the signs so that at least one sign is legible from any part of the vehicle or place in which smoking is prohibited. A sign required by this subsection must include the international smoking prohibited symbol.

(b) An owner, manager, proprietor, or other person who has control of a vehicle or place in which a smoking area has been designated under 18 AAC 55.020 shall conspicuously display in the smoking area signs designating the area as one in which smoking is permitted. These signs may not be larger than the "Smoking Prohibited by Law" signs in the same vehicle or place. Signs required by this subsection must include the international smoking permitted symbol.

(c) "Smoking Prohibited by Law" signs in elevators must be permanently and conspicuously mounted under glass or other clear, durable and protective material.

(d) Additional signs of the appropriate type may be posted at entrances to vehicles, places, and areas of vehicles and places. (Eff. 8/28/81 Reg. 79)

AUTHORITY: AS 18.35.330
AS 18.35.360
AS 46.03.020
AS 46.03.140

18 AAC 55.040 PENALTIES (a) A person who willfully violates AS 18.35.300 by smoking where smoking is prohibited is punishable by a civil fine of \$15 for the first offense and by a civil fine of \$25 for each subsequent offense.

(b) A person who willfully violates AS 18.35.330 or 18 AAC 55.030 by not displaying the required sign is punishable by a civil fine of \$50 for the first offense and by a civil fine of \$100 for each subsequent offense. However, the department may dismiss a first offense complaint without payment of a fine if the defendant demonstrates that the required sign has been posted. (Eff. 8/28/81 Reg. 79)

AUTHORITY: AS 18.35.340
AS 18.35.360
AS 46.03.020
AS 46.03.140

18 AAC 55.050. COMPLAINT PROCEDURE. (a) A person who observes a violation of this chapter or of AS 18.35.300 - 18.35.360 may notify an office of the department.

(b) The department will provide an affidavit in which the complainant may describe the observed violation and a form agreement in which the complainant may promise to testify in court under subpoena concerning the observed violation if testimony becomes necessary.

(c) If the complainant executes both documents the department, with the assistance of the attorney general's office, will, in its discretion, file a complaint in small claims court for a civil fine, court costs and attorney's fees against the person who was observed violating this chapter or AS 18.35.300 - 18.35.360. (Eff. 8/28/81 Reg. 79)

AUTHORITY: AS 18.35.340
AS 18.35.350
AS 18.35.360
AS 46.03.020
AS 46.03.140

18 AAC 55.060. WAIVER OF PROVISIONS. (a) The department will, in its discretion, waive a provision of 18 AAC 55.010 - 18 AAC 55.900 if it determines that the public health and the satisfaction of the purpose of the provision are reasonably assured and that the requirements of AS 18.35.300 - 18.35.360 are satisfied.

(b) Application for a waiver must be made in writing and must include

- (1) identification of the provision for which the waiver is requested;
- (2) reasons why the provision cannot be satisfied; and
- (3) a description of an alternative method, if any, proposed for meeting the purpose of the provision to be waived.

(c) The department will answer a request for a waiver in writing within 30 days after receipt of the request. (Eff. 8/28/81 Reg. 79)

AUTHORITY: AS 18.35.350
AS 18.35.360
AS 46.03.020
AS 46.03.140

18 AAC 55.900. DEFINITIONS. (a) In this chapter

(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 6 to 10 passengers which is used on public highways to transport passengers for compensation between a transportation terminal and other designated points;

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ARTICLE 4. HEALTH NUISANCES

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(3) "other person who has control" means the agent of the owner, manager, or proprietor authorized to give administrative direction to and exercise general supervision of the activities in a vehicle or place; in a state office building, "other person who has control" means a division director who has authority over the office or his designee;

(4) "room" means an indoor area which is bordered on all sides by walls or partitions which are continuous and solid except for door portals for entry and exit and except for windows and vents;

(5) "smoking" means holding or carrying a lighted cigar, cigarette, pipe or other lighted smoking equipment or material. (Eff. 8/28/81 Reg. 79)

AUTHORITY: AS 18.35.360
AS 46.03.020
AS 46.03.140

Section	Section
300. Smoking in public places, vehicles prohibited	320. Smoking areas provided
310. Exemptions	330. Display of smoking prohibited signs
	340. Penalties

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 exempted by this chapter:

(1) a train, limousine for hire, bus, state-operated ferry vessel, or elevator;

(2) a 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 public school; or in a room, chamber, place of meeting or public assembly under auspices 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, or 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 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 a part of a theatrical production; or

(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 § 300(2), (3), (5) of this chapter, 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 § 300(1) - (5) of this chapter 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 § 300 of this chapter is punishable by civil fine of not less than \$5 or more than \$25 for each offense.

(b) A person who wilfully violates § 330 of this chapter is punishable by a 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)



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House of Representatives

WHITE-FROEB STUDY DISCREDITED BY SCIENTISTS

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1982

Mr. FOUNTAIN. Mr. Speaker, after 30 years of service to the people of the Second District of North Carolina, I am about to retire from the U.S. House of Representatives. Before leaving I would like to submit, for the RECORD, an item dealing with an issue with which I and many others have long been interested; namely, the alleged effect of smoking on the health of the nonsmoker.

Mr. Speaker, let me briefly place the issue into its proper context. In 1978, the Subcommittee on Tobacco of the House Committee on Agriculture heard testimony from a vast array of eminent scientists and physicians on the issue of the effect of tobacco smoke on nonsmokers. Those individuals who testified generally agreed that no conclusive scientific evidence exists to support the claim that smoking affects the health of nonsmokers. In 1980, however, an article appeared in the *New England Journal of Medicine* by Drs. White and Froeb entitled "Small Airways Dysfunction in Nonsmokers Chronically Exposed to Tobacco Smoke," in which the authors concluded that smoking in the workplace adversely affects the lung function of nonsmokers. This conclusion appeared to conflict with the testimony presented to the Subcommittee on Tobacco.

Since its publication, the White-Froeb study has been used to support both regulatory and legislative activities in the United States. For example, the study was referred to in testimony before the Civil Aeronautics Board during its recent consideration of rules regarding smoking aboard commercial aircraft. The National Research Council report entitled "Indoor Pollutants" which was issued in 1981 under an EPA contract also relies on the study. Finally, the White-Froeb study has received widespread attention in both State and local legislative and policymaking bodies.

The White-Froeb study continues to play an important role in legislative

considerations, despite the fact that the study itself has been heavily criticized by scientists and health practitioners. Most recently, at the 1982 joint meeting of the American Lung Association-American Thoracic Society, Dr. Michael D. Lebowitz, professor of internal medicine, college of medicine, University of Arizona and special consultant to the Subcommittee on Tobacco, presented reasons why, in his own words, "the results of this study cannot be used to demonstrate an effect of passive smoking on forced expiratory flows in adults exposed in the workplace." Dr. Lebowitz, a noted specialist in epidemiology and respiratory diseases, said that the basic problem with the White-Froeb study is that it is "improperly designed" and that "there are problems with the whole data set and with the conclusion." Dr. Lebowitz also expressed concern that the significance of the White-Froeb data appeared to depend upon their unexplained omission of data from 3,000 subjects originally included in the study.

Mr. Speaker, Dr. Lebowitz wrote a letter, dated July 10, 1981, to our colleague, Congressman CHARLES ROSE, Chairman of the Tobacco and Peanuts Subcommittee of the House Agriculture Committee, as a result of a personal interview which Chairman Rose and Dr. Lebowitz had with Dr. White. With the personal consent of Chairman Rose, I am inserting herewith Dr. Lebowitz's letter. It more fully explains the author's views regarding the White-Froeb study.

I also want to mention another evaluation of the White-Froeb study, one which was made by Dr. J. G. Gostomzyk, director of the department of health of the city of Augsburg, West Germany. After an extensive, detailed review of the White-Froeb study, Dr. Gostomzyk has concluded that the White-Froeb data were incompletely presented and did not satisfy the prerequisites for scientific credibility. In addition, Dr. Gostomzyk remarked that "Dr. White's methodology is not scientific but that of a lay person with convictions," and concluded that "we assume that Dr. White's study is an attempt at scientific validation of his credo and that he possibly is unaware of the inadequacy of this methodolo-

gy." It is obvious that Dr. Gostomzyk is referring to Dr. White's outspoken antimoking activities in California, including Dr. White's endorsement of public smoking referendums which were, incidentally, twice rejected by the California voters.

Given these and other criticisms of the White-Froeb study, it would appear that the *New England Journal of Medicine* has, perhaps unwittingly, performed a disservice to its readership. It is extremely unfortunate that a study so fraught with methodological problems, as indicated through numerous criticisms by scientists in the United States and elsewhere, should have been published in such a reputable journal of medicine. The White-Froeb study should, therefore, not be relied upon by the Congress, Federal agencies, or other legislative or policymaking bodies when considering restrictions on smoking in public places.

THE UNIVERSITY OF ARIZONA,
COLLEGE OF MEDICINE,
Tucson, Ariz., July 10, 1981

Congressman CHARLES ROSE,
Chairman, Subcommittee on Tobacco and
Peanuts, House of Representatives, Ray-
burn Building, Washington, D.C.

DEAR CONGRESSMAN ROSE: The following is a summary of my notes on our visit to Dr. James White at UC San Diego, as per our discussion. Unfortunately, despite the statement in the editorial of the *New England Journal of Medicine* (27 March 1980), Dr. White and his co-author did not "faultlessly demonstrate a reduction in measures of small airways of healthy non-smokers exposed to cigarette smoke in the work place". It is apparent from our visit and the article that there were various faults in the present study, which shall be discussed.

The problems with the research design are as follows:

The participants were not only volunteers, but generally had to pay for the physical fitness course; this is the reason most were white-collar. Employees in specific factories invited White to run the physical fitness course in their factories as well, which would also bias the population sample. Blue-collar workers were not distributed randomly. It has to be assumed that volunteers in the physical fitness courses fall into unrepresentative categories: the highly motivated, with an interest in health and usually healthier, those who are worried about health and generally less healthy; the first group would include fewer smokers and the second group would include more smokers.)

The questionnaire utilized was not a val-

dated one per se; test-retest comparisons were made only on the smoking questions and very small groups of subjects. The smoking information was not validated. There were no test-retest or validations on symptoms asked in the questionnaire. The questionnaire itself was derived by the investigator, and included some questions from standard questionnaires; this did not appear to include standard respiratory questions, and in fact various typical respiratory questions (such as phlegm) were not asked. The questionnaire did not include questions on attitude, but did include questions on activity levels and jobs (duration, type). The questionnaire did ask how many smokers were in their work area, room size, and nature of the air conditioning. It also included questions about residences in the last 20 years (zip codes), so that exposures away from work were assessed by residential location. A question was asked about smokers in the home. (Thus, the smoking information is not validated, but is probably relatively accurate. The information about exposure to passive smoking is only approximate, as is the information on other occupational exposures. Exposures to air pollutants or to unknown toxic gases in the working place is only approximate, and their effects underestimated.)

Dr. White presented a paper to the American College of Sports Medicine, the abstract for which in 1977 indicated there were 7,122 subjects enrolled between 1969 and 1977. However, in the *New England Journal of Medicine* article, he states that the base population analyzed is only 5,210 smokers and non-smokers enrolled between 1969 and 1979. Although he excluded all the ex-smokers, some whose zip codes were missing, his answers as to why the rest of the subjects were excluded were entirely unclear and tend to indicate potential bias in selection of subjects for consideration for analyses. It might be added that the 2,100 subjects analyzed in the *NEJM* article and those analyzed and presented in the *Sports Medicine* abstract appear to be the same as they yield exactly the same table of results (as determined from comparison of the table in the *Sports Medicine* manuscript and the *NEJM* table).

In addition to the sources of bias mentioned above, it is apparent that the non-smokers in clean work environments and those in smoking work environments have not only chosen not to smoke, but it is likely that those non-smokers working in smoking environments may be different for a variety of reasons from non-smokers working in clean environments. Furthermore, it is apparent that the non-smokers in non-smoking environments are quite different in that their lung function is "super normal" in comparison even with the Seventh Day Adventists (the source of the Morris prediction equation).

Dr. White did state that from the questionnaire and from the baseline tests that there were no significant differences in the three non-smoking/non-inhaling groups in terms of the amount of previous exercise or oxygen consumption, but he was unsure of the difference in percent of body fat. Smokers did have less body fat, were less in terms of having lower oxygen consumption, and had less activity. He says further that there were no differences between the groups in

terms of childhood respiratory history (lower respiratory tract illnesses) from his submitted questionnaire information, but he did not ask about family history. He did not ask sufficiently about respiratory questionnaires to appropriately exclude groups on the bases of productive cough ("cough bronchitis"). He states that there were no differences in prevalence rates of questionnaire responses by zip codes; if so, this contradicts other evidence vis-a-vis the effects of air pollution in these areas. He was not able to assess other exposures such as those from hobbies, exposures to gas stoves, or transportation. In terms of passive smoking in the home, he excluded such passive smokers from the non-smoking and passive smoking groups, but not from any smoking groups. He was not able to provide any information about the distribution of characteristics in those eliminated from the original 7,000 or the 2,208 that qualified because of other questionnaire results.

With regards to the pulmonary function testing done by Dr. White, it must be first noted that the instrument used is not considered a satisfactory instrument in that it is non-linear (highly biased) at both high volumes and low volumes. (This has the effect of maximizing differences in that anyone with minor aberrations of total vital capacity or of flows at the end of the flow volume curve would have very different, that is, low, flows.) The comparisons that Dr. White did and reported on in his response letter in the *NEJM* (14 August 1980) would not in any way modify this opinion. Furthermore, Dr. White has the only pulmonary function technician and reader. Even though he was trained at the VA hospital and his techniques were evaluated by test-retest and by comparison to other readers, any biases inherent in Dr. White's thinking (see below) would affect the way he read the tests. Furthermore, he took the FEV₁ and flows off the same spirogram using an approximation technique published by Morris, et al., which is not an adequate or accurate representation of those measures. All of his tests were baseline tests done after two and a half hours in the classroom in the evening on those without acute respiratory illnesses (usually on a Monday or Tuesday evening); thus, there is probably little diurnal variation or pretest biases other than those experienced by the workers during their work day and in their activities prior to the classroom. Although it is difficult to judge the effects of these factors, they may have influenced the test results, especially in those with any significant exposures during the day.

The major problem with the pulmonary function test results as reported is that they are not age- and height-adjusted, since lung volumes and flow rates are associated with both of these factors. In other words, Dr. White used raw values of flows and volumes to do comparisons. He did this on the assumption that the mean age and height were similar for the different groups. This is a mistake, since the distributions for these ages and heights could have differed. Furthermore, his quoted figures for percent predicted are strictly for the average person, age 40, with an average height, and does not represent the group for which they are provided. In terms of these statistical analyses, he just chose the SNK package

among many. There is no correlation coefficient per se. "Normality" was not an objective of this study, so he cannot state anything about the normality of the subjects studied, including those he considered to have significantly different results from the non-exposed non-smokers. He does not understand the difference between clinical meaningfulness and statistical significance. It is quite obvious that the majority of those in the passive smoking and in the non-inhaling group are quite normal and that very few would be considered abnormal by any criteria.

In his reported results, he quotes as incorrect significance level of $p < .005$, whereas the level provided by the technique is $p < .05$. This is very different, given the number of comparisons made, and indicates that some of the results would not be significant if corrections were made for the number of comparisons. Furthermore, the data presented in Table 1 was used to recompute the SNK analysis by Mary C. Townsend, MPH (Department of Epidemiology, University of Pittsburgh). Those results differ from those published by Dr. White and are provided in the attachment. The most important of the differences is the finding that the passive smokers and light smokers differ for the male FEV₁ 75-85 percent. Thus, the effect of passive smoking on non-smokers is still unconfirmed, despite Dr. White's unflinching conviction that it is confirmed.

Other minor points: In terms of the carbon monoxide sampling, although it is stated that it was randomized, it was really on only 40 smoking and 40 non-smoking situations chosen by chance but not by random selection. Dr. Froeb, the co-author with Dr. White, is a private practitioner in La Jolla and helped Dr. White in drafting the *NEJM* manuscript from the manuscript presented at the American College of Sport Medicine. It might be pointed out that San Diego is not strictly low in air pollution concentrations, nor uniform throughout the area; this may bias some results. Dr. White performed the pulmonary function tests until "reproducible curves were obtained", but they do not necessarily follow the Intermountain, Snowbird, or ATS recommendations.

In reviewing Dr. White's response to the letter to the Editor in the *NEJM* (14 August 1980), it is quite clear that Dr. White did not satisfactorily answer all the questions raised, many of which are similar to those raised in this letter. It is questionable, from the discussion, whether Dr. White would pursue any further re-analysis of the data, nor necessarily could it be pursued. It is questionable, given the basic underlying problems in the research design, that re-analysis of the data would be worthwhile. On the other hand, given other results that contradict Dr. White's, including those now in press (such as Comstock et al., Johns Hopkins, presented at the Society for Epidemiological Research in June of 1981), it would be likely that a panel discussion of passive smoking might be valuable. I will be glad to furnish further discussion or help in that matter.

Sincerely,

MICHAEL D. LEDOWITZ, Ph. D.,
F.C.C.P.,

Professor of Internal Medicine.



Summary

Group Against Smoker's Pollution

Fairbanks February 1983



DOES SMOKE ANNOY YOU? YOU'RE NOT ALONE

516 people responded to the G.A.S.P. survey conducted at the 1982 Alaska State Fair in Fairbanks. Majority of respondents were in the 25-45 year old age group, and 93% were not presently smokers.

Here are some of the abbreviated results:

<u>Question Topic</u>	<u>Yes</u>	<u>No</u>
Smoking is harmful to smoker	514	2
Other's smoke is harmful to non-smokers	509	5
Smoke of others is annoying, causes discomfort, poor health	478	30
Non-smokers rights are ignored in public	454	49
Do you complain?	397	106
Do you allow smoking in your home?	268	233
Support smoking ban in borough assembly chambers	445	38
Support smoking ban at city council public meetings	468	22
Support legislation for no smoking sections in public restaurants	470	40
Support banning smoking at all in restaurants	263	243
Preference to do business where smoking is banned	368	132
Prohibit smoking in grocery stores	426	74
Prohibit smoking in department stores	422	78
Others' smoke at work is a problem	396	72
Prohibit smoke in doctors' and dentists' offices	423	42
Prohibit smoking in clinics	464	41
Prohibit smoking in jury deliberation rooms	419	75
Separate no smoking areas at airport ticket and gate areas	420	84
Ban smoking in university classrooms, lecture halls, and hallways	436	67
No smoking lobbies in local theatre halls	475	33
Should federal government subsidize tobacco industry	43	457

The complete text of all the questions, and the full tally of all responses, and a list of all the written responses and comments are available. Call Terri Morrison 456-7431.

HOUSE BILL 84 NEEDS URGENT HELP FROM NON-SMOKERS

An Urgent Message from Fairbanks G.A.S.P. President Grant Carlin

Would you like to see: (a) every restaurant establish a non-smoking section? (b) smoking banned in supermarkets and other retail stores, as well as banks and taxicabs? (c) smoking restricted in your place of employment to a segregated smoking room so that you no longer are bothered by drifting smoke?

If so, you can't sit back and wish it were so. Now is your chance, and you must give your help.

House Bill 84 has been introduced by 14 representatives, including Niilo Koponen from Fairbanks. It will accomplish all of these goals and more.

There is an excellent chance that it can pass the House *if it gets to the floor*. But it has to go through three committees first, where it can be killed or altered. *For it to pass, you have to let your feelings be known*, and we at G.A.S.P. have tried to make it as simple as possible for you.

Use the enclosed cards to send your comments to the three House committees. Check off the appropriate boxes that describe your opinion, sign your name and address, fold, stamp, and mail. Any comments you add will certainly help.

A lot of people have worked hard to get this legislation introduced. Now it's up to you to take a few minutes right now to show that you care, and that you support and appreciate the work that has gone into this. Please.

DO YOUR PART NOW !!!

MARCH 1 -- BE THERE

Elections for officers will be held at the next monthly meeting of Fairbanks G.A.S.P. and project committees for 1983 will be assigned.

All meetings are held in the Chandler room at the Hospital at 7:00 p.m. the first Tuesday of every month.

NON-SMOKERS RIGHTS IN-FLIGHT

A federal appeals court recently restored protection to non-smoking airline passengers. In a lawsuit, ASH objected to action taken 16 months ago by President Reagan's then newly appointed Civil Aeronautics Board, which had allowed cigar and pipe smoking at the airline's discretion, permitted smoking to continue when ventilation systems were not working, allowed non-smokers to be seated where smoke would drift from smoking areas, and denied guaranteed seats in non-smoking sections to passengers who arrived late at the gate. The court did not uphold the CAB action, and non-smoking passengers will once again enjoy a few more rights in the skies.

ANNUAL DUES

Notices to pay current dues will be sent to all members next month who signed up before July 1982. Beginning in 1983, annual dues are payable the first of July and will apply to membership through June of the following year.

Dues and donations can be paid at the monthly meeting, or mail them to the treasurer at P.O. Box 81307, Fairbanks, AK 99708.

All donations to Fairbanks G.A.S.P. are tax-deductible.

?WHAT IS THE FUTURE OF G.A.S.P.?

There isn't going to be a future without more membership participation.

Our organization is based on the belief that non-smokers are in the majority. Smokers, businesses, and government are not going to listen to just a handful of people.

What can you do?

1. Write letters. G.A.S.P. has tried to organize letter campaigns to the airlines, and legislators. Two or three letters were not enough. Help now with the campaign supporting HB84.
2. Volunteer for public speaking. The local media have been cooperative about including our views in radio talk shows and in newspaper articles. But we need more than one spokesperson to avoid the label "crackpot". *Do you want non-smokers rights to be taken seriously?*
3. Attend meetings. They are not long, and only occur once a month. Share your ideas, give your support, offer your time for short term projects.

COMING UP

- * A brochure will be printed that lists restaurants and other businesses with smoking prohibitions or separate sections for non-smokers.
- * Look for upcoming ads in the Weekender section of the Daily News Miner about the effects of smoking on non-smokers.
- * G.A.S.P. plans to return to the Tanana Valley Fair in August. We need people to plan the booth display, and to schedule members for shifts manning the booth.

SPEAK OUT FOR YOURSELF

What would you do in the following situations?

**You are in line at the downtown post office, and someone else in line is smoking. There is one small "No Smoking" sign posted behind the clerk.*

**You take your family to eat out at a restaurant that features a "no smoking" section, but the hostess tells you the section is full.*

Remember that you are your best advocate.

Politely ask the offending smoker in the first situation to put out his cigarette, and point out the "No Smoking" sign. Yes, it is hard to confront smokers. No one likes to be criticized, but then you don't like others's smoke either. Determination, tact, and courtesy are your best allies.

In both cases, it is also important to exercise your influence as a customer by speaking out, to the manager if necessary. Ask why more signs aren't posted, and who is enforcing the policy? Tell the hostess you patronize the restaurant because of its section, and ask her to extend the section into another area. Follow up by writing comments on the back of your ticket, or use customer complaint forms provided in all post offices.

Send us a note, or come to the next meeting to report the results of your experience. If you wish further action, bring your suggestions for dealing with the problem.



Fairbanks Group Against Smokers' Pollution

Information and Opinion Survey

Introduction: This survey was conducted from the G.A.S.P. booth in the Sunlight Satellite exhibit hall during the 1982 Alaska State Fair at the Tanana Valley Fairgrounds, August 10 - 15.

A total of 516 surveys were tallied.

More information about Fairbanks G.A.S.P. is available by writing S.R. Box 20784, or by calling Grant Carlin at 479-6425.

<u>Questions:</u>	<u>Yes</u>	<u>%</u>	<u>No</u>	<u>%</u>	<u>No Answer</u>	<u>%</u>
1. Did you know that smoking is harmful to smokers?	514	99.6	2	.4	0	
2. Did you know that breathing someone else's tobacco smoke is harmful to a non-smoker?	509	98.6	5	1.0	2	.4
3. Does the smoke of others in public places cause you annoyance, discomfort, or health problems?	478	92.6	30	5.8	8	1.6
4. Do you believe that non-smokers' rights are usually ignored in public places?	454	88.0	49	9.5	13	2.5
5. Have you ever complained about smoking that annoyed you?	397	77.0	106	20.5	13	2.5
6. Do you enforce a <u>no smoking</u> rule in your home?	268	52.0	233	45.1	15	2.9
7. Do you support the ordinance (which was initiated by G.A.S.P.) that bans smoking the borough assembly chambers during public meetings?	445	86.4	38	7.4	32	6.2
8. Would you like to see a similar ban at public meetings before the city council?	468	90.7	22	4.3	26	5.0
9. Do you favor legislation that would require all restaurants to have designated separate non-smoking sections?	470	91.9	40	7.8	6	1.1
10. Do you favor banning smoking altogether in restaurants?	263	51.0	243	47.1	10	1.9
11. Would you be inclined to patronize one business that doesn't allow smoking on its premises more than you would one that does allow it?	368	71.3	132	25.6	16	3.1
12. Do you think smoking should be prohibited in grocery stores?	426	82.6	74	14.3	16	3.1
13. Do you think smoking should be prohibited in department stores?	422	81.8	78	15.1	16	3.1

Questions:	Yes	%	No	%	No Answer	%
14. Does someone else's smoking in your place of employment annoy you?	396	76.7	72	14.0	48	9.3
15. Do you think smoking should be prohibited in all doctors' and dentists' offices?	423	82.0	42	8.1	51	9.9
16. Do you think smoking should be prohibited in all clinics and other health care facilities?	464	89.9	41	8.0	11	2.1
17. Do you think smoking should be banned in jury deliberation rooms?	419	81.2	75	14.5	22	4.3
18. Do you think smoking should be banned in the Fairbanks International Airport in the ticket and gate areas, with smoking limited to designated areas that non-smokers would not need to visit?	420	81.4	84	16.3	12	2.3
19. Do you think smoking should be banned in all university classrooms, lecture halls, and hallways?	436	84.5	67	13.0	13	2.5
20. Would you like to see local theatrical groups limit smoking to only one of the lobbies outside the theatre hall?	475	92.0	33	6.4	8	1.6
21. Do you think the federal government should continue subsidizing the tobacco industry?	43	8.3	457	88.6	16	3.1
22. Have you heard of G.A.S.P. before now?	276	53.5	227	44.0	13	2.5
23. Have you found the G.A.S.P. Weekender ads informative?	200	39.0	90	17.3	226	43.7
24. What questions do you have about non-smokers rights and/or the effects of smoking on non-smokers?	(See attached for questions and comments)					
25. Are you presently a smoker?	27	5.2	481	93.2	8	1.6
26. Have you ever smoked on a regular basis?	137	26.6	363	70.3	16	3.1
27. How old are you?	Under 12	4	.8%			
	12 - 18	58	11.2%			
	19 - 25	64	12.4%			
	25 - 45	308	59.7%			
	46 - 60	56	10.9%			
	Over 60	15	2.9%			
	No Answer	11	2.1%			
28. Are you now a member of Fairbanks G.A.S.P.?	16	3.1	484	93.8	16	3.1
29. Would you like to join G.A.S.P.?	85	16.5	260	50.4	171	33.1

Questions and Comments

It stinks.

People who persist in smoking should do so away from others. Many are highly sensitive to smoke. Insegregated areas.

This is a good cause.

Why should we have to smell other people's problems. My eyes water.

You are doing great, after all, it's our air too.

What can I do if I ask a smoker to stop and he does not do it and is rude and abusive?

I have a right to breathe clean air - my breathing does not infringe on any of the smokers' rights - but their smoking infringes on my right to breathe clean air!!

Keep up the work!

I support you.

Smokers should have no rights in relation to others.

My grandmother died not long ago because she smoked and while she lived she suffered greatly.

This is a good booth.

I would join but I'm moving to the lower 48.

What is the state law about smoking in state buildings?

I think this group is great.

Can we insist on No Smoking in work areas?

All smokers should have the right to smoke anywhere as long as they don't exhale.

Yuck - when I hire people their smoking negatively affects their chances.

Thanks.

I think cigarettes should be more highly taxed - perhaps money put into a fund to provide medical care for indigent folks who get cancer, instead of my tax money on groceries or property or gas spent in treating these people.

Planes should have a better system of controlling the air inside the cabin, or smoking should be prohibited altogether.

Why are cigarette companies immune from laws requiring them to list their ingredients?

Questionnaire is way too long.

Do the children of smokers have any rights to clean air in the home?

I'm a cardiac nurse!

I support your work. I don't have any more time to volunteer.

Smoking causes bad odors to remain. I hate dry cleaning because of stinky smoke.

What rights do smokers have over the rights of smokers in public areas and restaurants?

Although I am a non-smoker and would like to see smoking stopped in my presence, smokers have rights also - if they can smoke somewhere that will not offend non-smokers they have that right.

Keep a balance - smokers have a right to poison themselves (but not me!)

Why are there special non-smoking areas; areas should be designated for smoking.

Want more information on legal rights on banning smoking in state offices.

In a public elevator can you ask someone to stop smoking?

How can individuals change the rules on smoking in public areas?

I've never seen your article in the Weekender, but it would be great if you could let us (the community) know all about what you are trying to and have already accomplished.

What about the juror who just has to have a smoke? They are in there for hours.

About government subsidizing the tobacco industry - don't support the bad habit. If someone wants it, let them pay the full price it costs the industry.

Thanks for being here.

Thanks for the signs.

I believe they are selfish to put their smoking on me.

How do we combat snide remarks when you ask someone to blow the smoke some other way?

Want to know about results on babies born to smokers and non-smokers.

Yay for the survey. I smoke in the privacy of my car and sometimes at home. However my kids are smarter than I, and really get on my case. I guess they care.

Good Luck.

I have lots of questions and wish you would publish more often. I cut out GASP Weekender ads and post them on work bulletin boards.

How can I make people not smoke in my place of employment?

Great booth/many good comments.

How do we get quick results?

Love this!

I think all smoking should be banned in all public places - all restaurants, airports, offices, train and bus stations etc. - not just non-smoking areas. No smoking at all.

I'm more concerned about limiting smoking in medical areas and food dispensing establishments than anyplace else.

What can you do if you ask a person who's smoking in a non-smoking place to stop and you are ignored?

I think you are doing a great service.

Why is smoking allowed on planes?

I think smoking should be banned in most closed up places such as airplanes, and restaurants, but people should be able to smoke in opened areas where there is plenty of air circulation.

I think the worst place of annoyance is in the markets.

Keep up the good work of spreading the word. I'm glad I have so many friends who don't smoke.

How much damage is done by the smoke we non-smokers come in contact with?

How can we convince people we do have a right not to breathe polluted air?

How can I make in-laws understand they are a guest in my home and I feel they should not smoke when my husband feels it's rough on Dad and they won't come to visit. I'd rather have clean air and no visits myself, but then it's not my dad. Maybe I'd be the same with my dad since they live far away.

Would like to know about group and what you do besides put ads in papers. If you go political to fight for our rights, I am definitely interested.

What are the effects of smoking on young children (for parents who smoke).

Rather than a yes or no to smoking in restaurants, grocery stores, and department stores, a restriction on the size of a room may be more reasonable and widespread in public places, i.e. with low ceilings, special ventilation equipment, certain limits to room size.

Why do they smoke pot?

Why do they exhale?

I am pleased at the progress that has been made that American smokers are aware of non-smokers rights (not so in whole world!) I am sensitive as a former smoker of the NEED to smoke when you have the habit and thus do not like "bannin" which means the toilets become smoke rooms. At the same time, I am amazed when people can smoke with the information now known regarding health hazards but you can't legislate people to live healthy lives.

Why do non-smokers have to continually put up with someone else's stupid and unhealthy habits?

Smoking should be banned in all public places (specifically indoors).

Thank you for asking me to join your poll.

DC-10 aircraft have central vents - not individual. Therefore, it doesn't matter whether or not you sit in non-smoking. I think their planes should be remodeled or removed from the market. I plan my trips around not taking DC-10's.

I hate the smell of smoke - know it's dangerous. However I smoke occasionally and think it is a personal freedom.

I know that smoking can harm non-smokers and I think there should be smoking/non-smoking sections in public places, but I don't think it should be banned altogether because that would be unfair to smokers.

Smokers are one extreme. GASP is the other extreme. Rather than fight an endless battle, why don't you concentrate only on the middle - the compromises?

Smokers and non-smokers both have rights.

Pass a law prohibiting gum chewing anywhere.

Go too far.

I think non-smokers get carried away with their rights sometimes. However, in places where the availability of air to think clearly is of vital importance, smoking should be banned.

Your intentions are good, but GASP comes across too abrasively. As someone who wants to quit, your admirable aims are too simplistic (i.e. legislating against addictive behavior) - Do you collaborate with the American Cancer Society or Seventh Day Adventist?

I'd like to see smoking stopped, but prefer to not legislate it. If various businesses stop it, OK - but not by state regulation.

I'm afraid that while I do not smoke and could not live with a smoker, I don't feel laws are the answer. Public opinion has had a lot of effect already - several smokers I know have quit.

I am an anachronism. I smoked a pipe from age 17 to 56. One day I gave my tobacco to the Rescue Mission and cold "turkeyed" five months ago.

Smokers also have the right to smoke. Non-smokers have no more right to tell me where I can smoke.

No smoking should be in any airplanes or any public conveyances.

How harmful is cigar smoking? Does it cause cancer of the mouth, etc.?

GASP weekend ads are biased.

I would also like to see smoking completely banned on all areas of airplanes!

I think GASP is a very good cause.

Would an officer do anything about someone breaking the ban laws?

Smokers have rights also. You tax the hell out of us.

What kind of liberal scum would have the government (that already over-regulates us) set up even more stupid laws to protect those that don't need protection, and further burden all us "free" citizens.

Would like more information about current laws and court cases.

Very good questions. Thank you.

Smoking should be a personal, private choice. I shouldn't be "forced to smoke" by breathing the smoke polluted air of smokers.

I'm all for the group, but as reported can't get involved.

In gaining our rights, we should not infringe on the rights of others. Smokers need to be made aware of non-smokers rights and accept designated smoking areas.

Thank you for your time and efforts.

I don't believe the employment office should allow smoking in their offices.

I am in favor of non-smoking but am against legislation to ban smoking. I strongly oppose government subsidizing the tobacco and peanut industries.

Let's not be self righteous or oppressive.

Love what you've accomplished.

I hardly know a thinkg about GASP.

I don't necessarily think smoking should be banned everywhere. I believe there should be places provided for smokers so that non-smokers need not be bothered by others' smoke.

Everyone has a choice - mine is not to smoke - I would support any efforts that help me or other non-smokers not to be exposed to another's smoking habits.

This is a biased questionnaire.

What is the chemical in cigarettes that make them burn longer? It is actually the hot gas, not the tar or nicotine, that causes the problems. Is that right?

A lot of these questions could be answered with "better ventilation" instead of "yes" or "no". So it wouldn't create any angry separation.

Alaska has a law against smoking in public places. Why isn't it enforced?

How do we really enforce a law if it becomes real?

I hate smokers.

My husband smokes so I have little chance for change.

I would like to see smoking banned in all public places. It causes great discomfort to others and most non-smokers don't like smelling like an ashtray.

Smoking causes annoyance and discomfort when smokers in public places choose to blow their "ashtray breath" and smoke, in the faces of non-smokers.

Why does the Daily NewsMiner devote one whole page to a cigarette advertisement?

At work, do I have to be subject to others' cigarette smoke?

I do believe most public places could provide a smoking area (lounge, etc.)

I think smoking shouldn't be allowed in airplanes.

The best booth at the Fair! Keep it up.

• Workin's Comp. has paid claims to 2 persons
filing against smoking

1) Donis Robbins (emp. by Work. Comp.)

\$68.⁰⁰ (for dr.'s visit) TOTAL AMT. PD.

2) Melissa Patterson, (emp. by Unemployment Division)

{ \$1647.²⁵ (medical expenses, includes hospital stay)

{ + 18.⁵¹ (2 days time loss at work)

Environmental Protection Agency

- ✓ has checked air quality standards at

Dept. of Labor -- "air quality good"

(newsclipping attached re: work. comp. claims)

9/7/83

CESSIBILITY FOR INDUSTRIES SEEKING DEVELOPMENT PERMITS.

SHEFFIELD SAID THE EFFORT TO SPEED UP THE PERMITTING PROCESS DID NOT MEAN A RELAXATION OF ENVIRONMENTAL SAFEGUARDS. HE SAID INDUSTRY STILL WOULD NEED TO COMPLY WITH EXISTING REGULATIONS AND STANDARDS.

THE EXECUTIVE ACTION FOLLOWS LEGISLATIVE ATTEMPTS IN THE LAST SESSION TO "STREAMLINE" THE STATE'S PERMITTING PROCESS.

THE SENATE SENT TO THE HOUSE FOR CONSIDERATION IN 1984 A MEASURE THAT WOULD, AMONG OTHER THINGS, REQUIRE THE STATE TO APPROVE OR REJECT A CLASS 1 PERMIT, SUCH AS A RIGHT-OF-WAY FOR A MINE, WITHIN 30 DAYS OF APPLICATION. MORE COMPLEX PERMITS ALSO WOULD HAVE SPECIFIC DEADLINES FOR APPROVAL OR REJECTION.

--333333

BC-SMOKER CLAIMS, 210

JUNEAU (AP) - ALASKA HAS PAID A DEPARTMENT OF LABOR WORKER \$1,565 TO COVER MEDICAL COSTS AND ABSENCES FROM WORK THAT WERE CAUSED, THE WORKER CONTENDED, BY CIGARETTE SMOKE IN THE WORKPLACE.

ANOTHER DEPARTMENT EMPLOYEE HAS FILED A SIMILAR COMPLAINT BUT HER CASE IS STILL BEING CONSIDERED; JACKIE McCLINTOCK, DIRECTOR OF THE DEPARTMENT'S WORKER'S COMPENSATION DIVISION, SAID TUESDAY.

IN A FEB. 8 CLAIM, MELISSA A. PATTERSON, 31, A STATE UNEMPLOYMENT BENEFITS CLERK, SAID

THAT BECAUSE OF SMOKE AT HER WORKPLACE "MY ASTHMA HAS BEEN GETTING STEADILY HORSE. IT BECAME EXTREME...SO I LEFT TO SEE A DOCTOR AND WAS HOSPITALIZED. I FEEL THE SMOKING HERE SERIOUSLY AGGRAVATED MY ILLNESS."

SHE RECEIVED \$1,665 IN COMPENSATION; RECORDS SHOW.

IN AN AUG. 17 CLAIM, DORIS ROBBINS, 40, A DATA PROCESSING CLERK WITH THE COMPENSATION DIVISION, SAID THAT "CIGARETTE SMOKE HAS INCREASINGLY IRRITATED ME. I HAVE FINALLY REACHED A POINT THAT I DO NOT SEEM TO BE ABLE TO TOLERATE IT AT ALL...A SINUS PROBLEM HAS WORSENERED..." HER CLAIM IS STILL UNDER REVIEW.

MS. McCLINTOCK SAID THE CLAIMS "ARE NOT UNCOMMON" EITHER IN ALASKA OR ELSEWHERE.

STATE LAW DOES NOT PROHIBIT SMOKING IN OFFICES. A BILL PENDING IN THE ALASKA SENATE WOULD PROHIBIT SMOKING IN PUBLIC PLACES, INCLUDING OFFICES OPEN TO THE PUBLIC.

--333333

BC-FELIX APPT., 100

JUNEAU (AP) - MATT FELIX OF JUNEAU HAS BEEN APPOINTED COORDINATOR OF THE ALASKA OFFICE OF ALCOHOLISM AND DRUG ABUSE EFFECTIVE OCT. 17.

HEALTH AND SOCIAL SERVICES COMMISSIONER ROBERT SMITH SAID FELIX WILL OVERSEE FUNDING, STANDARDS AND TECHNICAL ASSISTANCE FOR ALCOHOL AND DRUG ABUSE PROGRAMS THROUGHOUT

for a Soviet admission of responsibility and a Soviet apology, with "appropriate punishment" for those responsible.

But the Soviets have already refused to respond to these demands and there is no way Reagan's demand can be enforced.

Reagan also demanded that the Soviets pay reparations. But a senior administration official acknowledged to reporters in a White House briefing shortly before the president's speech that the United States is "not particularly hopeful" that the Soviets

See Reagan, page A-10

zakov was quoted as saying by the ministry official, who declined to be identified. Abdurazakov met today in Tokyo with Minoru Tanba, director of the Japanese Foreign Ministry's Soviet division.

Also earlier today, the Kremlin struck back at Reagan for his Monday night address, accusing him of making an "aggressive, hateful speech" about the downing of a South Korean jetliner and implying he bears blame for the tragedy.

Radio Moscow's English-language
See Jet, page A-10

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Smokers blamed in workers' claims

by Andy Ryan
Times Juneau Bureau

Juneau — Two state Department of Labor employees have filed workers' compensation claims, charging that their offices are filled with noxious cigarette smoke that has injured their health.

In unrelated injury reports, the two women, workers in the department's workers' compensation and benefits divisions, said excessive office smoke had aggravated their chronic asthma and sinus conditions to the point where they could not work.

One woman, who no longer works for the department, said her asthma became so bad after working for a month in a smoke-filled office that she had to be hospitalized. She was eventually paid \$1,665 for medical costs and missed work.

State law does not prohibit smoking in offices. A bill pending in the state Senate, however, would prohibit smoking in public places, including offices open to the public. The measure, which would virtually prohibit smoking in all public places, would be among the toughest anti-smoking laws in the United States.

In an Aug. 17 claim, Doris Robbins, 40, a data processing clerk with the workers' compensation division, said that on several occasions office smoke caused her lungs to become congested and her sinuses to swell.

She described one incident, when, after leaving work, her sinuses were so badly affected that she temporarily lost hearing in one ear:

"The pain extended down my neck to left shoulder and vision blurred. My chest became congested and there was pain in lung area upon inhaling. After several hours out of the smoke I began to cough up some phlegm. Also, it was painful to chew on the left side."

Robbins said she had mentioned the problem to her supervisors more than a year ago, and that they had attempted to correct the situation by putting her in an area with less smoke. That all changed with the hiring of new workers, though. Recently, Robbins said, she has been seated within 15 feet of a chain smoker.

Division of Workers' Compensation Director Jacquelyn McClintock said today that although office air was recently tested, she does not know how serious the smoke problem is for her workers.

No determination has been made on how much compensation, if any, Robbins will receive for missed work and medical expenses.

In an earlier case, former state benefits clerk Melissa Patterson, 31, said she had to be hospitalized Feb. 8 after a series of asthma attacks aggravated by office smoke.

In awarding Patterson \$1,665 for lost wages and medical expenses, the state's insurance adjuster pointed out that the woman had an underlying asthmatic condition, which had been aggravated when Patterson stopped taking her medicine.

C
V

PRESS RELEASE FOR IMMEDIATE RELEASE

From: Senator Josephson, Chairman, Senate HESS Committee

4:00 p.m., Friday, February 3, 1984

Juneau -- The Senate Committee on Health, Education and Social Services approved today a revised version of House Bill 84, regulating smoking in certain places.

The Committee's substitute bill removes most private business places and offices from the mandatory non-smoking provisions approved last year by the House of Representatives. However, the new bill bans smoking in public buildings, dental and health clinics, transportation waiting areas, commercial vehicles, grocery stores, and restaurants serving 50 or more people. In such facilities, however, posted smoking areas could be established.

"The measure approved today is a compromise between vigorously contesting viewpoints", Senator Joe Josephson, the Committee chairman, said today. "I am convinced, however, that the bill is a forward step in protecting the public health by limiting exposure to so-called 'second-hand' smoke", he added.

"At the same time, we have removed language which would have authorized state officials to adopt regulations requiring expensive structural changes or equipment purchases by the private sector. We have focused on two very troublesome areas, smoking in grocery stores and food service establishments with more than 50 seats. In the restaurant case, we chose to follow the Michigan precedent by exempting small facilities with less than 50 seats."

Josephson noted that present law allows the owner of a private business to voluntarily forbid smoking on the business premises. In such cases, the owner's posting of "no smoking" signs has the force of law. "We have preserved the opportunity for such voluntary action by private business owners, while strengthening the safeguards for non-smokers entering public facilities, indoor waiting rooms, and grocery stores", Josephson said.

"One of my concerns was to fashion a measure which a

Press Release (2)

majority of my Senate colleagues could vote for, and which would still be meaningful in protecting the public health. In my judgment, the bill reported by the Committee today achieves these goals."

SENATE HEALTH, EDUCATION & SOCIAL SERVICES
STANDING COMMITTEE
January 16, 1984
3:07 p.m.

Members Present: Senator Joe Josephson, Chairman
Senator Vic Fischer, Vice Chairman
Senator Rick Halford
Senator Paul Fischer
Senator Pappy Moss

COMMITTEE CALENDAR

HB 84 Amended Title: An Act relating to smoking
in public places and vehicles.

WITNESS REGISTER

Representative Mike Miller, Juneau
Alaska State Legislature
Pouch V, Juneau, Alaska 99811
465-4841
Position Statement: Testified in support of HB 84.

Representative Don Clocksin
Alaska State Legislature
Pouch V, Juneau, Alaska 99811
465-3704
Position Statement: Testified in support of HB 84.

Dr. E.S. Rabeau, Deputy Commissioner
Department of Health and Social Services
No address or phone provided.
Position Statement: Testified for his Department in support of
HB 84.

Gary Miller
Alaska Lung Association
P.O. Box 2436, Juneau, Alaska 99803
465-4881
Position Statement: Testified in support of HB 84.

Roberta Banko
P.O. Box 803, Juneau, Alaska 99802
465-2732
Position Statement: Testified in support of HB 84.

Marilyn Martin
P.O. Box 307, Douglas, Alaska 99824
No phone provided.
Position Statement: Testified in support of HB 84.

Rick Lauber
Tobacco Institute
321 Highland Drive, Juneau, Alaska 99801
No phone provided.
Position Statement: Testified in support of HB 84.

Don Allen
Alaska Lung Association
235 5th Street, Juneau, Alaska 99801
No phone provided.
Position Statement: Testified in support of HB 84.

Jeff Bowman
No address or phone provided.
Position Statement: Testified in support of HB 84.

PREVIOUS ACTION

HB 84 No Senate previous action to record on HB 84. Please refer to House Finance Committee action before 05/20/83, House Judiciary Committee action before 05/06/83 and House State Affairs Committee action before 02/15/83.

ACTION NARRATIVE

TAPE#1 for 01/16/84, SIDE A.
Recording
Number 001

The meeting of the Senate Health, Education and Social Services Committee was called to order at 3:07 p.m. by Chair Josephson, to consider the committee substitute to HB 84. All members were present except Senator P. Fischer.

Number 034

Representative Mike Miller (Juneau) supports HB 84. He spoke of the dangers of second-hand smoke; the smoke from other persons cigarettes. He feels the smoking bill that was enacted several years ago is weak, although it has done some positive things, i.e., reducing the amount of smoking in elevators, ferries, public meetings, etc. He added that numerous studies have shown second-hand smoke to be a significant health hazard, although there have been complaints that that is not true. In addition, recent court decisions have recognized employees right to work in a smoke-free environment; an environment free from second-hand smoke and that smoking does result in an increased

cost to employers.

- Number 110 Representative Miller, in reference to vehicles, stated that they are expanding the number of vehicles where it would be illegal to smoke, which include additional vehicles, i.e., taxi cabs, boarding areas around aircrafts. We have expanded the number of indoor places where smoking is prohibited, i.e., libraries, theatres, (removed the word "indoor"). And we have removed the publicly-owned and operated places of entertainment on the grounds that people's lungs are just as likely to be harmed in a privately-owned public place. We are specifically adding jury rooms, restrooms, retail stores, restaurants and banks.
- Number 209 Representative Miller continued that in recent House testimony, a citizen from the retail community felt that the clerks would become traffic cops in stores if they were to stop people from smoking. Representative Miller added that the only responsibility of an owner of a public or private facility is to put up signs saying smoking is prohibited and a violation of state law, and beyond that, it is up to the person who wants to complain to trigger the enforcement mechanism.
- Number 259 Chair Josephson, stated his concerns regarding people not complying with signs and nothing being done about it, as long as no one complains.
- Number 276 Representative Miller said he did not mean to imply that no one would be enforcing the law, but that the retailer is not responsible for enforcing it.
- Number 320 Representative Miller continued with Sec. 18.35.320, designation of smoking sections, which states a person in charge of an indoor area or vehicle of public transportation, may designate a portion of the area or vehicle as a smoking section. He added that he feels smokers rights are protected in this bill also.
- Number 379 Representative Don Clocksin testified in favor of HB 84. He stated that the present law states that a person who smokes in an area where it is forbidden under the law is

subject to a civil fine of \$5 to \$25. The minimum fine has been increased from \$5 to \$15 by the Department of Environmental Conservation. The fine, under the present law, for failing to post a "smoking" or "no smoking" sign is \$10 to \$100.

Number 427

Representative Clocksin added that under the new law there will be four different methods of enforcement. The first is a civil fine initiated by a complaint by the Department of Environmental Conservation; a \$10 to \$50 fine for smoking in a no smoking area, and a \$20 to \$300 fine for failure to post proper signs. Secondly, criminal penalties will be initiated by the issuance of a citation by a police officer, with a potential \$300 fine. A system has been set up where you can pay this fine just like a parking ticket, that is, there is not a mandatory court appearance--as long as the fine does not exceed \$300. The third part of the enforcement mechanism is the possibility that either the Commissioner of the Department of Environmental Conservation or any "affected" party can file a civil lawsuit and seek an injunction in court for "repeated" violations. Fourth, the enforcement mechanism is an effort to put into this law a mandatory requirement by the Department of Environmental Conservation to engage in a public education effort about not only the provisions of this law, but the damages caused by smoking and by secondary smoke.

Number 503

Senator Halford asked about the provisions regarding employee smoking and discrimination of smokers and non-smokers.

Number 538

Representative Clocksin stated that they take particular interest in public areas, public buildings, i.e., offices. He suggested the smoke-eater as a device to satisfy both the smoker and the non-smoker.

Number 590

Senator Moss felt that authorizing a designated smoking area in public schools would be a violation of the law, because younger people under 18 are smoking in school areas that are designated for smokers and there is no supervision.

Number 640

Chair Josephson asked if the bill is

patterned after any other legislation adopted in other states.

- Number 656 Representative Miller (Juneau) stated that they took a look at legislation in other states, compared, researched and came up with this legislation.
- Number 670 Dr. E.S. Rubeau, Deputy Commissioner, Department of Health and Social Services, stated that the Department strongly urges passage of this bill. He feels changes on page 3, line 16 should read, "a place of employment if all the employees consent to the designation in entirety". He added that smokers are now one in a majority and are fighting for their right to survive.
- Number 746 Dr. Rubeau suggested that a room be set up strictly for smokers, although it would be quite expensive for the owner.
- Number 810 Senator Halford asked if the smoke-eater devices meet the Department's standards to keep air clean for non-smokers. (ex: a two person small office)
- Number 825 Dr. Rubeau said yes, but stated that he never felt that artificial devices to clean the air have been effective.
- Number 872 Tape Ends. Turn to Side B.
- Number 028 Gary Miller, Alaska Lung Association, presented members with a Newsweek Article, June 6, 1983, regarding a poll done on smoking. He stated that 38% of American adults smoke. Today, 36 states restrict smoking compared to five states in 1971. They make references to surveys "there is no secret that most smokers have an urge to quit. Numerous surveys show that anywhere from 2/3 to 90% wish they didn't have the habit." People who smoke cigarettes suffer lung cancer 10 times greater than non-smokers. Smoking is related to 20% of all cancers.
- Number 128 Mr. Miller continued reading the Newsweek article regarding statistics and tests done by doctors on smokers and non-smokers.
- Number 157 Mr. Miller stated that one of the things that bothers the tobacco companies is that

court cases are currently being won based on common law. The court cases are pertaining to people who are sensitive to smoke, an allergy to smoke, or emphysema or asthma. He added that these people won their cases not because they are sensitive to smoke, but because they were harmed and were able to establish that they were physically harmed by the tobacco smoke.

Number 247

Senator Moss asked if he knew how many students in secondary education smoke.

Number 258

Mr. Miller stated he did not.

Number 270

Mr. Miller added that the American Cancer Society stated that the cost to a company is between \$625 to \$750 per year, i.e., damage to furniture, sick leave taken, increase cost, air ventilation.

Number 338

Roberta Banko, a state employee representing herself, favors the bill. She stated that she is a former cigarette addict. She added that there is nowhere in the statute that prohibits smoking of an individual who needs or wants to smoke a cigarette because of designated smoking areas. She feels that non-smokers have the right to breathe clean air, and that the designation of smoking areas will reduce the high cost of cross ventilation needed for a smoke-free environment.

Number 460

Ms. Banko passed out a copy of existing statutes, Sec. 18.60.075. Safe Employment, Part A. "An employer should do everything necessary to protect the life, health, and safety of employees including, but not limited to....." and stated that the employer has the responsibility to protect the people who work for him.

Number 500

Marilyn Martin, representing self, supports the bill. She stated that she contacted all 20 Senators weeks ago, through writing. She added that she is one of the 6% that is allergic to cigarette smoke, which effects her most on the job. In addition, she spoke on the legal aspects of smoking. She also stated that there have been workers who have collected Workmen's Compensation due to allergies to smoking in public places.

- Number 558 Mr. Rick Lauber, Tobacco Institute, referred the bill and feels that Sec. 1, "numerous studies have shown second hand smoke to be a significant health hazards" is just not factual, according to the position of the Tobacco Institute. Mr. Lauber added that the Surgeon General stated that there is no factual evidence that second-hand smoke causes diseases in non-smokers.
- Number 624 Mr. Rick Lauber referred to Sec. 1, (2) "recent court decisions recognizes an emerging right of employees to work in a smoke-free environment" is not exactly true. He stated that the New Jersey Bell case is the only case that had a favorable ruling for the non-smoker.
- Number 718 Mr. Lauber stated that Sec. 1 (3) is not needed in this piece of legislation because it relates to the smoker, not the non-smoker.
- Number 749 Chair Josephson agreed that Sec. 1 (3) is not needed.
- Number 799 Mr. Lauber stated that the statute currently on the book is sufficient regarding Sec. 1, (3) of the 1975 bill.
- Number 812 Tape Ends. Put in Tape 2.
- Number 001 Mr. Lauber continues. He feels that bill is imposing on people in the private sector.
- Number 092 Senator Paul Fischer enters room.
- Number 185 Mr. Don Allen, representing the Alaska Lung Association, stated that the Council on Smoking worked closely with the Lung Association and are in favor of HB 84. He made four points: (1) majority of smokers agree with legislation regarding non-smokers; (2) there is growing evidence that tobacco smoking is hazardous to non-smokers as well as smokers; (3) most private sectors are implementing non-smoking environments and that smoking environments are the number one complaint; and (4) limiting smoking helps smokers cut-back or quit and discourages non-smokers from starting the habit.
- Number 305 Senator V. Fischer pointed out that he

received a letter from the Alaska Lung Association with important facts regarding the effects of cigarette smoking if other Senators wanted to use it.

- Number 317 Jeff Bowman, representing self, favors the bill and feels elimination of second-hand smoke in grocery stores and other similar areas is very important. He commended the bill for the effort it makes in identifying areas where smokers may smoke.
- Number 364 Chair Josephson suggested that they hold the bill over until Monday so that amendments to the bill could be made before moving it to State Affairs.
- Number 370 Senators Halford, Moss, V. Fischer and P. Fischer agreed and bill was held over.
- Number 389 The meeting was adjourned at 4:50 p.m.

FISCAL NOTE

Revision Date: _____

REQUEST SCSCSHB
 Bill/Resolution No.: 84 (HESS)
 Title: "...smoking in public places..."
 Sponsor: Repr. Fritz
 Requestor: Senate HESS
 Date of Request: 2/3/84

FISCAL DETAIL
 Agency Affected: Department of Law
 Program Category Affected: Gen. Govt., Admin. of Justice
 BRU, Program or Subprogram(s) Affected: Prosecution, Legal Services Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard I. Pegues Phone: 465-3672
 Division: Administrative Services Division Date: 2-8-84
 Approved by Commissioner: Richard I. Pegues FOR Date: 2-8-84
 Agency: Department of Law Norman C. Gorsuch

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Fiscal Note
Analysis
SCSCSHB 84 (HESS)

February 8, 1984

The Senate HESS Committee substitute for CSHB 84 removes many of the privately owned places of business from the provisions of the bill except for health care facilities, transportation vehicles and facilities, retail food stores having at least four check-out lanes, and food service establishments that have a seating capacity of at least 50 persons. Establishments retained are places of employment owned, leased or operated by the state or a political subdivision of the state, including schools, court rooms and jury deliberation rooms, and rooms, chambers or other places while a public meeting or public assembly is in progress. The Senate version is a major change from earlier versions, which would have prohibited smoking in almost every place of business.

Both the civil penalties and the criminal penalties of the bill will cause some additional work for the department. The provision for a bail schedule and the provision allowing payment of bail by mail will, however, minimize this work. The Department of Law therefore estimates that the additional work caused by the bill will be somewhat less than one-half the time of one attorney. Although the department will most likely be called upon to represent the Department of Environmental Conservation when it becomes necessary to file civil complaints, the department will only attend criminal proceedings in those rare instances when defendants are represented by counsel. Consequently, the Department of Law is not requesting fiscal note funds to implement the provisions of this bill if it is enacted. The enactment of this measure, and others like it, which by themselves do not have sufficient individual fiscal impact to warrant a fiscal note addition, do have the cumulative effect of hampering the department's overall ability to prosecute and litigate more serious offenses. If for any reason it is expected that state prosecutors are to regularly prosecute violations of proposed AS 18.35.300 and AS 18.35.330, then substantial additional funding will be required. A preliminary estimate is that 2 full-time and 1 part-time prosecutors would be needed at an initial annual cost of \$250,000.

COMMITTEE LETTER OF INTENT
SCS for CSHB 84

February 5, 1984

Dear Mr. President:

The Committee on Health, Education and Social Services, to which was referred CSHB 84, relating to smoking, unanimously recommends that the bill be replaced by the Committee Substitute of the Committee on Health, Education and Social Services, and that this Committee Substitute do pass.

Under this measure, smoking would be prohibited in vehicles providing public transportation; waiting or boarding areas used by passengers traveling on public transportation; elevators; state and municipally owned or leased offices and buildings; schools; courtrooms and jury rooms; hospitals, clinics, and medical laboratories; places where public meetings are in progress; restaurants having seating capacity in excess of 50 persons; grocery stores*; and any place of employment whose owner, manager or proprietor elects (as under existing law) to post a sign stating that smoking is prohibited by law.

Such places where smoking would be prohibited, however, can have smoking areas set aside for the use of smokers, if reasonable accommodations are made also for the needs of non-smokers as well, except that no smoking area or section may be designated for the use of students of any elementary or secondary school.

Enforcement authority is given to the Department of Environmental Conservation, but a specific provision would prevent the Department from requiring that any existing structure be modified, or that any new equipment be purchased by any person subject to the measure.

Penalty provisions included by the House of Representatives are essentially the same under the Committee Substitute.

The Committee believes that the Committee Substitute will advance the public health without unnecessary intrusions into the private sector -- intrusions which would be troublesome without necessarily being enforceable.

The Committee wishes to make two specific observations as part of this Letter of Intent. First, while smoking would be prohibited in grocery stores having at least four check-out

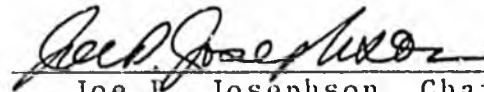
counters, registers or lanes, it is the intent of the Committee that employers be permitted (notwithstanding this prohibition) to provide employee smoking areas if such areas are places where the general public are not permitted to be.

Second, the bill calls for "No Smoking" signs to be provided by the Department of Environmental Conservation on request of those required to post such signs. Your Committee believes that the manufacture of such signs would be an appropriate activity for state inmates within the corrections system, and calls on the Department, and corrections officials, to develop an agreement to that end.

Respectfully submitted,

COMMITTEE ON HEALTH, EDUCATION
& SOCIAL SERVICES

By:



Joe W. Josephson, Chair

* Small grocery stores with less than four check-out counters, registers or lanes would not be affected.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

September 19, 1983

SUBJECT: Smoking in public places and vehicles
(CSHB 84 (Finance))

TO: Representative Mike M. Miller

FROM: Edward H. Hein *EH*
Legislative Counsel

Section 1. This section states the legislative findings and public-purpose rationale for the bill. Under Article VII, section 4 of the Alaska Constitution, the legislature is required to provide for the promotion and protection of public health. The findings state that (1) studies have shown so-called "second-hand smoke" to be a health hazard; (2) courts are beginning to recognize the rights of employees to work in a smoke-free environment; and (3) smokers as a group cost their employers and the public money in the form of higher job absenteeism and higher premiums for insurance.

Section 2. This section amends AS 18.35.300 by stating that smoking is a public health hazard. Again, this provides the public-purpose rationale for regulating smoking. The section also represents a significant change in the state's approach to regulating smoking. Existing law contains an exclusive list of places and vehicles in which smoking is prohibited. If a place is not listed, then smoking is not prohibited in that place. Under the bill, the presumption is that smoking is prohibited in any vehicle or indoor place that is open to the public, unless the vehicle or place, or a portion of it, is exempted by law. The list of prohibited places in this section is illustrative and open-ended, rather than exclusive. Thus, any indoor area or vehicle which is open to the public and not otherwise exempted by law is covered, even if it is not specifically listed in this section. The expanded list makes clear that the legislature intends to regulate smoking in virtually all vehicles of public passenger transportation (common

September 19, 1983

carriers); indoor entertainment and recreation facilities open to the public; all schools; places of public meetings under the control of the state or a municipality; places where the public goes for health care, such as hospitals and doctors' and dentists' offices; business premises, such as restaurants, banks and retail stores; and other places of employment, such as offices that are open to the public.

Section 3. This section amends (by repealing and re-enacting) AS 18.35.310, which exempts certain vehicles and areas from the smoking prohibition of AS 18.35.300. The revised section retains two of the four existing exemptions and adds one new exemption. Under the new section, as under current law, smoking is not prohibited in an area properly designated as a smoking section and smoking is allowed on stage as part of a theatrical performance. The new exemption is for taxicabs and limousines for hire in which the driver and all passengers consent to the smoking. This exemption is provided because these vehicles are too small to divide into smoking sections and nonsmoking sections. The exemption under current law for private gatherings has been transferred to AS 18.35.320. The exemption allowed under current law for state buildings and rooms that are adequately ventilated has been deleted. That exemption has never been used, according to the Department of Environmental Conservation. In addition, the revised AS 18.-35.320(d) provides that a smoking section may not be designated unless the area to be designated meets the minimum ventilation and air quality standards adopted by the Department of Environmental Conservation.

Section 4. Under existing law, AS 18.35.320, "reasonable" smoking areas must be provided in certain buildings, "unless prohibited for the protection of the public safety or the protection and preservation of the building and its contents". The concern here seems to be with fire hazards and possible damage to the contents of libraries and museums from smoke. Section 4 of the bill repeals and reenacts AS 18.35.320 to provide that portions of indoor areas and vehicles of public transportation (other than taxicabs and limousines for hire) may be designated as smoking sections. A smoking section may not be any larger than necessary to accommodate the needs of smokers. The area or vehicle must meet minimum ventilation and air quality standards before a smoking section can be designated. An entire vehicle, room or building cannot be made into a smoking area, except for bars and taverns, tobacco shops, and vehicles or areas while

being used for private social functions. An entire place of employment where all the employees smoke can be designated as a smoking area, except for reception areas, waiting areas, lobbies, and restrooms open to the public.

Section 5. This section repeals and reenacts AS 18.35.330, which currently requires persons in control of places or vehicles where smoking is prohibited to post a sign reading "Smoking prohibited by law". Under the revised version of this section, the signs must be conspicuously displayed, must read "Smoking prohibited by law - maximum fine \$300", and must measure at least 18 inches wide by six inches high, with lettering at least 1.25 inches high. Where a smoking section has been designated, the person in charge of the place or vehicle must conspicuously display both "no smoking" and "smoking allowed" signs.

Section 6. AS 18.35.340 currently provides that smoking in a nonsmoking area is punishable by a mandatory civil fine of from \$5 to \$25 for each offense. Failure to post a "no smoking" sign is punishable by a mandatory civil fine of from \$10 to \$100 for each offense. Punishment can be initiated only by civil complaint or citation. The court is authorized to establish procedures for payment of fines by mail. This section of the bill repeals and reenacts AS 18.-35.340 and requires the commissioner of Environmental Conservation to develop and maintain a procedure for processing reports of smoking law violations. A procedure already exists under 18 AAC 55.050. This provision in the bill assures that the department will maintain some procedure for processing complaints. Under the existing procedure, a person who observes a violation may notify an office of the department, sign an affidavit describing the violation, and agree to testify in court under subpoena if necessary. The department then has discretion to file a complaint in small claims court. This bill provides that the commissioner must investigate all reports of violations. The commissioner then has the discretion to file a civil complaint in superior court to enforce the statutes and regulations. The fine for smoking in a nonsmoking area is doubled to \$10 to \$50. Failure to post proper signs would be punishable by a mandatory fine of \$20 to \$300. The department is authorized to provide for the payment of fines by mail.

Section 7. This section adds two new sections to the law. AS 18.35.341 provides for the issuance of citations by peace

being used for private social functions. An entire place of employment where all the employees smoke can be designated as a smoking area, except for reception areas, waiting areas, lobbies, and restrooms open to the public.

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Section 7. This section adds two new sections to the law. AS 18.35.341 provides for the issuance of citations by peace

officers for violations of the smoking or sign-posting statutes. Under this section there is no mandatory fine, but the maximum for either offense is \$300. This is an alternative enforcement mechanism to complaints filed by the Department of Environmental Conservation. The citations would be handled as traffic tickets are, with payment by mail provided for. This section also adds AS 18.35.342, which provides for the commissioner of Environmental Conservation or any aggrieved party to seek an injunction to restrain future violations of the smoking law.

Section 8. This section merely eliminates the reference in AS 18.35.350 to the masculine pronoun "his" and corrects the statutory references in light of the changes made by the bill.

Section 9. This section adds a new section requiring the commissioner of Environmental Conservation to take measures to inform the public of their rights under the bill.

Section 10. This amendment to AS 18.35.360 requires the Department of Environmental Conservation to adopt regulations to implement the bill, rather than allowing the department discretion to adopt or not adopt as it sees fit.

Section 11. This section adds definitions for the terms "commissioner", "department", and "peace officer".

Section 12. This section annuls 18 AAC 55.060, which reads as follows:

18 AAC 55.060. WAIVER OF PROVISIONS. (a) The department will, in its discretion, waive a provision of 18 AAC 55.010 - 18 AAC 55.900 if it determines that the public health and the satisfaction of the purpose of the provision are reasonably assured and that the requirements of AS 18.35.300 - 18.35.360 are satisfied.

(b) Application for a waiver must be made in writing and must include

(1) identification of the provision for which the waiver is requested;

(2) reasons why the provision cannot be satisfied; and

Representative Mike Miller
Page 5
September 19, 1983

(3) a description of an alternative method, if any, proposed for meeting the purpose of the provision to be waived.

(c) The department will answer a request for a waiver in writing within 30 days after receipt of the request.

If I may be of further assistance, please advise.

EHH:ljb
29/008

SENATE HEALTH, EDUCATION & SOCIAL SERVICES
STANDING COMMITTEE
January 25, 1984
3:00 p.m.

Members Present: Senator Joe Josephson, Chair
Senator Pappy Moss
Senator Paul Fischer
Senator Vic Fischer
Senator Rick Halford

COMMITTEE CALENDAR

SB 327 Amended Title: An Act relating to child abuse.

SB 343 Amended Title: An Act relating to premarital blood tests; and providing for an effective date.

HB 84 Amended Title: An Act relating to smoking in public places and vehicles.

WITNESS REGISTER

Don Kubley, Lobbyist
Alaska Cabaret Hotel and Restaurant Association
1210 Fritz Cove
789-4849
Position Statement: Rose in opposition to HB 84.

Dr. E.S. Rabeau
Department of Health & Social Services
No address or phone provided.
Position Statement: Testified in favor of SB 343.

Don Magnusson, Lobbyist
Alaska Retail Association
174 S. Franklin Street, Juneau, Alaska 99801
586-6706
Position Statement: Testified in opposition to sections of SB 48 which would impact the private sector.

Wally Kubley, Lobbyist
Louisiana Pacific
316 4th Street #709
586-3611
Position Statement: Opposed several sections of bill, mainly Section 7.

Curtis Mekemson
Alaska Lung Association

P.O. 103056, Anchorage, Ak 99501
272-2332

Position Statement: A.L.A.'s concern is the prevention and control of lung disease.

Dr. Ann Morris
Alaska Council on Smoking and Health
SRA 353, Anchorage, Ak 99516
349-3286 and 278-3000

Position Statement: Outlined research findings regarding second hand smoke and effects on the non-smoker.

PREVIOUS ACTION

SB 327 No previous action to record on SB 327.

SB 343 No previous action to record on SB 343.

HB 84 Please refer to Senate Health, Education & Social Services Committee minutes dated 01/16/84. Please refer to House Finance Committee action before 05/20/83, House Judiciary Committee action before 05/06/83 and House State Affairs Committee action before 02/15/83.

ACTION NARRATIVE

TAPE# 1 for 1/25/84.
Recording
Number 001

The meeting of the Senate Health, Education & Social Services Committee was called to order at 3:00 p.m. with all member Senators present. Chair Josephson -- There are three items scheduled for today. One is 327, relating to child abuse. This bill is being held off at the request of the sponsor, Senator Sturgulewski. The other two matters are SB 343, relating to premarital blood tests and CSSHB 84.

Number 032

Dr. Rabeau, Department of Health and Social Services -- I'm testifying in favor of SB 343. We provided the committee with background information on the bill, so I would be happy to sit back and answer any questions you might have. The bill has the support of the State Medical Association, State Hospital Association and the Alaska Public Health Association.

Number 055

Chair Josephson -- There was a media report

regarding a strain of syphilis that was resistant to penicillin. Have you heard anything to that effect?

Number 061

Dr. Rabeau -- We have not yet received details regarding that matter. The treatment of syphilis is pretty well standardized. It represents no problem.

Number 091

Dr. Rabeau -- Prenatal testing is important for the prevention of genital syphilis. The trick is to make sure that a fetus does not become infected before birth.

Number 122

Chair Josephson -- The prenatal test is routine?

Number 125

Dr. Rabeau -- Yes, it's mandated by law.

Number 131

Chair Josephson -- At my own expense, I did a survey to find out what other states are doing. I got married in Hawaii without having to take a pre-marital blood test.

Number 170

Senator Moss -- I would like to point out that our strictness in enforcing this test may be the reason we have such low incidence now.

Number 193

Dr. Rabeau -- The case finding is low in many tests that are being done. Where we look for syphilis cases is in the mandatory prenatal tests.

Number 195

Chair Josephson -- Why would you show the positive results of a prenatal V.D. test if the couple's marital test is negative? Would it suggest that there were sexual contacts outside the marital relationship?

Number 224

Dr. Rabeau -- No. If it is congenital, it would be picked up with either examination.

Number 261

Senator Moss -- I feel that if you do the test upon the application for marriage license, you are forewarned.

Number 265

Dr. Rabeau -- Originally, when this bill was first adopted, if you didn't pass the examination, you couldn't get married. A lot of people are not married in the state of Alaska, and there would be no way of knowing whether they have syphilis or not. The check point is that the law says that if

a women becomes pregnant, she must be tested.

- Number 290 Chair Josephson -- We have no fiscal note, but I understand that the bill will save money.
- Number 293 Dr. Rabeau - Yes. This bill was introduced by the department in 1981. They were so sure it would pass that they cut the budget of the laboratories. The bill didn't pass, but the money was not restored. We estimate that the 12,000 test, approximately \$45,000 is saved.
- Number 323 Chair Josephson -- What's the committee pleasure on bill?
- Number 325 Senator Halford -- I move the bill with individual recommendations.
- Number 327 No objections, the bill was recorded and moved out.
- Number 335 Chair Josephson -- We now take up CSHB 84.
- Number 339 Don Kubley, Alaska Cabaret, Hotel and Restaurant Association -- I rise in opposition of CSSHB 84 as it exists in its present form. The scope of the bill has exceeded the title and trust of this legislation. Regarding the definition of 'public place'. Section 6 and 7 contradict the meaning of the word 'public place'. We recommend that these sections be deleted, and Sec. 4 subsection B(1) be amended to read 'a retail business or a retail business primarily engaged in the sale of tobacco, tobacco products, alcohol or food'. I respectfully ask that you look at this bill, at the portions of the bill that impact the private business sector.
- Number 423 Chair Josephson -- We do have regulations affecting the private sector, for example the OSHA requirements.
- Number 436 Mr. Kubley -- I think we would be making a major policy statement on behalf of OSHA if we included casual smoking within a private business as being harmful to customers or employees.
- Number 440 Chair Josephson -- Can you give the language

for (b)1 again?

- Number 443 Kubley -- What would clean up subsection (b)1 would be to make it 'a retail business'. An alternative would be to add 'alcohol or food' to the bill.
- Number 473 Don Magnusson, Alaska Retail Association -- I am in opposition to the sections of the bill which impact the private sector. I have concerns for the small businesses around the state, with small confined spaces, where adequate ventilation would be very difficult to meet the standards, once the standards are required. Removal of Section 6 and 7 would be beneficial.
- Number 520 Chair Josephson -- Do you find that many of your clients elect to put no smoking signs up?
- Number 523 Magnusson -- A number do.
- Number 530 Senator Moss -- I think a lot of people see this bill as a violation of their civil rights. I think this bill, if it's passed, will probably add to or detract from our constitutional rights.
- Number 553 D. Kubley -- I have never talked to an attorney about the bill constitutionally, but I feel that perhaps the state is intruding where it shouldn't.
- Number 555 Chair Josephson -- The argument can be turned up side down because if there is a right to a clean air environment, non-smokers might say that the government is failing to secure their rights.
- Number 563 Senator V. Fischer -- It seems that some claim there is a God-given right to smoke and other say it's a God-given right to maintain my health.
- Number 575 Senator Halford -- I feel that the conflict can be addressed in publicly funded areas and public areas, or any other areas where the government has legitimate entry.
- Number 619 Wally Kubley, Louisiana Pacific -- There are several parts of this bill that we oppose, mainly Section 7, which says an office, factory or warehouse or other places

of employment. Ketchikan Pulp employees approximately 300 people. There are designated no-smoking areas because of chemicals and materials. We cannot allow employees which are not allowed to leave their machines to go to a designated smoking room and continue to operate.

Number 632

Chair Josephson -- In a large plant like that, wouldn't it be better to designate a large ventilated area?

Number 635

W. Kubley -- The areas are so big, the ceilings are at least 50 feet high, so the smoke won't be a bother. But if you designate an area, we can't have a man leave the machinery to go have a cigarette.

Number 647

Chair Josephson -- What would be the company's harm in saying we won't permit smoking here?

Number 649

W. Kubley -- I think it's a man's right to smoke if he wants. I think you would run into union problems.

Number 700

W. Kubley -- I personally do not think factories and warehouses should be in this legislation.

Number 723

Curtis Mekemson, Alaska Lung Association -- Our concern is the prevention and control of lung disease. Smoking is the single most important cause of lung disease. There is medical evidence to show that it is the single most preventable cause of death, period. A lot of employers are making decisions as to whether their employees can smoke or not. The reason is economic; it costs them a lot of money. Their estimates range from the low end \$600-650 per year to \$2,800 per year. There are approximately 55 million smokers, or about 24% of the population. Amongst the smokers, majority of them are in support of the basic support of the non-smokers rights.

Number 771

Mekemson -- The other area that is of concern is the impact of smoking on young people. There are a lot of things in our society that suggest to young people that they should take up smoking. There are sophisticated ad campaigns, role models, and peer pressure. We've tried to reach

- youngsters by telling them that they might get cancer or emphyzema.
- Number 811 Chair Josephson -- Let me ask you about ventilation matter. We would be inviting the agency to set ventilation and air quality standards that may not be feasible. Is their an alternative to that.
- Number 822 Mekemson -- There are a lot of alternatives. Some range from a mere statement that a non smoking policy shall be established within a particular area. Another one is that there must be a separation of four feet between smokers and non-smokers.
- Number 853 CHANGE TAPE 1 to SIDE B.
- Number 010 Mekemson testimony continues.
- Number 045 Chair Josephson -- I'm interested in the argument that Wally Kubley about the factories, that the size of a factory room minimizes the problem to the non-smoker.
- Number 055 Mekemson -- You would have to look at each situation separately. In an area like a factory, there is probably such a good air mixture that you're not faced with the same problem as you would in a small enclosed area.
- Number 131 Chair Josephson -- If we enact this bill, are we the first in the country to use the OSHA standards.
- Number 145 Mekemson -- Yes.
- Number 148 Senator Halford -- I have problems with us being able to tell a privately-owned facility to post no-smoking signs and designate smoking areas, but he still has the control of power, clothes, noise, pets, etc.
- Number 189 Mekemson -- Restaurants, shops, malls, should have non-smoking signs or designated areas.
- Number 210 Josephson -- If we deleted subsection (e) on page 3 and Section 4, who would be hurt except smokers?
- Number 221 Mekemson -- The bill as it now stands, says

you can have smoking as long as you meet certain guidelines. If we were to eliminate this section totally, it would eliminate any possibility of having smoking sections.

Number 300

Dr. Ann Morris, Alaska Council on Smoking and Health -- We feel that this is a public health issue. Here in Alaska, cold climate results in spending a great portion of our lives in enclosed areas. We are attempting to make these areas more airtight. 85% of smoke in an enclosed room comes from the burning end of the cigarette. This second hand smoke contains higher level of chemicals, such as twice the nicotine and tar, five times the carbon monoxide, fifty times the ammonia, as well as other chemicals. Medical statistics include documented second hand smoke hazards to include cancer of the nose and throat, cancer of the lungs, chronic bronchitis, decrease in and lung function. A non-smoker in an enclosed room may inhale the equivalent of 1/2 pack per day.

Number 386

Chair Josephson -- I ask the committee to consider any amendments that you may want to offer and be prepared to move on this bill a week from today.

Number 389

Meeting is adjourned at 4:05 p.m.

SENATE HEALTH, EDUCATION & SOCIAL SERVICES
STANDING COMMITTEE
February 3, 1984
3:00 p.m.

Members Present: Senator Joe Josephson, Chair
Senator Vic Fischer
Senator Paul Fischer
Senator Pappy Moss

Members Absent: Senator Rick Halford

COMMITTEE CALENDAR

SB 362 Amended Title: An Act relating to the applicability of the scholarship loan program to students attending more than one postsecondary educational institution; and providing for an effective date.

SB 346 Amended Title: An Act relating to the treatment of mentally ill persons.

HCR 38 Amended Title: Relating to the teaching of sign language.

HB 84 Amended Title: An Act relating to smoking in public places and vehicles.

WITNESS REGISTER

Dr. Phillip Shappiro
Division of Mental Health
Department of Health and Social Services
No address or phone provided.
Position Statement: Testified regarding voluntary and involuntary admittance.

Dr. Kerry Romesberg, Director
Commission on Postsecondary Education
No address or phone provided.
Position Statement: Testified regarding the removal of the necessary "consortium agreement" language for credit acceptance and transferral.

Don Allen
Alaska Lung Association
No address or phone provided.
Position Statement: Testified on HCR 38.

PREVIOUS ACTION

SB 362 No previous action to record on SB 362.

SB 346 No previous action to record on SB 346.

HB 48 Please refer to Senate Health, Education & Social Services Committee minutes dated 01/25/84 and 01/16/84. Please refer to House Finance Committee action before 05/20/83, House Judiciary Committee action before 05/06/83 and House State Affairs Committee action before 02/15/83.

HCR 38 No Senate previous action to record on HCR 38. Please refer to House Health, Education & Social Services Committee action before 05/31/83.

ACTION NARRATIVE

TAPE# 1 for 2/3/84.
Recording
Number 001

The meeting of the Senate Health, Education & Social Services Committee was called to order at 3:00 p.m. with member Senators Josephson, P. Fischer, V. Fischer and Moss present. Senator Halford was absent. Chair Josephson brings up SB 346.

Number 009

Dr. Phillip Shappiro, Division of Mental Health -- One of the matters I want to take up with the committee today is the change in a situation where an individual who is a minor can only be at API for 21 days on a voluntary admittance, at which time it has to be converted to an involuntary, or the individual has to leave the hospital. We are requesting a revision of that that says a minor can stay in the hospital on a voluntary admittance that would be renewed every 30 days.

Number 050

Chair Josephson -- There is some concern that the parent or guardian might use that procedure as a way of getting the child out of the house. What kind of reassurances are there for people who are concerned about the rights of children?

Number 074

Dr. Shappiro -- The situation in the hospital precludes that from happening because of professionalism and space requirements. The other matter we have, is on Page 5, Line 9 through 12, there is a

change proposed "a person taken into custody would not be placed in the jail for other than protective custody purposes and only while awaiting transportation to a treatment facility." There are some circumstances which would be to the advantage of the individual and the family should that provision remain as it stands. For example, if in a local situation the hospital where the patient would be treated is full, if the individual were placed in the local jail and did not want to go to the API, the family didn't want him to go to API, the examination could be done in the jail and the individual would be released without having to make a trip to Anchorage. If this amendment is changed, then that situation would not be possible.

Number 158

Chair Josephson -- I think I will take this material with me over the weekend and we will act on it Monday.

Number 161

Chair Josephson -- The next matter is the student loan program, SB 362.

Number 164

Dr. Kerry Romesberg, Director, Commission on Post Secondary Education -- If a student enrolls in more than one institution, we allowed the institution that is granting the degree, to decide whether they are going to accept the credits from the other institution and add them up to be a full time student. Senator Kerttula had a constituent last year, and someone referred to the law. It said in the law that the two institutions have to have a consortium agreement before such transactions can occur. I feel that is an unnecessary burden. As long as the institutions agree to accept the credits, we shouldn't force them to enter into a formal consortium agreement. This bill just removes that language requiring the consortium. There is no fiscal impact.

Number 196

Chair Josephson -- Is there a consortium agreement between Alaska Pacific University and the University of Alaska.

Number 199

Mr. Romesberg -- No.

Number 206

Chair Josephson -- Does it create any management problems? Who certifies that

there is a total of necessary semester hours when neither institution has experience with that?

- Number 210 Mr. Romesberg -- We have regulations enforced that indicate that the institution that is awarding the degree is responsible for that.
- Number 221 End of Kerry Romesberg's testimony.
- Number 225 Chair Josephson -- We also have a sign language resolution. We took action last year on an identical resolution of Senator Halford's. There was testimony from DOE that foreign language is not required to graduate in Alaska. It was doubtful that a university would accept sign language as a substitute. It was recommended that a course be offered in sign language as an elective. That's what this bill would do.
- Number 265 Chair Josephson -- My suggestion on this bill would be to revise this resolution to conform to what we did last year. We had a better idea.
- Number 270 Chair Josephson -- We now come to the matter of CSHB 84.
- Number 283 Senator P. Moss -- I propose a deletion in order to pass this bill. I suspect that unless we delete line 15 and 16 on page 2, this bill will never get out of the Senate floor.
- Number 310 Chair Josephson -- The other item is the grocery store item. Senator V. Fischer has an amendment for that. Senator Ray and Senator Fahrenkamp had concerns regarding that section.
- Number 340 Senator Moss -- I would like to see this bill moved out of committee today.
- Number 350 COMMITTEE IS AT EASE AWAITING FOR THE ARRIVAL OF THE OTHER SENATORS, FOR A QUORUM.
- Number 351 Senator Paul Fischer enters room.
- Number 352 Chair Josephson -- Senator P. Fischer, the first item is the amendment from Senator Vic Fischer regarding grocery stores.

- Number 370 Senator Vic Fischer enters room.
- Number 374 Senator V. Fischer -- I have a proposed new paragraph 10, which would include grocery stores and stores selling food products exclusively to the public, and having at least three checkout counters.
- Number 401 Senator V. Fischer -- I move this inclusion into the bill.
- Number 406 Senator P. Fischer -- Why do you say three checkout counters? Why not five?
- Number 410 Senator V. Fischer -- I would be willing to put in four. I was discussing the idea. Somebody drafted it for me and put in three. It doesn't matter.
- Number 415 Senator P. Fischer -- May I suggest five checkout counters because you are talking about your Safeways, your bigger stores. The little stores still may have the lanes, and not the business.
- Number 433 Don Allen, Lung Association -- It was my understanding that part of the intention with this inclusion was to eliminate the situation where the small store, such as a Qwikstop would not have to comply with the legislation. But to include grocery stores, except three lanes, was thought to be the way of eliminating the Qwikstop from the legislation, but at the same time maintaining the necessary public health concerns.
- Number 450 Senator P. Fischer -- I think part of this would still protect the Qwikstop. By saying five lanes, you allow the little stores a little bit of expansion.
- Number 484 Senator V. Fischer -- I would suggest four.
- Number 485 Chair Josephson -- We will amend the amendment at four check out counters.
- Number 536 Senator Moss -- I suggest deletion of line 15 and 16, page 2.
- Number 551 Senator P. Fischer -- In this bill, there is the freedom for the small businesses. There is no way the state can come in and force the business to divide the areas physically,

which was my big concern.

- Number 567 Senator Moss -- If my motion fails, I have another motion. The motion would be on line 5, page 6, after 18.35.365, that the amendment "to the extent that no requirements to modify existing structures or purchase new equipment shall be made". This would insure that the department would not be able to require structural changes.
- Number 590 Chair Josephson -- I support that amendment, but suggest instead of saying "to the extent", it would be better to say "except that".
- Number 592 Senator V. Fischer -- I agree.
- Number 599 Chair Josephson -- In reference to Senator Moss' amendment to strike Section 8, how many favor?
- Number 601 Senator Moss favors, Senator Josephson, Senator P. Fischer and Senator V. Fischer opposes.
- Number 602 Senator Moss -- I propose a motion for amendment, on page 6, line 5, after 13.35.365, that amendment "to the extent that no requirement to modify existing structures or purchase new equipment shall be made", be adopted.
- Number 619 Chair Josephson -- Would you accept as a friendly amendment the use of the word "except" instead of "to the extent"?
- Number 623 Moss -- Yes.
- Number 625 Chair Josephson -- Is there objection? Hearing none, the amendment is adopted.
- Number 631 Senator V. Fischer -- I move we report the HESS CSHB 84 as amended today, with a letter of intent.
- Number 639 Chair Josephson -- Motion passes. We will circulate the bill.
- Number 643 Meeting is adjourned at 3:40 p.m.

SENATE COMMITTEE CHAIRMAN

JOE JOSEPHSON

Reference:
HB 84 HE&SS

February 6, 1984

The enclosed are copies of the original petition that was submitted on February 2, 1984. The signatures are original.

RECEIVED

Josephson,

We, the undersigned, smokers and non-smokers alike, would like our voices heard in the hostile atmosphere that has been created by a minority of individuals who rabidly insist that we conduct our lives according to their personal wishes and dictates, at the work place, at home, and in any public establishment be it State property or privately owned.

For several years, we, as smokers, have extended the utmost courtesy to those who dislike cigarette smoking. We have not objected to the requirement to smoke in designated areas in restaurants or the work place. We have politely observed the preference of friends and have refrained from smoking if they wished it.

In spite of this consideration we have suffered repeated personal insult, harrassment, theft of personal property (ash trays); discrimination, segregation, scorn and threat, but we have resolutely continued to be polite, believing in the rights of others.

We have been forced to observe State and Company equipment, material and work time being used to further the cause of those few who would deny personal rights to all of us.

It is now that we unanimously object to the invasion of our rights as citizens entitled to the peaceful pursuit of gainful employment as well as pleasure on the home front.

Our concern is not riveted only to the subject of smoking, it extends to our rights as contributing members of a democratic nation wherein we believe we should be allowed individual decision regarding personal habit as well as the expectation of freedom from harrassment on the job by those few who would have it otherwise.

We wish to believe that our votes, our taxes, and our voices raised in protest will make a small positive sound in the present controversy surrounding not only smoking, but all individual rights as granted by the Constitution, a document that some of us regard as the only instrument that defines the real difference between America and Russia.

February 1, 1984
Juneau, Alaska

Susan Burns

574-26-6740

DAVID L YOUNKER

357-34-4484

Learn Dagenets

574-26-6385

George Moore

536-28-5186

RECEIVED

DEPARTMENT

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February 1, 1984
Juneau, Alaska

Wendy Darnell Effin Cove, AK.
Wendy Darnell PO Box 838 June 99802
Stanley E. Reddick Box 142 Juneau, AK. 99803
Arnold E. Hassman Box 231, Haines, AK. 99824
Mirill Palmer Box 222 Haines Alaska 99822
Megan Odeman
Terone M. Huestik Box 1013
Lot #16 Juneau, Ak.
Effin Cove AK 99825

Lance Ingle
Earl E. Krzj
Lance M. Gurner
Mark C. Wines
Roger D. Hoodman
Dave P. Jaker
Janice Karus
Dene Emerogge
Joy L. Thoro
Laurie Harmon
Karl Belmont

Box 633 Unalaska AK
9342 Northland, Juneau AK
2517 David St, Juneau, AK
2519 David St, Juneau 99801
1658 Harbor Way JUNEAU, AK
99801
Box 5642 Ketchikan, AK 99901
8509 JENNIFER DR. JUNEAU AK
3604 WILLIAMS Anchorage 99508
519 west 100 St Juneau, AK 99801
1919 Lemon Creek RD JUNEAU
P.O. Box 2219 Juneau, AK 99803



RECEIVED

DESCRIPTION

TO: ALL SENATORS & COMMISSIONERS

SUBJECT: H.B. 84 - SMOKING IN PUBLIC PLACES

We the undersigned, represent the Alaska Division Board of Directors of the American Cancer Society support H.B. 84 and urge your strong consideration in its passage.

NAME	ADDRESS
Alma Okison	Box 86 Palmer AK 99645
Jon C. Brown	2132 Clark St. Anchorage 99504
Cindy Orske	Box 171 Dillingham, Ak 99576
Frank Cameron	Box 122 NAKNEK AK 99633
Elly May Hogberg	15 Farewell #10.5 Sitka 99701
Carol Z. American	1055 E. 17TH Ave Anch. AK 99501
C. J. Stenningen, III	9634 Victor and at 99502
Mark E. Johnson	3730 Howe Creek Anchorage 99508
John C. [unclear]	S.R. Box 20502 Fairbanks 99701
Lois Ling	10003 Trans. Mall Dr. Juneau AK 99801
Donald R. Rogers, Jr.	921 Kist Rd Anchorage AK 99505
Patricia N. Benson	303 E. Coast Ave #2 Anchorage AK 99501
John Jay	506 75th Palmer, Ak 99645
William Orild Johnson	221 E 7th #112 Anch AK 99501
Sue Nelson	4425 Stanford Dr. Fairbanks AK 99701
Margaret Spisbury	Box 166 Wasilla, Ak. 99687
Anne Green	320 Bowden 512 Ketchikan Ak.
Marie E. Carlsen	9354 Rivercourt Way Juneau Alaska 99801
Janet Cowgill	5 Blanch Ave. Fairbanks, Ak 99701
Mary Lou Thompson	Box 467 Delta Jct AK 99737



TO: ALL SENATORS & COMMISSIONERS

SUBJECT: H.B. 84 - SMOKING IN PUBLIC PLACES

We the undersigned, represent the Alaska Division Board of Directors of the American Cancer Society support H.B. 84 and urge your strong consideration in its passage.

NAME

ADDRESS

<i>Yona Becken</i>	<i>4137 Leach (Leach Fairbanks) AK 99704</i>
<i>Tom SAWYER</i>	<i>306 MISSION ST KETCHIKAN AK 99901</i>
<i>Lusson J. Carlson</i>	<i>513 04 Edgcomb Drive S. Fair, AK PO. Box 4575 Mt. Edgcomb, AK 99835</i>
<i>Louise Larson</i>	<i>P.O. Box 53 Palmer, Alaska 99685</i>
<i>Joseph A. Lefevre</i>	<i>427 West Ninth St. Juneau 99801</i>
<i>J.M.M.</i>	<i>Box 10142 Anchorage, AK 99510</i>
<i>Eric John</i>	<i>ET. RT. Box 923 Eagle River AK 99577</i>

Joe, Vic, Pappy, Rick,

Jan. 16, 1984
CS HB 84 (fin)

"smoking in public places & vehicles"

Mike Miller, Dano - Don Clocksin will join on
enforcement.

- Milo Fritz gave good testimony on second
hand smoke dangers.
- outlined bill and gave report on present
law (which is very weak)

Clocksin - worked in ^(A) Judiciary on Enforcement.
minimum ventilation and air quality
standards

D.E.C. - has increased present fines \$15-\$25 for
smoking in non-smoking
Failure to post a sign - (10-100)
raised by pays \$50/2nd offense \$100/other
new law: 4 methods of enforcing:

- 1) civil fine initiated by complaint to DEC
to date mailed in
- 2) Criminal penalties - citation by police officers
but no mandatory court appearance
- 3) Commissioner of DEC or anyone can file
a civil injunction for repeated violations
- 4) public education requirement through DEC

\$3,000 penalties on secondary smoke

Rufford - question re discrimination between
Smokers & non smokers.

Mace - question concerning schools - law
says you must be 18 or older to buy
Cigarettes but schools designate Smoking
Areas but it is not enforced.

Joe - is this bill patterned after other states?

MM - looked at many other states, would be
among the better bills in other states

Stu Caban - DHSS; public health

position paper submitted in May has creators
support bill. "Enlightened"

(*) pg 3 line 16 - need to define smoker in
this subsection - further that it says: "a place of
employment if all the employees consent to
designate in entirety"

ventilation, even w/ mechanical aids, is very poor in
modern offices, as many more favored a lack of windows etc.

- majority of people do not smoke and are vocal
- better documentation on effects of second hand smoke - disease
linked to smoking in respiratory system / cardiac arrest

pg 4; line 1 add per US 18.35.300 to language required in Sign.

Gary Miller - Lung Association

- Gallup poll 38% of adults smoke.
- 36 States restrict smoking.
- 2/3 to 90% of smokers wish they didn't smoke.
- preliminary findings of several studies.
- Cost of this legislation - - smoking employees have higher absenteeism; more health care needs etc. increased cost in insurance
- Ombudsman has received complaints over discrimination in employment; it is legal to discriminate ~~for~~ over this basis.

Kalitta Banko - supports bill.

as a state employee, have had a difficulty in getting a compromise on smoking areas on the job.

- presented petitions for the bill and a letter from local Junction Chapter of AFSA.

Marilyn Martin - allergic to cigarette smoke.

non-protected employees have to go to legal means to get help, work environment.

Rock Lawrence - Tobacco Institute

Findings of study on second hand smoke - Institute

disagrees with studies claiming damage from ambient smoke. These studies quoted have been challenged for their non-scientific means.

1982 Surgeon General's report - quoted lack of evidence.

- findings not necessary since they address second hand smokers & bill addresses smokers.
- current law (1975) is a stiff law but has not been enforced.
- imposing this on the private sector - may cause unanticipated problems.
- NREA - says this bill would cause renegotiating of contracts
- cost of compliance may be substantial.

Don Allen - All Lung Association

Council on Smoking & Health (1984 coalition) and other statewide groups in favor of this bill.

- ① smokers & non-smokers favor this type of bill that limits smoking to designated areas.
- ② Evidence on secondary smoke hazards, especially to kids
- ③ smoke-free environments cost-effective & employment morale problems
- ④ enforcement - San Francisco said not self-enforcing.

Mr Boman - supports.

gicery & food areas very important.

(b) Subject to the approval of the attorney general, the board may employ temporary legal counsel from time to time in matters in which the board is involved. (§ 4 ch 72 SLA 1973)

Sec. 18.60.060. Cooperation by other state agencies. The agencies of the state shall cooperate with the Department of Labor in its program of safety activities, and shall make available information needed by the Department of Labor relative to the accident problems and methods employed or recommended for accident prevention. The agencies may lend the personnel who may be spared from their regular duties for short periods to assist in safety programs. (§ 8 ch 109 SLA 1955)

Sec. 18.60.070. Control of funds. Funds appropriated by the legislature for AS 18.60.010 — 18.60.105, funds in the boiler fund created for AS 18.60.380, and contributions shall be spent only for the purposes of AS 18.60.010 — 18.60.105. (§ 9 ch 109 SLA 1955; am § 5 ch 148 SLA 1957)

Editor's notes. — AS 18.60.380, referred to in this section, was repealed by § 3, ch. 29, SLA 1968.

Sec. 18.60.075. Safe employment. (a) An employer shall do everything necessary to protect the life, health and safety of employees including, but not limited to:

(1) complying with all occupational safety and health standards and regulations promulgated by the department;

(2) furnishing and prescribing the use of suitable protective equipment, safety devices and safeguards as are prescribed for the work and work place;

(3) adopting and prescribing control or technological procedures and monitoring and measuring employee exposure in connection with hazards, as may be necessary for the protection of employees; and

(4) furnishing to each of his employees employment and a place of employment which are free from recognized hazards which, in the opinion of the commissioner, are causing or are likely to cause death or serious physical harm to his employees.

(b) An employee shall comply with occupational safety and health standards and all rules and regulations issued under AS 18.60.010 — 18.60.105 that are applicable to his own actions and conduct.

(c) Repealed by § 9 ch 72 SLA 1973. (§ 43-2-21 ACLA 1949; am § 1 ch 148 SLA 1957; am § 1 ch 104 SLA 1970; am §§ 5, 6, 9 ch 72 SLA 1973; am § 4 ch 276 SLA 1976)

March 3, 1983

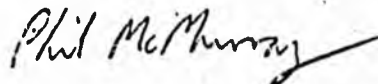
TO WHOM IT MAY CONCERN:

At the regular monthly meeting of the Juneau General Government Unit of the Alaska Public Employees Association, held at APEA Headquarters conference room at 340 N. Franklin on Tuesday, March 1, 1983, the following resolution was passed by a majority vote of members present:

"WHEREAS, smoking is a health and safety hazard and may contribute to reduced productivity at the workplace; and

WHEREAS, Alaska State House Bill 84 would reduce the amount of smoking in public places;

BE IT THEREFORE RESOLVED that the majority of GGU members present at the March meeting of same do endorse House Bill 84.



Phil McMurray
APEA Juneau GGU Chapter Secretary

VI. LITIGATION

A. Private Actions to Prohibit or Restrict Smoking in Private Places of Work

1. Shimp v. N. J. Bell Telephone Co.,
368 A 2^d 408 (N.J. Sup. Ct. 1976):

In the single case in which a court has found an employee has a right to a smoke-free work environment, a New Jersey court prohibited smoking in all work areas of a company office. Alleging a severe allergic reaction to cigarette smoke, the plaintiff Shimp sued her employer to compel it to provide her a no-smoking work area. This case was not actively defended by N.J. Bell Telephone.

2. Mitchell v. Bell Telephone Co.,
C-4159-76 (N.J. Sup. Ct. 1978):

This was another case in which the plaintiff, an employee of the defendant and allegedly allergic to tobacco smoke, sought an injunction compelling the defendant to provide him with a smoke-free place of work. The court dismissed the case, in response to the defendant's motion which was based on preemption grounds. Mitchell, which was actively defended, was brought by the same attorney who represented Shimp and the dismissal was entered by the same judge.

3. Gordon v. Raven Systems and Research, Inc.,
14092-79 (D.C. Sup. Ct. 1981):

Plaintiff sought reinstatement and damages from her former employer, alleging that she was fired when she insisted that she be provided with a smoke-free environment because of her allergy to tobacco smoke. The court dismissed the case, finding that defendant had no contractual or legal obligation to accede to plaintiff's demands. The court expressly declined to follow Shimp, discussed above, and observed that "neither statute, regulation, nor principles of common law required the Raven Corporation to furnish the plaintiff with the kind of smoke-free workplace she demanded."

VI. LITIGATION

4. Kensell v. State of Oklahoma et al.,
Civ. No. 81-786-T (W.D. Okla. 1982):

The plaintiff, an employee of the Oklahoma Department of Human Services, filed suit in U.S. District Court against his employer, the State of Oklahoma and numerous state officials and employees, contending, inter alia, that their refusal to provide him with a smoke-free workplace violated his rights under the First, Fifth, Ninth and Fourteenth Amendments. Citing FENSR and Gaspar, discussed below, the court dismissed the plaintiff's suit, concluding that "[f]or the Constitution to be read to protect non-smokers from inhaling tobacco smoke would be to broaden the rights of the Constitution to limits heretofore unheard of." Like the court in Gaspar, the Kensell court noted that the results sought by the plaintiff might better be accomplished through the legislative process.

5. Vickers v. Veterans Administration,
No. (81-85V) (W.D. Wash., August 31, 1982):

A U.S. District Court in Washington State ruled that a federal employee who is hypersensitive to tobacco smoke is "handicapped" within the meaning of the Rehabilitation Act, 29 U.S.C. § 794. The court, however, found that the supervisor's reasonable efforts in this case to accommodate the employee's handicap satisfied the Act's requirement that federal agencies not discriminate against handicapped persons. No damages were awarded to the plaintiff.

6. Smith v. Western Electric Company,
No. 44286 (Mo. Ct. of Appeals, Sept. 14, 1982):

The Missouri Court of Appeals held that an employer's common law duty to provide a reasonably safe workplace might include an obligation to ensure a smoke-free environment for employees sensitive to burning tobacco. The court did not base its decision on any statute but rather on the "well-settled" law that employers must protect employees from avoidable perils. Western Electric had contended that the federal Occupational Safety & Health Act preempted any state action on this issue. This decision will allow plaintiff the opportunity to prove his allegation at a trial.

VI. LITIGATION

7. Parodi v. Merit Systems Protection Board,
80-7671 (9th Cir., Oct. 21, 1982):

The U.S. Court of Appeals for the 9th Circuit ruled a government employee with a hypersensitivity to cigarette smoke must be given a smoke-free office within 60 days or be granted disability payments. While acknowledging that most disability claims involve a physical or mental limitation, the court stated that an "environmental limitation", such as Parodi's hypersensitivity to smoke, may form the basis for an employee's disability.

8. Hentzel v. The Singer Co.,
(Calif. Ct. of Appeals, Dec. 20, 1982):

The California Court of Appeals found that an employee allegedly fired for insisting on a smoke-free workplace has the right to sue his former employer for damages. The decision, reversing a trial court's dismissal of the Hentzel complaint, emphasized the need to protect employees who voiced dissatisfaction with allegedly hazardous working conditions.

B. Private Actions to Prohibit or Restrict Smoking in Public Places

1. Gasper v. Louisiana Stadium and Exposition District
418 F. Supp. 716 (E.D. La. 1976), aff'd,
F.2d 897 (5th Cir. 1978), cert. denied,
439 U.S. 1079 (1979):

Plaintiffs sued to compel the authorities who manage the Louisiana Superdome to prohibit smoking in the Superdome during sporting and other public events. In support of this request, the plaintiffs claimed a constitutional right to a smoke-free environment, relying on the First Amendment (freedom of speech), Fifth and Fourth Amendments (due process right to life and liberty) and Ninth Amendment (which protects so-called unspecific but "fundamental" rights). The district court unequivocally rejected each of these claims. The court of appeals affirmed this decision in all respects, while noting that the legislature, as opposed to a court, would have broad power to regulate smoking in public places. The Supreme Court denied the plaintiff's petition for review of the lower courts' decisions.

VI. LITIGATION

2. Federal Employees for Non-Smokers Rights (FENSR) v. United States, 446 F. Supp. 181 (D.D.C. 1978), aff'd, 598 F. 2d 310 (D.C. Cir.), cert. denied, 444 U.S. 926 (1979).

Several anti-smoking organizations, whose members included federal employees, sought to compel the federal government to prohibit smoking in federal facilities except in designated smoking areas. Plaintiffs asserted a private right of action under the Occupational Safety and Health Act (OSHA); a deprivation of their First and Fifth Amendments rights (freedom of speech and right to due process) and a common law right to a smoke-free workplace. The district court, relying on the decision in Gasper, rejected the constitutional claims, held that OSHA implies no private cause of action and found that it had no jurisdiction to consider the common law claim advanced by the plaintiffs in support of their demands. The court of appeals affirmed the district court decision and the Supreme Court refused to review the case.

3. Church v. Brown, et. al., Civ. No. 78-4073 (S.D. Ill. 1979):

The plaintiff, an employee of Scott Air Force Base, brought this action in U.S. District Court alleging that the commander of the base and the United States had a duty, under both the common law and OSHA, to provide him with a smoke-free working environment. Accepting "wholeheartedly" the analysis of the court in FENSR, the Church court found that it had no jurisdiction to consider the common law claim propounded by the plaintiff and rejected his OSHA claim, finding "that no private implied cause of action exists under OSHA..."

4. GASP v. Mecklenburg County, 256 S.E. 2d 477 (N.C. 1979):

An anti-smoking group sought an injunction forcing county authorities to prohibit smoking in all county public buildings and places of work, relying, like the plaintiffs in FENSR and Gasper, on an alleged constitutional right to a smoke-free environment. The North Carolina Court of Appeals, citing FENSR and Gasper, held that no such constitutional right exists and dismissed the plaintiff's suit.

VI. LITIGATION

C. Other Decisions

1. Stevens v. Employment Security Commission
(Iowa, Nov. 1976):

An Iowa state court ruled eligible for unemployment benefits a woman whose health required that she accept a job only in a smoke-and-dust free environment. Suffering from asthma, the plaintiff quit her job because the cigarette smoke in her office allegedly aggravated her illness. Unable to find a job that met the conditions required by her health, she applied for unemployment benefits. The Employment Security Commission said her restrictions on possible employment had made her unavailable for work and ineligible for benefits. But a District Court in Iowa disagreed, saying her limitation was not so great as to remove any possibility of employment. The court compared her situation to the cases where benefits were granted to persons limited to "light work".

2. Ellen L. Meyer v. C.P. Clare & Co.,
(Idaho Industrial Comm., Nov. 1978):

Unemployment benefits were also granted to an Idaho worker who had quit because two cigar smokers were transferred into her work area. She could have been given a leave of absence until a suitable position opened, but no one told her of this option. According to the state industrial commission, her limited choice "would compel a reasonable person to leave her employment." Thus she had good cause for quitting and was eligible for benefits.

3. Alexandria Volunteer Fire Dept. v. City of Alexandria, (E.D. VA, Dec. 13, 1982):

A federal district court rejected a lawsuit by Alexandria volunteer firefighters which challenged a regulation requiring volunteer firefighters to meet city fire department standards, including no smoking. No violations of the due process or equal protection clauses were found in the requirement that the volunteers meet the same physical, mental and training standards that the professional firefighters must meet.

VI. LITIGATION

4. San Mateo County Fire Fighters, Local 2400 v. City of San Mateo, No. 268890 (Calif. Sup. Ct. Dec. 16, 1982):

Stating the city may have violated a state law that requires local officials to negotiate working conditions, a superior court temporarily barred the city of San Mateo from enforcing a no-smoking policy for rookie firefighters. Under the court order, the city may continue to require fire department applicants to sign the no-smoking pledge, however, it would be unenforceable unless the temporary injunction is overturned at trial.

TELEGRAM

ALASCOM, INC.
PHONE: 352-5005
JUNEAU, AK 99802

1984 JAN 18 AM 3 34

02005 ANCHORAGE AK 118 01-18 0215 YST

PMS SEN JOE JOSEPHSON

JUN

2015

REFERENCE SMOKING

PLEASE REFER TO U.S. CONSTITUTIONAL AMMENDMENT XIV SEC-1
REGARDING LIBERTY AND EQUAL PROTECTION OF THE LAWS.

RECEIVED

AS A SMOKER IN ALASKA FOR OVER 33 YEARS I CHERISH MY
LIBERTY AND BELIEVE I AM ENTITLED TO EQUAL PROTECTION TO
SMOKE OR NOT SMOKE.

Josephson

PRIVATE INTERPRISES SHOULD BE ALLOWED TO DECIDE, WITHOUT
GOVERNMENT INTERVENTION IF THEY WILL OR WILL NOT ALLOW
SMOKING.

AS FOR FEDERAL STATE AND MUNICIPAL BUILDINGS-DON ONLY NON-
SMOKERS TAXES SUPPORT THESE EDIFICES. I HAVE PAID TERRITORIAL
AND STATE INCOME TAX, AND AM STILL PAYING TAXES ON MY MARLBOROS
BOOZE AND PROPERTY PLUS TAX'S TO THE FEDS. DONT THESE TAXES
COUNT TOWARD EQUAL RIGHTS.

MARION T. STREET 272-2292

902 E 8TH AV

ANCH., AK. 99501

To Surgeon General, Smoking Is Heartache

By Victor Cohn
Washington Post Staff Writer

Surgeon General C. Everett Koop said yesterday that heart disease among cigarette smokers is causing nearly one death in 10 in the United States, a toll greater than smoking-linked deaths from lung cancer.

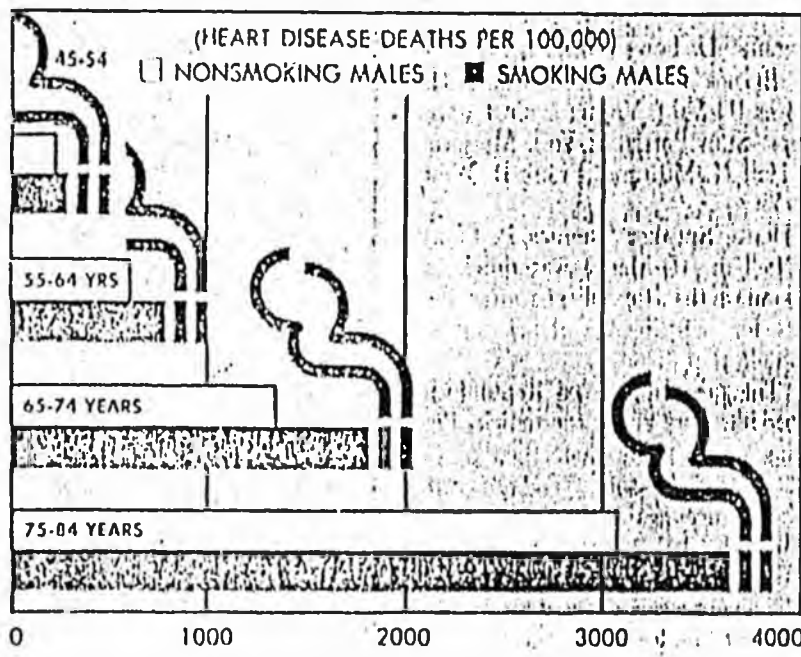
This is "an incredible assault" on Americans' health, and both government and the private sector should do substantially more about it, Koop, a medical doctor, told a news conference. Americans do not understand yet that "smoking actually causes more deaths annually from coronary heart disease than from all cancers," he said.

In his 1983 report titled "The Health Consequences of Smoking: Cardiovascular Disease," Koop made the government's strongest statement yet on smoking's effect on heart and blood vessel diseases.

The report coincided with the Great American Smokeout, the annual campaign that urges smokers to give up cigarettes for one day.

Koop said statistics show that cigarette smoking puts a person at greater risk of heart ailments than either of the two best-known "risk factors" for developing heart disease: high blood pressure and a high level of artery-clogging cholesterol.

CORONARY HEART DISEASE BY AGE AND SMOKING STATUS



SOURCE: DEPARTMENT OF HEALTH & HUMAN SERVICES AND AMERICAN CANCER SOCIETY
By Oail McCrory—The Washington Post

Scientists don't know exactly why smoking causes heart disease, but they think it helps build up cholesterol, eventually blocking the arteries that carry blood to the heart.

Though knowledge of the mechanism is inexact, Koop called the

link between cigarette smoking and heart disease beyond doubt. He said more government action should mean more public education and stronger warning labels on cigarette packages and ads, a cause currently stalled in Congress.

Ending federal tobacco price supports, he maintained, might do more harm than good because tobacco would be cheaper. Koop said cigarette makers likely would use their savings to spend more "for promotion and advertising."

But education helps, he said, citing the drop of the country's smoking population from 41.7 to 32.6 percent of the total since 1965. He reported:

- On average, cigarette smokers have a 70 percent greater rate of coronary heart disease than do nonsmokers, and two pack-a-day smokers have two to three times the nonsmokers' rate.

- Pipe and cigar smokers are at equal risk of getting heart disease if they inhale. Whether or not they inhale, they may face a greater risk of oral and throat cancers.

- Smokers may cut their risk of heart attack by up to 45 percent by quitting, especially if they're still under age 65.

- There is no evidence that breathing smoke of healthy smokers causes heart disease. But there is evidence of increased risk of lung cancer, and children from homes with cigarette smokers have more respiratory diseases, disabilities and lost school days than do others.

Idea of smoke-free work place catches fire

By PHILIP HAGER

The Los Angeles Times

SAN FRANCISCO — The new office policy on smoking took effect on a Monday morning. Four days later, Ann Williamson was still ecstatic.

"I can't tell you what a difference it makes," she said. "Believe me, it's wonderful to be able to breath clean air and earn a living at the same time."

Williamson, an employment interviewer in the state Employment Development Department office in nearby Berkeley, and some other non-smoking workers had been trying for nearly two years to get the department to establish a smoke-free workplace. Weary of the pervasive blue haze in the air, they finally brought a lawsuit against the department.

But now a new policy has gone into effect: there is no smoking in the main office — by the employees or the public. Employees can take work-breaks and smoke in the restroom, coffee shop or conference room if it is not being used.

The success of Williamson and her co-workers is far from isolated. Responding to protests, lawsuits and new concern over the health hazards of "second-hand smoke," a growing number of employers — public and private — are establishing smoke-free environments in the workplace.

Until now, the focus of anti-smoking campaigns had been on theaters, restaurants and public meeting places. Now that focus has shifted to the workplace, where people spend more time. Some workers cite fears of contracting lung cancer, respiratory infection or some other illness from smokey environments. Others are just tired of headaches, nausea and burning eyes and throats.

The state of California, in a new law covering 144,000 state employees, requires all state agencies to adopt a

policy on office smoking. No sweeping office renovations are mandated. But agencies have been told they should ban smoking from formal meetings, encourage workers in small meetings to ask permission to smoke and, where feasible, provide no-smoking areas, ventilated smoking areas or other arrangements to separate smoker from non-smoker.

Ordinances restricting smoking in the workplace have been adopted recently in such cities as San Diego and Ukiah. And a proposed ordinance that would require employers to set aside smoke-free office space — and also that would provide city tax incentives for installing partitions, air cleaners and other structural changes — is being considered by Board of Supervisors here. Employers who do not comply would face civil fines of \$100 per day.

However, proposals like this are not going unchallenged.

In San Francisco, the city's Chamber of Commerce has expressed concern over the measure, raising questions about its cost to employers and objections to the prospect of fines for violations.

The Washington-based Tobacco Institute is staunchly opposing court or government-ordered smoking bans in the workplace. It contends such prohibitions amount to "job discrimination" against smokers and that there is no conclusive proof of health hazards from second-hand smoke.

"It's eminently preferable to strike a balance between what smokers' desire and what anti-smokers' desire," says Walker Merryman, a spokesman for the institute. "But no courts have said that there's a constitutional right to be free of someone else's tobacco smoke. Such a right just doesn't exist."

Nonetheless, a number of private employers have responded to the demands of non-smokers. Several large companies

— IBM, AT&T and Pratt & Whitney Aircraft, among others — have set aside smoke-free work areas. In San Francisco, companies ranging from Bancroft-Whitney, a publishing concern, to Just Desserts, a pastry maker, limit smoking to specific times and places.

Pacific Telephone Co., with 103,000 employees the largest private employer in the state, is drafting a far-reaching program in the wake of two petition campaigns by employees and a subsequent employee survey that found surprising sentiment — both among smokers and non-smokers — for setting aside smoke-free work areas.

The company plans not only to set aside smoke-free areas, but to sponsor its own programs to help employees to quit smoking.

Eriksen notes that, among its other benefits, the new program is expected to reduce certain costs attributable to smoking, including medical care, fire insurance, maintenance of facilities and worker absences.

The question of cost savings is receiving considerable debate. One widely noted study, published in 1981 by William L. Weis, a business administration professor at Seattle University, cited the additional expenses of insurance, absenteeism and disability payments and concluded that employers may be spending an extra \$4,011 per year per smoking employee.

On the other side, Lewis C. Solomon, an education professor at the University of California, Los Angeles, calls that analysis "faulty." Solomon, in a paper published in connection with his work as an economic consultant to tobacco companies, contended among other things that worker absenteeism was more likely related to job boredom, low pay and lack of company loyalty than to smoking.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

September 19, 1983

SUBJECT: Smoking in public places and vehicles
(CSHB 84 (Finance))

TO: Representative Mike M. Miller

FROM: Edward H. Hein
Legislative Counsel

Section 1. This section states the legislative findings and public-purpose rationale for the bill. Under Article VII, section 4 of the Alaska Constitution, the legislature is required to provide for the promotion and protection of public health. The findings state that (1) studies have shown so-called "second-hand smoke" to be a health hazard; (2) courts are beginning to recognize the rights of employees to work in a smoke-free environment; and (3) smokers as a group cost their employers and the public money in the form of higher job absenteeism and higher premiums for insurance.

Section 2. This section amends AS 18.35.300 by stating that smoking is a public health hazard. Again, this provides the public-purpose rationale for regulating smoking. The section also represents a significant change in the state's approach to regulating smoking. Existing law contains an exclusive list of places and vehicles in which smoking is prohibited. If a place is not listed, then smoking is not prohibited in that place. Under the bill, the presumption is that smoking is prohibited in any vehicle or indoor place that is open to the public, unless the vehicle or place, or a portion of it, is exempted by law. The list of prohibited places in this section is illustrative and open-ended, rather than exclusive. Thus, any indoor area or vehicle which is open to the public and not otherwise exempted by law is covered, even if it is not specifically listed in this section. The expanded list makes clear that the legislature intends to regulate smoking in virtually all vehicles of public passenger transportation (common

September 19, 1983

carriers); indoor entertainment and recreation facilities open to the public; all schools; places of public meetings under the control of the state or a municipality; places where the public goes for health care, such as hospitals and doctors' and dentists' offices; business premises, such as restaurants, banks and retail stores; and other places of employment, such as offices that are open to the public.

Section 3. This section amends (by repealing and re-enacting) AS 18.35.310, which exempts certain vehicles and areas from the smoking prohibition of AS 18.35.300. The revised section retains two of the four existing exemptions and adds one new exemption. Under the new section, as under current law, smoking is not prohibited in an area properly designated as a smoking section and smoking is allowed on stage as part of a theatrical performance. The new exemption is for taxicabs and limousines for hire in which the driver and all passengers consent to the smoking. This exemption is provided because these vehicles are too small to divide into smoking sections and nonsmoking sections. The exemption under current law for private gatherings has been transferred to AS 18.35.320. The exemption allowed under current law for state buildings and rooms that are adequately ventilated has been deleted. That exemption has never been used, according to the Department of Environmental Conservation. In addition, the revised AS 18.-35.320(d) provides that a smoking section may not be designated unless the area to be designated meets the minimum ventilation and air quality standards adopted by the Department of Environmental Conservation.

Section 4. Under existing law, AS 18.35.320, "reasonable" smoking areas must be provided in certain buildings, "unless prohibited for the protection of the public safety or the protection and preservation of the building and its contents". The concern here seems to be with fire hazards and possible damage to the contents of libraries and museums from smoke. Section 4 of the bill repeals and reenacts AS 18.35.320 to provide that portions of indoor areas and vehicles of public transportation (other than taxicabs and limousines for hire) may be designated as smoking sections. A smoking section may not be any larger than necessary to accommodate the needs of smokers. The area or vehicle must meet minimum ventilation and air quality standards before a smoking section can be designated. An entire vehicle, room or building cannot be made into a smoking area, except for bars and taverns, tobacco shops, and vehicles or areas while

being used for private social functions. An entire place of employment where all the employees smoke can be designated as a smoking area, except for reception areas, waiting areas, lobbies, and restrooms open to the public.

Section 5. This section repeals and reenacts AS 18.35.330, which currently requires persons in control of places or vehicles where smoking is prohibited to post a sign reading "Smoking prohibited by law". Under the revised version of this section, the signs must be conspicuously displayed, must read "Smoking prohibited by law - maximum fine \$300", and must measure at least 18 inches wide by six inches high, with lettering at least 1.25 inches high. Where a smoking section has been designated, the person in charge of the place or vehicle must conspicuously display both "no smoking" and "smoking allowed" signs.

Section 6. AS 18.35.340 currently provides that smoking in a nonsmoking area is punishable by a mandatory civil fine of from \$5 to \$25 for each offense. Failure to post a "no smoking" sign is punishable by a mandatory civil fine of from \$10 to \$100 for each offense. Punishment can be initiated only by civil complaint or citation. The court is authorized to establish procedures for payment of fines by mail. This section of the bill repeals and reenacts AS 18.-35.340 and requires the commissioner of Environmental Conservation to develop and maintain a procedure for processing reports of smoking law violations. A procedure already exists under 18 AAC 55.050. This provision in the bill assures that the department will maintain some procedure for processing complaints. Under the existing procedure, a person who observes a violation may notify an office of the department, sign an affidavit describing the violation, and agree to testify in court under subpoena if necessary. The department then has discretion to file a complaint in small claims court. This bill provides that the commissioner must investigate all reports of violations. The commissioner then has the discretion to file a civil complaint in superior court to enforce the statutes and regulations. The fine for smoking in a nonsmoking area is doubled to \$10 to \$50. Failure to post proper signs would be punishable by a mandatory fine of \$20 to \$300. The department is authorized to provide for the payment of fines by mail.

Section 7. This section adds two new sections to the law. AS 18.35.341 provides for the issuance of citations by peace

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officers for violations of the smoking or sign-posting statutes. Under this section there is no mandatory fine, but the maximum for either offense is \$300. This is an alternative enforcement mechanism to complaints filed by the Department of Environmental Conservation. The citations would be handled as traffic tickets are, with payment by mail provided for. This section also adds AS 18.35.342, which provides for the commissioner of Environmental Conservation or any aggrieved party to seek an injunction to restrain future violations of the smoking law.

Section 8. This section merely eliminates the reference in AS 18.35.350 to the masculine pronoun "his" and corrects the statutory references in light of the changes made by the bill.

Section 9. This section adds a new section requiring the commissioner of Environmental Conservation to take measures to inform the public of their rights under the bill.

Section 10. This amendment to AS 18.35.360 requires the Department of Environmental Conservation to adopt regulations to implement the bill, rather than allowing the department discretion to adopt or not adopt as it sees fit.

Section 11. This section adds definitions for the terms "commissioner", "department", and "peace officer".

Section 12. This section annuls 18 AAC 55.060, which reads as follows:

18 AAC 55.060. WAIVER OF PROVISIONS. (a) The department will, in its discretion, waive a provision of 18 AAC 55.010 - 18 AAC 55.900 if it determines that the public health and the satisfaction of the purpose of the provision are reasonably assured and that the requirements of AS 18.35.300 - 18.35.360 are satisfied.

(b) Application for a waiver must be made in writing and must include

(1) identification of the provision for which the waiver is requested;

(2) reasons why the provision cannot be satisfied; and

Representative Mike Miller

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(3) a description of an alternative method, if any, proposed for meeting the purpose of the provision to be waived.

(c) The department will answer a request for a waiver in writing within 30 days after receipt of the request.

If I may be of further assistance, please advise.

EHH:ljb
29/008

Showdown On Smoking

To smoke or not to smoke has changed from a simple question of health and habit to an explosive issue of civil rights and social etiquette.

Warning: cigarettes can endanger your health in ways the surgeon general never imagined. Consider two signs of the times. In an East Hampton, N.Y., movie theater, writer Fran Lebowitz lights up a Carlton—thereby incensing the man in the next seat, who grabs for the cigarette. Lebowitz calls in the cops and has him arrested for harassment. Verdict: not guilty. In Cambridge, Mass., Daniel Radler, 25, chides a female passenger for smoking on a bus. She beans him with her umbrella. He sues the transit authorities with the help of the local Group Against Smoking Pollution (GASP) and wins \$3,500 in damages. And so it goes. Massachusetts GASP president Rita Addison anticipates more mayhem ahead. "We all have fantasies of violence,"

she says. "Sometimes, this feels like war."

Nearly 20 years ago the first surgeon general's report on smoking warned that cigarettes could harm the health of people who used them. The result was a generation of quitters, would-be quitters and failed quitters. But now smoking is under attack by people who *don't* smoke. They are madder than hell and aren't going to take it anymore—not in airplanes or offices, not in elevators or restaurants. Increasingly, the nonsmokers regard smoking as a public transgression rather than a private indulgence. "We're really on the defensive," says public-relations executive Dick Arnold, a two-pack-a-day man from San Francisco, which just passed a tough smoking law. "Every time I light up, I feel like a pariah."

What makes the showdown on smoking such a hard-fought battle is that smokers are no easy target. In fact, after a decade of relatively rapid decline, America's smoking population seems to be on the rise again. A forthcoming Gallup poll will show that 38 percent of American adults now smoke, up from 35 percent two years ago. This beleaguered minority confronts a newly militant majority of non-, ex- and antismokers. Last year antismoking sentiment helped persuade Congress to double the cigarette tax. This year Congress is considering a bill to strengthen the health warnings that already appear on every pack of cigarettes.

The rich and powerful tobacco industry is fighting back, but it faces enemies on many fronts. Today 36 states restrict smok-

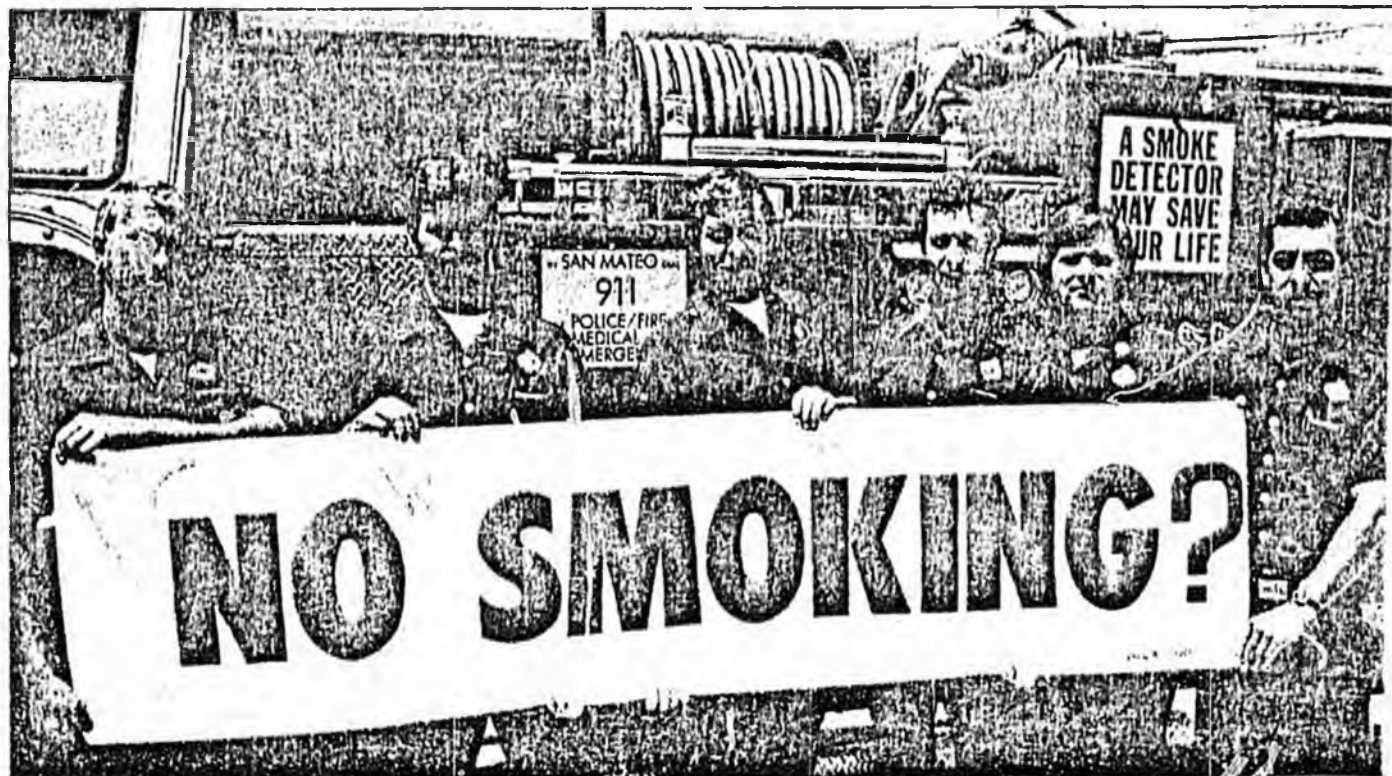


Mitch Kazar—Black Star

Company cafeteria in Minnesota: Keeping smokers in their place

Firemen in San Mateo, Calif., where the department won't hire men who smoke at work or home: The union is suing

James D. Wilson—Newsnet



ng, compared with only five in 1971. Cities are taking vigorous action against smoking in public. San Francisco's new ordinance, which Mayor Dianne Feinstein is expected to sign into law this week, requires all private employers to provide "reasonable accommodations" for both smokers and nonsmokers. But if a single nonsmoking employee objects to the arrangements, the company must ban smoking in his or her area or face a possible \$500-a-day fine.

Given many a smoker's volatile mix of emotions—desire, resentment and remorse—blowups are predictable. Ex-smokers, who now number approximately 34 million, can be especially irritating. "There is an air of fanaticism with a lot of those people," says Pat Carr, past president of the Idaho Lung Association. "My father used to say that there's nothing worse than a reformed whore. He was wrong. A reformed smoker is worse."

Consolation: Purveyors of tobacco have been squashing their critics since the 17th century, when King James I proclaimed the native American crop "loathsome to the eye, hateful to the nose." Cigarettes have survived periodic suppressions—13 states instituted some form of ban during the early 1900s—thanks to superb salesmanship and a willing public. But during World War II, advertising rendered smokes second only to Betty Grable pinups as the GI's consolation; by 1955 the postwar male smoking population had peaked at 53 percent. Subsequent cancer revelations, the advent of warning labels (1966) and the ban on broadcast commercials (1971) all shook the industry—temporarily. On each occasion, cigarette makers managed to rebound with innovations, from filter tips to low- and ultra-low tars.

Most recently, smoking interests have been challenged in the workplace. At least one-fifth of all U.S. firms now post some restrictions on smoking, according to Washington's Action on Smoking and Health (ASH). The Pacific Telephone & Telegraph Co., California's largest private employer, is formulating smoking guidelines for its 103,000 workers, after a survey showed that nearly three-fourths of the employees who responded—including more than half the smokers—wanted controls. When rules cannot be worked out amicably, nonsmokers are taking legal action. Courts in Missouri, California and New Jersey have sided with nonsmokers, ruling that those who are sensitive should be provided with either a smoke-free environment or disability payments. On the other side of the case, the District of Columbia Court of Appeals in Washington recently held that employers have no obligation to

satisfy the demands of nonsmokers.

In a potential landmark case in Massachusetts, the rights of smokers and nonsmokers are pitted directly against each other for the first time: one allergic case-worker wants the Attleboro Department of Public Welfare to ban smoking from its open offices, while a colleague claims to be an addicted smoker who can't function without cigarettes. A pending case in San Mateo, Calif., could prove even more important. The county fire department won't hire anyone who smokes—on or off the job. The department claims the policy will save millions in workmen's compensation, since some job-related ailments appear to be smoking-related as well. But the firemen's union is suing, charging an unconstitutional

respiratory impairment that a doctor would expect to find in a "light" smoker of 11 cigarettes a day. "For the first time, we have a quantitative measurement of a physical change, a fact that may tip the scales in favor of the nonsmokers," says Dr. Claude Lenfant of the National Institutes of Health.

Dangerous Development: As the Roper Organization predicted in a 1978 survey for the Tobacco Institute: "What the smoker does to himself may be his business, but what the smoker does to the nonsmoker is quite a different matter . . . this we see as the most dangerous development to the viability of the tobacco industry that has yet occurred."

Born in the '60s, the antismoking movement came of age in the early '70s when ASH persuaded the Civil Aeronautics Board to restrict smoking on airplanes. Under catchy acronyms like GASP or FANS (Fresh Air for NonSmokers), at least 50 local groups have since flourished, abetted by such national forces as the American Cancer Society and the American Lung Association. What they lack in funds, local foes of smoking make up in determination. When repeated remonstrances against an illegal smoker failed, MIT Prof. David Gordon Wilson—the founder of Massachusetts GASP—uncorked his secret weapon, a vial of ammonium isovalerate, and waved it in the air. "It smells like a cross between Limburger cheese and an athlete's foot," he reports. Little escapes the grasp of New Jersey GASP; the energetic organization urges corporations to create smoke-free office space and pickets tobacco-sponsored events such as the Metropolitan Museum of Art's Vatican exhibit, backed by Philip Morris.

A major campaign against cigarettes has been waged in California. In 1977 the tobacco industry spent more than \$6 million to help defeat a statewide referendum to restrict public smoking. Since that setback, many antismokers have changed tactics to concentrate on local governments. The results are remarkable: 20 California communities have passed restrictions in the last three years alone. Smoking is illegal in most public places in Berkeley, where no-smoking placards outnumber stop signs 10 to 1. San Diego recently adopted a public-smoking law that, among other things, requires all restaurant seating more than 20 to provide smokeless zones. San Francisco's attempt to regulate smoking in the office goes even further. "In a restaurant or bar, you can walk out," says board of supervisors president Wendy Nelder, who drafted the recent legislation with the help of the Bank of America. "In the workplace, you have no choice."

As health-conscious as California seems to be, it is Minnesota that leads the nation in smoking controls. Eight years ago the legis-



Fighting back: Angry smokers on the Long Island Rail Road

invasion of privacy—and the decision could reverberate widely as other employers consider the economic benefits of such discrimination.

Medical research has encouraged the nonsmokers' cause. Evidence on the link between smoking and lung cancer, cancer of the mouth, larynx and esophagus, heart disease and strokes has mounted over the years almost to the point of numbness. But recently, preliminary studies have suggested other potentially explosive findings: cigarette smoke may also endanger the hearts and lungs of those who do not smoke. Dr. Wilbert Aronow of the Creighton University School of Medicine in Omaha showed that angina sufferers develop chest pains when exercising in poorly ventilated, smoke-filled rooms much more quickly than do patients working out in smoke-free conditions. In another study, Dr. Herman Fraeb of the University of California, San Diego, found that nonsmokers exposed to second-hand smoke from their co-workers for 20 years or more had the same degree of

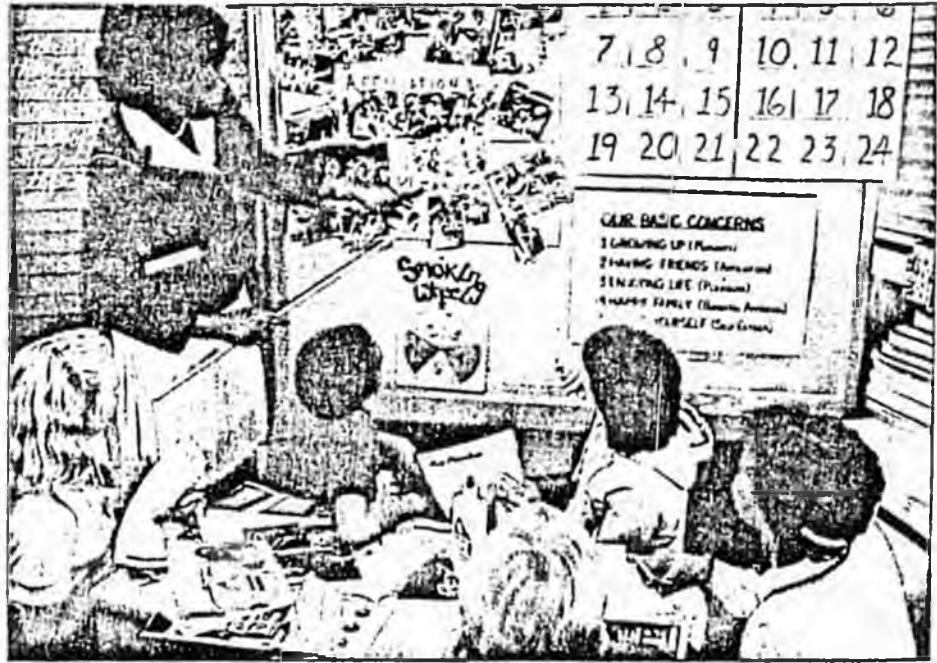
LIFE/STYLE

lature passed a Clean Indoor Air Act, barring smoking in banks, stores, offices and almost any other public space except where expressly permitted. "The law regulates virtually every place indoors except bars and private homes," says Charles Schneider, the health-department official in charge of enforcement. Penalties range from warnings to \$100 fines, depending on the circumstances. The penalty for giving a cigarette to a minor is harsher than that for giving him a joint.

But Minnesota's law is largely self-policing. "Smoking permitted" and "prohibited" signs blanket the state like its trademark snowdrifts, and citizens aren't shy about making reprimands. "If you don't obey, you'll be reminded," says Jeanne Weigum, president of the Association for Nonsmokers' Rights. At the Hubert H. Humphrey Metrodome, fans actually applaud the no-smoking announcements at the beginning of sports events. When the Minnesota Vikings play in Michigan's Silverdome, Coach Bud Grant complains, "You can see the blue haze start from the top and work its way down over the field. Afterward, you go in the dressing room and take off your shirt, and you reek like you were in some bar all night."

Squabbles: The joys of clean air do not come without struggles. As amended, the Minnesota law requires restaurants to set aside at least 30 percent of their seats for nonsmokers. Many reserve more—and that often causes squabbles. When one burly customer at Robbie Stair's Mud Pie restaurant in Minneapolis rejected the admonitions of his fellow diners by growling, "I smoke when I eat," Stair snatched away his plate and declared, "Now you're done." The fellow stormed out. "This is a very emotional issue," says Steve Roberts, a safety engineer who has plumbed the mysteries of buffer zones, air exchanges and stationary partitions while drafting smoking policy for Honeywell's 17,000 workers in Minneapolis and St. Paul. "A lot of our people have perceived smoking as a right; it isn't, it's a privilege."

The spread of comprehensive smoking regulations is far from inevitable, given the clout of the tobacco industry. Nearly one-third of the almost \$23 billion Americans spent on 624 billion cigarettes last year poured into the tax coffers of federal, state and local governments—making most of them less than eager to restrict consumption. Although more American adults were smoking last year than the year before, the number of cigarettes sold decreased for the first time in five years, due partly to higher taxes. But a barrage of brand launches is in the works to offset another anticipated drop in 1983. R.J. Reynolds, the giant producer of Camel, Winston and Salem, is trumpeting Bright, a minty low-tar; king-size Philip Morris Inc. is ballyhooing its Players brand. American Brands has reincarnated Lucky Strikes as low-tar filters, Liggett & Myers



James D. Wilson—Newsweek

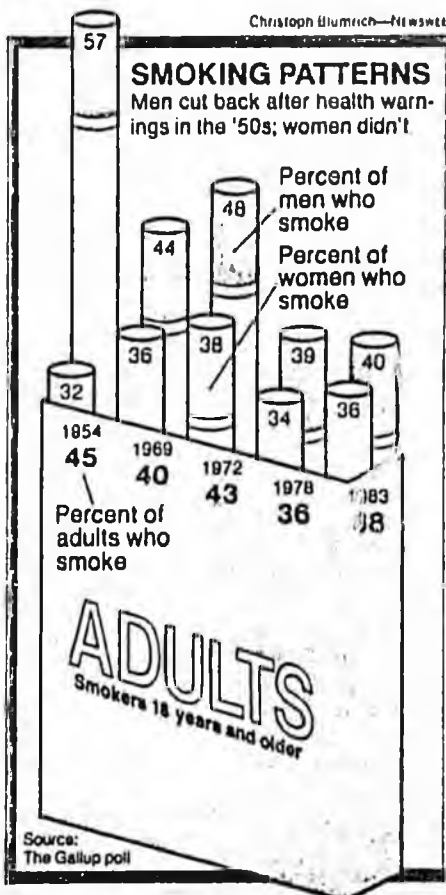
Antismoking class for sixth-graders in Oakland, Calif.: Using facts to fight the image

has scored a smash with low-price generic cigarettes and Lorillard is staging a lavish bow for high-status Satins. Says I. W. Hughes, chairman of Brown & Williamson Tobacco Corp.: "I'd be a fool to tell you we aren't concerned as hell about what's going on, but this industry can adapt."

Finding ways to assuage fears about health hazards has been the primary objective of tobacco's \$1 billion-a-year ad budgets for the last few years as brands contain-

ing as little as one milligram of tar captured 60 percent of the market. But recent medical research suggested that low-tars might do as much harm as good by prompting smokers to smoke more and take deeper drags. Now, sales of low-tar are flattening out. "Everything we do now is bad for our health according to *someone*," says leading tobacco analyst John C. Maxwell Jr. of Lehman Brothers Kull Loeb. "People simply decide, 'The hell with it.'" Instead of stressing "safer" cigarettes, ads have returned to touting sensations, or such Marlboro Country tangibles as machismo. "You're taste success and it sure tastes good," exclaim Vantage ad, showing a brawny scuba diver stretched out on his boat. Many pitches are aimed at women, the growth market of you've-come-a-long-way-b-smokers that Virginia Slims has reaped with such success.

'Evangelical Zealot': The industry's most visible advocate is the 25-year-old Tobacco Institute in Washington. With only 12 registered lobbyists, it is relatively small; the companies have as many as 200. But mighty. The Tobacco Institute will pay lawyers and dispatch professional witnesses to the most obscure arenas; members of the Environmental Control Board in Evanston, Ill., were startled when four representatives turned up last winter to testify against a proposed citywide ban on cigarette ways (it was defeated). From a man adorned by a placard that says "kick your butt," TI vice president Walker Merritt denounces the more extreme antismoking "shrill, evangelical zealots indulging in bridled rescue fantasies." TI contests methods and conclusions of most studies that link smoking and ill health. The Institute ad campaign exhorts consumers to "weigh both sides before you



LIFE/STYLE

sides" on smoking issues. Other ads make a Libertarian argument: "Are occasional annoyances enough of a reason to limit freedom?" "Anyone who is an adult has a right to make a choice," Merryman says.

Tobacco draws its deepest strength from the fields of North Carolina, Kentucky and 20 other states, where "the golden leaf" helps support nearly 500,000 farmers and employs about 2 million jobs. Many growers are bewildered by the antismoking onslaught. "We can't understand why they only pick on one commodity," complains S. J. Stokes Jr., who farms near Lexington, Ky. "If you do anything in excess—eat bread, or pizza—it will be bad for your health."

Quotas: Since tobacco is so lucrative per acre, it has long been the crop of choice among small Southern farmers. To prevent their widespread failure during the Depression, Congress created an elaborate federal system of allotments—permits to grow tobacco on a specified number of acres. To further control overproduction, yearly marketing quotas were established by the secretary of agriculture. Any farmer who wanted to plant more had to rent or buy the rights to other allotments, which were sometimes held by large non-growers who functioned as absentee landlords. Surplus crop were warehoused by growers' co-operatives until they could be sold. The cooperatives borrowed federal funds to pay farmers a minimum support price set yearly by the government and repaid the low-interest loans when the tobacco was actually sold.

The system functioned quietly until recently when some small tobacco farmers started protesting that allotments were unfair and costly, while supports kept prices too high to compete with cheaper foreign leaf. To stem their grumbles last year—and to resist pressure from anti-smoking and free-market forces in Congress—some tobacco-state congressmen endorsed reforms that were designed to make the system largely self-supporting. That still didn't satisfy dissidents. This spring 300 renegade farmers formed the United Tobacco Growers Association in North Carolina—the bedrock of Tobacco Road—to lobby for an end to the whole "feudal" system, which is still supported by the majority of allotment holders and farmers.

The mere thought of a free tobacco market might have been hooted off Capitol Hill five years ago, but not today. "I think we can save the [support] program, but it gets harder all the time," admits Sen. Walter (Dee) Huddleston of Kentucky. Once again, tobacco troops in Congress are trying to forestall abolition by proposing more reforms and hoping for help from their farm-belt allies.

More remarkably, congressional oddsmakers give fair-to-even chances for passage of a bill that would strengthen cigarette warnings to a point just short of a skull and crossbones. One version proposed by California Democrat Henry Waxman reads: Warning: Cigarette smoking

■ causes lung cancer and emphysema.

■ is a major cause of heart disease.

■ is addictive and may result in death.

In an unprecedented move, representatives of the Tobacco Institute and the public-health service are now meeting to come up with a mutually acceptable alternative to submit when Congress reconvenes in June.

The labeling bill would also require cigarette makers to inform the federal government—for the first time—precisely what their products contain. Unlike the ingredients in other widely used products that are monitored by the Food and Drug Administration or the Consumer Product Safety Commission, the contents of cigarettes are



GASP president Addison: 'Sometimes, this feels like war'

unregulated by any federal agency. The Federal Trade Commission polices ads and the Civil Aeronautics Board regulates smoking on airplanes, but no agency reviews the ingredients. Only after three years of requests did the secretary of health recently obtain a list of some of the 1,400 additives commonly used in the manufacture of cigarettes.

Group Therapy: It's no secret that most smokers have an urge to quit: numerous surveys show that anywhere from two-thirds to 90 percent wish they didn't have the habit. And even though most successful quitters manage to stop on their own, commercial helpmates abound. Some offer hypnosis for \$200 a session, while others administer acupuncture for \$200 a treatment. The 10 Schick Centers in three states practice aversion therapy; for \$495, smokers are cloistered in tiny rooms with glutted ashtrays, forced to puff constantly and zapped with a 9-volt shock each time they do. Group therapy and behavior modification are especially popular; the eight-week SmokEnders course has drawn 300,000 customers since 1969. Experts say the best

programs make people confront their dependency—perhaps by keeping a cigarette diary—and substitute exercise and other gratifications.

Almost any cessation program will work—for a while. The long-term success rate, however, tends to be only 20 to 30 percent; within a year of quitting, 70 to 80 percent of smokers will relapse. The habit is wrenchingly hard to abandon because it can be both physically and psychologically addicting, according to the National Institute on Drug Abuse. Smoking can soothe or stimulate, focus the mind or serve as a social prop. More crucially, the desire for a cigarette is reinforced by daily rituals or social situations: every cup of coffee, every cocktail, every meeting or waiting room presents a challenge. "Smoking cigarettes is one of the greatest pleasures of my life in spite of what I have to go through to smoke them," says legal secretary Carolyn Lundmark of Oakland, who has tried to stop seven times because of chest pains and a hacking cough.

Upticks: As committed smokers fight for what they see as their rights, they are being joined by younger recruits. After several years of decline, teen-age smoking seems to be increasing. Two recent surveys for NIDA both reported upticks. The National Household Survey on Drug Abuse by George Washington University showed the percentage of smokers 12 to 17 years old had moved from 12.1 in 1979 to 14.7 in 1982, while the annual survey of high-school seniors conducted by the Institute of Social Research at the University of Michigan revealed the first increase in five years, from 20 to 21 percent. Fearing that teens have

stopped hearing health warnings—or consider themselves immortal—educators are revamping antismoking programs to stress esthetics and social acceptance. "Emphasizing the immediate consequences, like smelly hair and yellow teeth and fingers, is a lot more effective," says social psychologist Brian Flay, who along with his colleagues supervises antismoking programs for 60,000 junior-high students in the Los Angeles area.

Kids, however, still tend to view smoking through a glamorous haze. Some adults, as well, secretly see themselves as Bette Davis or Humphrey Bogart whenever they brandish a cigarette. Tobacco companies trade on such romantic fancies; but despite the "upscale," sophisticated images that dominate cigarette ads, smoking appears to be more the habit of the blue-collar segment of the population. The University of Michigan survey found that college-bound seniors were less than half as likely to smoke as those who had no college plans. "Increasingly, the upper-class, more educated people are stopping

or not taking it up in the first place," says epidemiologist Joanne Hoover of the University of Washington.

What's more, the producers of everything from toothpaste to air-purifying machines now drum away at the message that smoking is an offensive habit. Abstinence is often rewarded. At least 100 life-insurance companies give discounts to non-smokers. They're the only welcome guests at the year-old Non-Smokers Inn in Dallas, where employees weed out violators and add a \$100 fine to their bill. Two-year-old Muse Air flies nothing but nonsmoking sections out of Texas; desperate habitues on the long run from Houston to Los Angeles are given "survival kits" containing gum, candy and plastic pacifiers. And since last fall, Thrifty Rent-A-Car has offered some smoke-free vehicles (their ashtrays are filled with mints).

Unorganized Resistance: Smokers are only now sporadically organizing against the opposition. New Yorker James Stewart, former chairman of a major insurance company was so fed up with antismoking lectures that he started Smokers United to combat smoking bans, and in Terre Haute, Ind., this spring the ad-hoc Smokers' Club was formed for similar reasons. There is, of course, much unorganized resistance to encroachments on smokers' rights. Two of the world's least luxurious conveyances have been rocked recently by smoking showdowns. Earlier this year, after smoking scowflaws emerged as the No. 1 complaint of New York City subway riders, transit police started issuing tickets, and at least two policemen were injured in scuffles during the crackdown. And last week on the Long Island Rail Road, some commuters revolted when they lost one of their two remaining smoking cars. The third reduction in 12 years provoked a blizzard of pro-smoking stickers throughout the train, a few speeches about oppression and a flood of angry letters of complaint to the railroad.

For the near future the uncivil war over smoking will probably escalate. Antismoking forces predict eventual victory: "Smoking will go the way of spitting," says GASP's Wilson. "You just wait and see." But the cigarette companies sound just as confident. "There is no product whose supposed dangers are more well known, and yet 59 million Americans still enjoy their cigarettes," says James Morgan, executive vice president for marketing of Philip Morris, U.S.A. But enjoyment is precisely the point. Should the day-to-day hassles over smoking get more unpleasant, beleaguered smokers may decide the pleasure's not worth the problems. In the end, social pressure and self-image will probably do more to influence whether or not people smoke than any battery of laws—or the best-armed regiment of surgeons general.

LYNN LANGWAY with GERALD C. LUBENOW and PAMELA ABRAMSON in San Francisco, JOHN McCORMICK in Minneapolis, PETER McALEVEY in New York, MARSHA ZADARSKY in Boston, MARY HAGE in Washington and bureau reports

MUSIC



Tony Homano

'Gentlemen of Japan' in Sellars's 'Mikado': Sayonara to the Savoyards

Two Wandering Minstrels

When was the last time—truthfully now—that you went to the opera simply for the music? The superstar singers and conductors, sad to say, have all but taken over the show from the composer. Now superstar directors are recasting opera as well. What began as a trickle of European film and theater directors who worked in opera—Bergman, Zeffirelli, Visconti—has swelled into a fashionable flood. Directors as varied as John Schlesinger, Joseph Losey and Robert Altman are rushing to make their mark in opera, often with questionable results. Two highly provocative cases in point are the Lyric Opera of Chicago's recent production of "The Mikado," directed by Peter Sellars, and "Madama Butterfly," directed by Ken Russell, the inaugural production of the current

Spoletto Festival U.S.A. in Charleston, S.C. Ken Russell is the British film director famous—or infamous—for such hallucinatory, erotic movies as "The Music Lovers," "Tommy" and "Lisztomania." His operatic debut, a production of Stravinsky's "The Rake's Progress" last year at the Maggio Musicale festival in Florence, relocated that glitteringly artificial, neoclassical opera in the drug-ridden world of today. Sellars is a 25-year-old theatrical *enfant terrible* from Harvard who won acclaim in 1981 for a modernized version of Handel's "Orlando," which featured American astronauts. Until he was sacked by the producers, who reportedly found his ideas too avant-garde for Broadway, he was also the director of "My One and Only," the new Gershwin musical with Tommy Tune and Twiggy.

Lamy, Galbraith in 'Butterfly': America the ugly

William Strubs



Western Fantasy: For "Butterfly" and "The Mikado," Sellars and Russell had surprisingly similar ideas. Both works, of course, are set in Japan, or at least a Western fantasy of Japan—Gilbert and Sullivan's in the late Victorian era, Puccini's at the beginning of the century. Sellars's scheme was to set "The Mikado" in modern Japan, thereby changing what was meant to be a satire of British society, thinly disguised as Japan, into a comment on the Westernization of the East. Russell's notion was to transform Butterfly from a geisha into a prostitute and move the action forward into the increasingly nationalistic Japan of the 1930s.

Of the two, "The Mikado" is ripe for updating. Richard Savoyards aside, the Gilbert and Sullivan operettas have become so lacquered over the years that their

January 26, 1984

Senator Josephson:

I attended another session of the HESS Committee meeting yesterday on CSHB 84.

Pappy Moss mentioned contacts from citizens saying their constitutional rights would be violated if HB 84 is enacted.

I have done some research and found all sorts of common law decisions protecting non-smokers in the workplace, but I have been holding my presentation until State Affairs meets on the bill. Should you find it useful, attached is my future presentation to the other committee.

Also attached is a decision stating that there is no constitutional right to have the workplace declared a no smoking area. I am certain the principle works in the opposite direction also--that smokers have no constitutional right to smoke anywhere they wish.

Marilyn Martin

Room 508

Anthony KENSELL, Plaintiff-Appellant,

v.

STATE OF OKLAHOMA; Oklahoma Department of Human Services; the Honorable George Nigh, Governor of Oklahoma; Reginald D. Barnes, Chairman, Oklahoma Public Welfare Commission; Lloyd E. Rader, Director, Oklahoma Department of Human Services; Clifford E. Burns, Executive Assistant Coordinator; Lowell E. Green, Executive Assistant Coordinator; Raymond Nance, Disability Insurance Unit Program Administrator; Thurma Fiegel, M.D., Chief Medical Consultant of Disability Insurance Unit; Peggy Ezernack, Disability Insurance Unit Supervisor, Defendants-Appellees.

No. 82-1361.

United States Court of Appeals,
Tenth Circuit.

Sept. 13, 1983.

Employee of the state of Oklahoma brought action against the state and various officers and employees thereof seeking damages and injunctive relief arising from defendants' failure to prohibit smoking in the area in which he worked. The United States District Court for the Western District of Oklahoma, Ralph G. Thompson, J., granted defendants' motion to dismiss for failure to state a claim upon which relief could be granted, and plaintiff appealed. The Court of Appeals, Logan, Circuit Judge, held that plaintiff could not prove that he was deprived of a federal right.

Affirmed.

Civil Rights — 13.13(3)

Civil rights claimant who allegedly suffered from respiratory and cardiovascular ailments and who sought damages and in-

1. The trial court correctly noted that, regardless of the merits of Kensell's complaint, the Eleventh Amendment would require dismissal of the State of Oklahoma as a defendant and

injunctive relief against his employer, the state of Oklahoma, and various officers and employees thereof failed to prove that he was deprived of a federal right by defendants' failure to prohibit smoking in the area where he worked. 42 U.S.C.A. § 1983.

Sylvia Marks-Barnett, Oklahoma City, Okl., for plaintiff-appellant.

David A. Brown, Oklahoma Dept. of Human Services, Oklahoma City, Okl., for defendant-appellee Oklahoma Dept. of Social Services.

Jan Eric Cartwright, Atty. Gen., John E. Douglas, Asst. Atty. Gen., Oklahoma City, Okl., for defendants-appellees Nigh and State of Okl.

Before SETH, Chief Judge and LOGAN, and SEYMOUR, Circuit Judges.

LOGAN, Circuit Judge.

After examining the briefs and the appellate record, this three-judge panel has determined unanimously that oral argument would not be of material assistance in the determination of this appeal. See Fed.R. App.P. 34(a); Tenth Cir.R. 10(e). The cause is therefore ordered submitted without oral argument.

Plaintiff L. Anthony Kensell appeals a judgment granting a motion to dismiss his amended complaint for failure to state a claim upon which relief can be granted. Fed.R.Civ.P. 12(b)(6). Alleging that he suffers from respiratory and cardiovascular ailments, the plaintiff brought suit under 42 U.S.C. § 1983, claiming that the State of Oklahoma and various officers and employees of the State of Oklahoma violated his constitutional rights under the First, Fifth, Ninth, and Fourteenth Amendments by failing to prohibit smoking in the area where plaintiff worked at the Oklahoma Department of Human Services. He sought damages and injunctive relief.¹

dismissal of the claim for damages against state officers acting in their official capacity. *Lohman v. Jordan*, 415 U.S. 651, 34 S.Ct. 1347, 391 F.2d 662 (1974).

against his employer, the... and various officers and... failed to prove that he... a federal right by defend... prohibit smoking in the area... 42 U.S.C.A. § 1981

Barnett, Oklahoma City, Appellant.

n, Oklahoma Dept. of Hu... lahoma City, Okl., for de... Oklahoma Dept. of Social

right, Atty. Gen., John E... tly. Gen., Oklahoma City... lants-appellees Nigh and

Chief Judge and LOGAN, Circuit Judges.

it Judge.

g the briefs and the appel... three-judge panel has de... ussly that oral argument... material assistance in the... this appeal. See Fed.R... th Cir.R. 10(e). The muse... ed submitted without oral

Anthony Kensell appeals a... g a motion to dismiss his... nt for failure to state a... h relief can be granted... 86). Alleging that he suf... atory and cardiovascular... ntiff brought suit under 42... laiming that the State of... rious officers and employ... of Oklahoma violated his... hts under the First, Fifth... rteenth Amendments by... nt smoking in the area... worked at the Oklahoma... Human Services. He... nd injunctive relief.

claim for damages accord... ng in their official capacity... 415 U.S. 651, 91 S.Ct. 111... 74)

A complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts that would entitle him to recover. *Conley v. Gibson*, 355 U.S. 41, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957). We affirm the district court's dismissal of the complaint; clearly the plaintiff could not prove that he was deprived of a federal right.

The plaintiff asserts that the defendants' failure to provide a smoke-free workplace violated his First Amendment rights because the smoke interfered with his ability to think. In support of that argument, appellant cites only *Rogers v. Okin*, 478 F.Supp. 1342 (D.Mass.1979), *aff'd in part, rev'd in part*, 634 F.2d 650 (1st Cir.1980), *vacated sub nom. Mills v. Rogers*, 457 U.S. 291, 102 S.Ct. 2442, 73 L.Ed.2d 16 (1982), a class action brought by patients at a Massachusetts state mental institution. Part of the relief those patients sought was an injunction against the forcible injection of psychotropic drugs. The district court held that the right to think was an aspect of the right of privacy, with its roots in the First Amendment, and that, absent an emergency, forcible injections of such drugs violated the patients' right to think. *Id.* at 1367.

The plaintiff also claims that by allowing smoking in his workplace the defendants assaulted him and thereby deprived him of his constitutional rights. In support he cites cases in which police and prison personnel have been held liable under section 1983 for assaults against persons in their custody. Finally, the plaintiff alleges that he was deprived of a property right in his state job because his only options were to endure cigarette smoke or quit. We note that the plaintiff still is an employee of the Department of Human Resources; thus, he has no constructive discharge claim. His contention that he must quit his job or endure the smoke is legally indistinguishable from his claim that his constitutional rights are violated by his being assaulted on the job by cigarette smoke.

The intrusions upon the plaintiff's person resulting from working with fellow servants who smoke is a far cry from forcible

injections of mind altering drugs and assaults committed by police or prison officials to intimidate or punish persons in their custody. This is not a case in which governmental officers are abusing power they possess only because the government is sovereign. In essence, the plaintiff has voluntarily accepted employment in an office in which he knew or should have known other employees smoke. Upon discovering that he is allergic to smoke or that it exacerbates his health problems, instead of quitting or transferring he seeks to force his employer to install a no-smoking rule in the office or to segregate smokers from nonsmokers. The state as his employer no doubt has the power to grant his request. As sovereign, it can make exposing him to smoke a tort, see *Shimp v. New Jersey Bell Telephone Co.*, 145 N.J.Super. 516, 368 A.2d 408 (1976), or a crime. See *Okl.Stat. Ann.*

tit. 21, § 1217. We are certain, however, that the United States Constitution does not empower the federal judiciary, upon the plaintiff's application, to impose no-smoking rules in the plaintiff's workplace. To do so would support the most extreme expectations of the critics who fear the federal judiciary as a superlegislature promulgating social change under the guise of securing constitutional rights. *Accord Fed. Employees For Nonsmokers' Rights (FENSR) v. United States*, 446 F.Supp. 181 (D.D.C. 1978), *aff'd, mem.*, 598 F.2d 310 (D.C.Cir. 1979); *Gasper v. Louisiana Stadium and Exposition Dist.*, 418 F.Supp. 716 (E.D.La. 1976), *aff'd*, 577 F.2d 897 (5th Cir.1978).

The plaintiff appears to have eliminated his pendent state claims when he amended his complaint. In any event, when federal claims are dismissed before trial, pendent state claims should be dismissed as well. *United Mine Workers v. Gibbs*, 383 U.S. 715, 726, 86 S.Ct. 1130, 1139, 16 L.Ed.2d 218 (1966).

AFFIRMED.



I support HB 84 in its entirety, however, I have a very special interest in one of its provisions -- that of protecting Alaskan non-smokers in the workplace. Very few of us are independently wealthy and able to live in this world without working.

To those of you who may be skeptical of HB 84, let me provide the following information. HB 84 is not bizarre; it is not even on the cutting edge. Instead, it is the culmination in our state of events that have occurred for years around our country.

In 1965, Congress officially recognized the dangerous nature of cigarette smoke and declared a national policy to warn the public of danger and to discourage cigarette smoking. In 1970, congress banned the advertising of cigarettes from radio and television.

Also in 1970, the American people expressed in law the strong sentiment that U.S. employers, including the State of Alaska in its role as employer, must provide safe and healthy places of work and that employers have the duty of eliminating all foreseeable and preventable hazards in the workplace. 29 U.S.C.A. § 651 et seq. This particular legislation recognized, however, the concurrent state power to act either legislatively

or judicially under the common law with regard to occupational safety; this is why we are here today.

Later, in 1972 and 1975, the U.S. Surgeon General declared that smoking is dangerous to the health of human beings.

The tobacco industry lobbyist in just a few minutes will once more tell the Legislature that the review of federal actions I just gave and the material on common law decisions protecting non-smokers in the workplace which I am about to present, is irrelevant. Don't you believe it. The laws are still in effect. I researched the following cases last week; they have not been overturned by higher courts. They have not even been appealed. They are alive and viable as precedents for use by other courts in considering litigation. In fact, since there are no Alaska cases relating to this issue, these may be the very cases an Alaska court would turn to for precedent.

Possibly because the federal protective law mentioned earlier did not speak specifically to cigarette smoke in the workplace, workers began filing court actions in order to obtain such protection. In 1976, a New Jersey judge, after listening to and considering voluminous evidence relating to the negative effects of cigarette smoke on human beings, stated the following:

Where a matter is generally accepted by mankind as true and is capable of ready demonstration by means commonly recognized as authoritative, the court may use the matter as an aid in its consideration.

Shimp v. New Jersey Bell Telephone Co., 368 A.2d 408, 413 (1976)

Saying thus, the New Jersey judge would have made short shrift of a tobacco lobbyist claiming that evidence proving smoke was dangerous should be ignored.

The judge continued:

"The evidence is clear and overwhelming. Cigarette smoke contaminates and pollutes the air, creating a health hazard not merely to the smoker but to all those around her who must rely upon the same air supply. The right of an individual to risk his or her own health does not include the right to jeopardize the health of those who must remain around him or her in order to properly perform the duties of their jobs...The employees' right to a safe working environment makes it clear that smoking must be forbidden in the work area...."

Shimp v. New Jersey Bell Telephone Co., 368 A.2d 408, 416 (1976)

Then, on October 21, 1982, the Ninth Circuit Court of Appeals in San Francisco (ou: Court of Appeals) decided in favor of another hypersensitive non-smoker, a Federal employee. Parodi v. Merit Systems Protection Board, 690 F.2d 731 (1982) The Court used a term new to me, "environmental limitation," to describe the situation in which the employee, Mrs. Parodi, found herself:

Parodi has an environmental limitation...[She] cannot...perform her job due to its location in a smoke-filled office. She is as disabled for her job at her assigned worksite as she would be had she actually suffered chronic bronchitis or another physically disabling disease. She cannot perform her job, not due to choice or bad habits, but due to a disease which limits the environment in which she can work...If, however, the government cannot find a suitable position or refuses to offer one, the claimant is then entitled to disability benefits (my emphasis). (p. 739)

Last year in another decision, (Smith v. Western Electric Co., 643 SW 2d 10, 13 (1983)) a court declared:

The allegations of the instant case . . . show that the tobacco smoke of co-workers smoking in the work area is hazardous to the health of employees in general and plaintiff in particular. The allegations also show that defendant knows the tobacco smoke is harmful to plaintiff's health and that defendant has the authority, ability, and reasonable means to control smoking in areas requiring a smoke-free environment.

On August 31, 1983, a U.S. District Court in Seattle found after reviewing evidence that the plaintiff was hypersensitive to cigarette smoke and that he fell under the definition and protection of the federal law assisting handicapped persons in the workplace (29 U.S.C. § 706(7)(b)). (Vickers v. Veterans Administration, W.D. Wash.)

In a related incident late in 1983, the Fifth World Conference on Smoking and Health meeting in Winnipeg declared that "the primary objective of international and national smoking-control programs should be to establish nonsmoking and the right to a smoke-free atmosphere as the norm."

Closer to home, two Alaska Department of Labor employees within the past six months have been awarded payment of medical costs necessitated by exposure to tobacco smoke in the Plywood Palace. One claim cost the state over \$1,600, the other total amount had not been determined when I last checked with the Worker Compensation office.

A handbook on state employee benefits in my possession states, "You are eligible for Occupational Disability benefits if it is determined that your disability is a result of a hazard undergone ... while you were performing the usual duties of your job." I have often wondered if one of the many thousands of state employees unfortunate enough to work in a smoky office were to apply for disability retirement benefits (as did Mrs. Parodi), submitting a medical report proving allergy or hypersensitivity to tobacco smoke, whether our courts would find him or her eligible for Alaska disability retirement benefits. With six percent of the population allergic to tobacco smoke, the State of Alaska might face an interesting financial liability should this be the case.

The point in this disertation is that HB 84 is neither off the wall nor even a new idea. Two out of three American adults do not smoke. On January 25, the Director of the Alaska Lung Association testified at a hearing of the Senate HESS Committee that current statistics indicate only 24% of Americans smoke. It is this majority that requests you to pass HB 84 to the floor

of the Senate for approval. Thirty-one states now have legislation relating to smoking in public places. Five states have legislation relating specifically to smoking in the workplace. Some cities, San Francisco, probably being the best known, also have protective legislation; at the request of the Anchorage Assembly, several types of suggested ordinances protecting Anchorage non-smokers in the workplace have been submitted by the Lung Association Director and are under consideration for adoption.

Smoking in public I feel is a situation analogous to drunk driving. In other words, if you drink, that is your business until you climb drunk into an automobile and point it at me. Then, it becomes my business. If you smoke, that is your business, until you pollute the air which I must breathe. Then, it becomes my business.

Should this committee wish copies of my footnoted text, I have them available for review. Thank you very much for your courtesy and consideration.

Should this committee wish additional information regarding the legal background of this issue, in a related case, Hentzel v. Singer Co., 188 Cal.Rptr. 159, in 1982, the court in a footnote said:

We note that there is a developing body of law in other jurisdictions which recognizes an obligation on the part of an employer under some circumstances to protect employees from health hazards which may be posed by cigarette smoking. (The footnote cites the above cases and then continues with references to other writings on this legal topic.) See, Blackburn, Legal Aspects of Smoking in the Workplace (1980) 31 Labor L.J. 564; Axel-Lute, Legislation Against Smoking Pollution (1978) 6 Environmental Affairs 301.



Alaska Dental Society

3400 Spenard Road, Suite 10
Anchorage, Alaska 99503
(907) 277-4675

ALASKA DENTAL SOCIETY

ENDORSEMENT OF HB 84 "An Act relating to prohibiting smoking in Alaskan public places and public vehicles."

WHEREAS: numerous studies have shown second-hand smoke to be a significant health hazard, and

WHEREAS: recent court decisions recognize an emerging right of employees to work in a smoke-free environment, and

WHEREAS: smoking results in increased costs to employers and the public in the form of more frequent absenteeism by employees who smoke and higher costs for health insurance, fire insurance, life insurance and worker's compensation, therefore,

BE IT RESOLVED that the Alaska Dental Society supports the 1983 House Bill entitled: "An act relating to prohibiting smoking in Alaskan public places and public vehicles," which states in part that smoking in public places and public vehicles is prohibited. Smoking in any form is (MAY constitute) a nuisance and a public health hazard and is prohibited in vehicles and indoor areas that are open to the public.....

Signed

James A. Cerney, DDS
President
Alaska Dental Society

cc: Governor Bill Sheffield
Alaska House of Representatives
Alaska State Senate
GASP - Juneau, Ak.

RECEIVED

Unofficial

January 29

Dear Nancy,

One big THANKS for your help and hospitality while Ann and I were in Juneau. I was beginning to feel like I had staked out a permanent position on your floor.

It's unfortunate that we may lose part of the Bill, but such are the realities and vagaries of the Wonderful World of Politics. Even the watered down version will provide us with one of the strongest non-smoking rights bills in the Country.

Equally important to the Bill, has been the opportunity for public education. In the final analysis, public awareness and concern are the critical factors in this particular issue.

I look forward to continuing to work with you on HB 84 and other legislation which promotes health in Alaska. Hopefully, will be able to take advantage of the coalition we've created!

One issue of particular interest to the Alaska Association is the institution of a comprehensive K-12 health education curriculum for Alaska. (I've written to Rocky on the issue!) Again thanks,

Sincerely, Curt Mekemea



Curtis Mekenson
Alaska Lung Association
P.O. 103056
Anchorage, Ak. 99510



Nancy Deitrick
Pouch V
Juneau, Ak.
99811

Feb 1, 1984

JOE, Pappy, Rick

CSHB 84

Draft CS to remove the private sector from the bill.

does not include restaurants.

- Michigan covers food service establishments w/ seating over 50 needs no smoking area.

Fines are not equal in civil complaints and citations.

Pappy object to using draft:

two areas of classification

"reasonable" to include establishments serving food. to provide smoking and non smoking.

Court will allow you to be arbitrary to some extent. as long as you have "reasonable" grounds for choosing number more inclined to square footage.

fire marshall - does seating capacity relate to square footage.

Joe Josephson

We, the undersigned, smokers and non-smokers alike, would like our voices heard in the hostile atmosphere that has been created by a minority of individuals who rabidly insist that we conduct our lives according to their personal wishes and dictates, at the work place, at home, and in any public establishment be it State property or privately owned.

For several years, we, as smokers, have extended the utmost courtesy to those who dislike cigarette smoking. We have not objected to the requirement to smoke in designated areas in restaurants or the work place. We have politely observed the preference of friends and have refrained from smoking if they wished it.

In spite of this consideration we have suffered repeated personal insult, harrassment, theft of personal property (ash trays), discrimination, segregation, scorn and threat, but we have resolutely continued to be polite, believing in the rights of others.

We have been forced to observe State and Company equipment, material and work time being used to further the cause of those few who would deny personal rights to all of us.

It is now that we unanimously object to the invasion of our rights as citizens entitled to the peaceful pursuit of gainful employment as well as pleasure on the home front.

Our concern is not riveted only to the subject of smoking, it extends to our rights as contributing members of a democratic nation wherein we believe we should be allowed individual decision regarding personal habit as well as the expectation of freedom from harrassment on the job by those few who would have it otherwise.

We wish to believe that our votes, our taxes, and our voices raised in protest will make a small positive sound in the present controversy surrounding not only smoking, but all individual rights as granted by the Constitution, a document that some of us regard as the only instrument that defines the real difference between America and Russia.

February 1, 1984
Juneau, Alaska

Shirley J. Akop 013-24-7650
71. Green 779-32-773 Y
Jean Charney 574-14-6750
Patricia Reed 555-98-9479
Mary Brown 395-20-5595
Elizabeth A. Doble 479-28-3361
Harvey Frazier
Lisa Woodward 033-32-5563
Clara A. Reppertson 536-20-0997

Joni A. Coe 584-20-6556
Joyce Johorst 539-40-4902
Risa Edwards 531-68-7895
Margaret D. 44 5-47-44-0657
Eden McLean 517-68-9096
Weather S. Taylor 544-70-5416
Zey Hamoff 574-18-8184
D. W. Miller 574-52-9550
Elizabeth M. Coyle 032-40-8104
Dennis J. Nevill 156-38-9870
Carol R. Roys 032-24-5310
Mel Torgerson ?
BHW 021-28-4288

RECEIVED

Albert Shaw 574-01-2677

Eileen Blackburn

W. E. Blanton 382-26-5256

Jensen M. Davis 399-38-9830

Christine J. Kelly 550-92-3577

Zed D. Cardinal 502-72-5513

Nicole M. Elms 574-48-4995

Naura Lee Kurt 043-60-9707

This petition has been composed on privately owned material and equipment. Signatures have been obtained during non-work hours. We do not pursue this cause at the expense of our employers.

February 2, 1984

Jan E. Fitte
4056 Birch Way
Fairbanks, Alaska 99701

Joe P. Josephson
State Senator
Chairman, Health, Education and Social Services Committee
Pouch V
Juneau, AK 99811

RECEIVED

FEB 2 1984

Josephson,

Re: HB 84

Dear Senator Josephson:

Thank you very much for your reply to my request to pass HB 84 and a copy of the bill itself. This morning on the radio, I heard that the committee had a stumbling block in the portion regarding banning smoking in public places. Again, I state, that my health and the health of others in public places is foremost in this issue. One does not appreciate being "fumigated" while leaning over fresh vegetables in the grocery store or while taking a bite of a hamburger in a restaurant.

I have heard the pros and cons from smokers and non-smokers alike. The cons center around the smoker's right to smoke; and I would concur with his right to smoke if his smoke was confined to his general nasal area and his lungs; however, we all know that smoke has an unusual habit of going wherever it will and thus that person's right begins to infringe on other persons' rights to the detriment of their health.

We, in America, believe in individual freedoms and we have gone through the "I" generation of the 60s and 70s, where everyone believed that doing your own thing was the norm; however, the pendulum must swing the opposite direction and find an even keel. Somewhere the line has to be drawn and out of common courtesy, smokers must realize that they are infringing on someone else's well-being! Out of common courtesy, we keep our radios turned down low at our desks; out of common courtesy, we use accepted English without foul language; out of common courtesy, we see that we treat people with respect...why does the line of common courtesy have to be drawn at smoking? I dare say, the reason for this problem is that smokers do not want to give up their drug addiction to nicotine. Senator, I would ask you to ask the Committee members and those in the decision arenas what their impression would be if I did not want to give up my right to drink alcoholic beverages and had a bottle of liquor on my desk and was drunk all day??? Sure, I may keep the alcohol at my desk, however, my actions in and around the office and on the telephone would most certainly infringe on my colleagues' and the public's rights. However, out of common courtesy, I refrain. (Of course, I will advise you this is hypothetical).

Sec. 18.35.300 (3) needs rewording. Currently, you show smoking prohibited "... in a room, chamber, place of meeting or public assembly under the control of the state, or a department or agency of the state, or a municipality, while a public meeting held under the auspices of the state, or a department or agency of the state, or a municipality, is in progress;..." I, and my fellow State employees would like to see "offices where State employees work" included in this ban. There is a grey area in this section that leaves room for doubt. The current phrasing

February 2, 1984

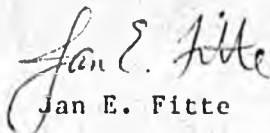
Page Two

lends itself to the impression that no smoking would be enforced only at a public meeting under the auspices of the State or Municipality. It needs to reflect, without any doubts, the right of workers in any government office to be free from the smoke cloud while working in their offices. It also needs to reflect that the smoking allowed areas not be the common lunchroom. Currently, I cannot take a break nor eat my lunch, without being fumigated. My lungs clamp shut and from the sound of my "hacking", you would think I smoked a pack a day.

Sec. 18.35.320 (b)(4) needs revision also. The allowance of smoking in an area where all employees are smokers does not protect the future changes of employees and thus the future employees' health (those who choose not to smoke). We all know that once an office with all smokers agrees to allow smoking, that those new employees who enter into this atmosphere will have a tough haul in getting a decent atmosphere in which to work.

Your fourth paragraph assuring me that you "will make every effort to see that the rights of non-smokers to be present in a smoke-free environment will be protected" gave me the assurance I needed. . .that someone out there is finally listening! Thank you for caring about your constituents' health, thank you for trying to insure that we won't develop lung cancer in the future; and thank you for protecting the future generation's (and I have a 6 year old son) health. Change is always hard; but it can be done.

Sincerely,


Jan E. Fitte

MEMORANDUM

TO: JOE
FROM: NANCY
RE: TODAY'S MEETING

CSHB 84 SMOKING BILL

I HAVE REMINDED THE COMMITTEE MEMBERS THAT THEY ARE TO BRING IN THEIR PROPOSED AMENDMENTS TODAY.

THE COMMITTEE SUBSTITUTE WILL BE READY BY MEETING TIME. LEGAL DISAGREED WITH SOME OF THE CHANGES YOU WANTED IN THE BILL (PRIVATELY OWNED FACILITIES MUST BE MADE OPTIONAL IN ALL SITUATIONS ACCORDING TO ED HEIN, AND WE CANNOT MAKE EXCEPTIONS FOR PLACES OF RECREATION).

I HOPE TO HAVE THE TIME TO GET FURTHER COMMENTS ON THE DRAFT PRIOR TO THE MEETING.

LEGAL SUGGESTED ADDING TO THE SECTION RELATING TO SIGNS, A REQUIREMENT FOR DEC TO PRINT AND DISTRIBUTE SIGNS TO PUBLIC AGENCIES AND ON REQUEST TO OTHERS FOR THE SAKE OF UNIFORMITY.

FROM A CONSTITUTIONAL VIEWPOINT, ED FEELS THAT THE DIFFERENCE IN THE FINES DEPENDING ON IT BEING A CIVIL COMPLAINT OR A CITATION FROM A PEACEOFFICER MAY CAUSE TROUBLE. HE FEELS THAT THE FINES SHOULD BE THE SAME REGARDLESS OF THE METHOD.

SB 346 MENTAL HEALTH COMMITMENT LAW

WE HAVE THREE ZERO FISCAL NOTES.

THE DEPARTMENT IS RECOMMENDING THAT THE LANGUAGE PROHIBITING HOLDING A MENTALLY ILL PERSON IN A PRISON FACILITY BE DELETED. THEY FEEL THAT IT WOULD PROHIBIT THE EVALUATION AND TREATMENT OF THE PERSON WHILE BEING HELD, AND THAT IT HAPPENS RARELY AND IS NOT ABUSED. CURRENT LAW ALLOWS A PERSON TO BE HELD IN A CORRECTIONAL FACILITY AND EVALUATED THERE.

WE HAVE HAD ONE LETTER FROM A PSYCHOLOGIST COMPLAINING THAT ALL PEOPLE LISTED UNDER "MENTAL HEALTH PROFESSIONAL" ARE LICENSED EXCEPT SOCIAL WORKERS, AND THAT THAT ASPECT DOES NOT PROVIDE EQUAL PROTECTION.

THE FOLLOWING DOCUMENT(S) MAY NOT FILM
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ORIGINAL.

Box 2295
Kodiak, Alaska 99615
February 18, 1984

Anne Morris, M.D., Chairperson
HB 84 Coalition
State of Alaska Legislative Offices
Room 7
Juneau, Alaska 99801

Dear Dr. Morris:

After reading an editorial in the Kodiak Daily Mirror yesterday I became greatly encouraged that HB 84 might take care of a problem that we have been concerned with for several years now. The enclosed copies will give you a background. This problem concerns smoking in jury rooms which we thought AS 13.06.300 (6) took care of, but found that when attorneys get hold of legislation, the intent of the law is often overridden. I've only served on the jury in Kodiak, but if our jury room is typical, there are no more overcrowded, light quarters anywhere; and when just one, no less half of the 14 jurors stick up, the air in the room becomes quickly unbreathable.

My reason for writing to you is to insure that this problem is taken care of in three ways in the bill that is passed. The only alternative is to discourage smokers from serving on juries - that and, for health reasons or else submit to a health endangering atmosphere.

Please help! Thank you.

Sincerely,

Marie Powell
Marie Powell

cc: Committee Chairman Joe Josephson
Committee Chairman Vic Fischer
Committee Chairman Jan Larks

Box 2285
Kodiak, Alaska 99615
November 6, 1976

Roy W. Madsen,
Superior Court Judge
Alaska Court System
State of Alaska
Box 1367
Kodiak, Alaska 99615

Dear Roy,

Please assist me and my fellow non-smoking members of the grand jury in obtaining relief from being required to serve long hours in the smoke-filled jury room.

It is my impression that state legislation was passed that prohibited smoking in public assemblies in state buildings. I would hope this include jury rooms from which the non-smoker is not at liberty to excise himself.

Thank you for any assistance you can provide.

Sincerely,

Guy C. Powell

Box 2285
Kodiak, Alaska 99615
May 24, 1977

Ray H. Madsen
Superior Court Judge
Alaska Court System
State of Alaska
Box 1367
Kodiak, Alaska 99615

Your Honor:

I need help! Recently I served on my first jury session since the state statute prohibiting smoking in public assembly rooms of state buildings was passed (Alaska Statute 18.35.300). I was quite frustrated and upset that the court disregards this law and allows the situation to exist that requires non-smokers to be confined in a very small room that quickly fills with smoke because smoking is not prohibited in the jury room.

After only ten to fifteen minutes while waiting in the jury room with other prospective jurors for jury selection to begin, I had a severe headache that results anytime I am in a close smoke-filled area. I had to insist during jury deliberation that a window be left open because of the smoke, even though the air was cold and the outside noise was sometimes so loud it prevented ease of hearing each other in discussing the case. Even then the open window only slightly eased the unpleasant effects.

I was not the only non-smoking juror and most probably every jury consists of some non-smokers. I request that this situation be corrected; that the ash trays be removed and a "Smoking Prohibited by Law" sign be posted (Sec. 18.35.330). Last November, almost six months ago, while on the grand jury, my husband wrote requesting relief from smoking in the jury room, pointing out the laws, and smoking was immediately prohibited, but evidently only for that session. The decision on whether or not to smoke should not be up to each new jury, since the statute already exists to take care of the problem. For the court, of all agencies, to be found in violation of state statutes seems quite serious to me. If it is impossible for some reason for local powers to enforce these laws continuously from now on, to whom do you recommend that I appeal for assistance?

I would appreciate hearing from you on this matter at your earliest convenience. Thank you for any assistance you can provide.

Sincerely,

Merle Howell



Superior Court
State of Alaska
THIRD JUDICIAL DISTRICT
BOX 1367
KODIAK, ALASKA 99615

May 25, 1977

Chamber of
JUDGE ROY H. MADSEN

Merle Powell
P. O. Box 2289
Kodiak, Alaska 99615

Dear Mrs. Powell:

Thank you for your letter of May 22, 1977, regarding the jury room.


I may be mistaken, but from my reading of A.S. 13.5.300, I do not believe it covers jury rooms. "The only sentence that could be so interpreted is (3) which reads:

"(3) a public school; or an office, court, office of medicine, 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."

A jury deliberating in a jury room is not, in my opinion, a public meeting or an assembly. However, I am referring your letter and my response to the President Judge of this district, Hon. Ralph E. Moody, for his consideration, as I don't know how the matter is handled in Anchorage.

In the meantime, all I can do is offer my sincere apologies for the discomfort you were put to and assure you that every effort will be made in the future to see that non-smokers are not placed in the mercy of those who smoke.

Very truly yours,


ROY H. MADSEN,
SUPERIOR COURT JUDGE

RMH:tn
cc: Hon. Ralph E. Moody
Encl.

STATE OF ALASKA
Avrum Gross
Attorney General
Juneau, Alaska

Dear Avrum:

9/20/77

For about a year now my wife and I have been questioning the legality and the credibility of condoning smoking in the Kodiak state jury room. (enclosed are four letters to and from Judge Madsen on this subject). Our efforts only seem to be effective when we are on the jury and voice a formal protest. The resulting ridicule from unhappy smokers makes jury duty even more unpleasant. Only a non-smoker closed in a jury room with smokers (be it few or many) can understand the discomfort, which may continue long after returning home.

Since my wife and I have not heard from Judge Moody in answer to the enclosed letter from Judge Madsen we appeal to you for your assistance. I'm sure Kodiak is not the only court that will benefit from a favorable ruling on this matter. If Judge Madsen is correct, that at present non smokers must suffer in Alaska jury rooms whether they like it or not, then something must be done because the present situation is nothing short of cruel and unusual punishment. Forcing someone to sit in a smoke filled room can't be legally tolerated in our opinion.

We would appreciate your help on this matter at your earliest convenience.

Best wishes,

Guy and Merle Powell
Box 2285
Kodiak, Alaska 99615

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

POUCH K - STATE CAPITOL
BUREAU 88011

September 29, 1977

Mr. and Mrs. Guy Powell
Box 2285
Kodiak, Alaska, 99615

Re: Smoking in jury
room

Dear Mr. and Mrs. Powell:

I must agree with Judge Madsen that AS 18.35.-300(3) does not forbid smoking in jury rooms, but we recently advised the Office of the Governor that smoking may be prohibited under AS 18.35.300(6) in state offices not generally open to the public if the person who has control of the premises posts a sign to that effect. It must be emphasized that this is entirely within the discretion of the judge -- either the local one or the presiding judge of the district -- and he is not compelled to order such signs posted.

The problem, though, is not simply that of prohibiting smoking. Just as you cannot deliberate effectively in a smoky room, there are others who will be unable to relax while considering a verdict, unless they are able to smoke. Therefore, it will probably be necessary to provide a place where some jury members can go to smoke from time to time.

Since there appears to be no absolute prohibition in the statutes of smoking in a jury room, the resolution of this problem will depend upon cooperation by the judge, and both smoking and non-smoking jurors. We are sending a copy of your correspondence and our memorandum on the subject to Judge Moody.

Sincerely,

Avrum M. Gross
Attorney General

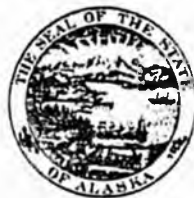
AMG:jf

cc: The Honorable Ralph E. Moody
Anchorage

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ORIGINAL.

ALASKA STATE SENATE

JOE P. JOSEPHSON
DISTRICT G - ANCHORAGE
1526 F STREET
ANCHORAGE, ALASKA 99501
(907) 277-4419



WM. LE IN JUNEAU
POUCH V
JUNEAU, ALASKA 99811
(907) 465-4907
(907) 465-4525

COMMITTEES
HEALTH, EDUCATION & SOCIAL SERVICES (CHAIR)
JUDICIARY (VICE-CHAIR)
FINANCE
MAJORITY CAUCUS (CHAIR)

February 27, 1984

Anne Morris, M.D.
Alaska Lung Association, Inc.
406 G Street
P.O. Box 103056
Anchorage, Alaska 99510

Dear Anne:

Your letter of February 17 was most gracious and I appreciate it.

I appeared at the Senate Rules Committee session the other day when the matter of deleting the proposed subsection mentioned in the third paragraph of your letter was considered. As you know, the deletion was recommended by Senator Fahrenkamp. I wanted, by my appearance, to indicate to the Rules Committee my own strong interest in preserving the Committee bill as prepared by the Senate HESS Committee.

Happily, the only change which the Rules Committee adopted is a proposal to make the no smoking provisions applicable to all grocery stores, including those with fewer than four checkout counters, lanes or registers. I have no objection to that change, of course, as long as it does not jeopardize the passage of the measure on the floor.

During the session, I made the same point that you made, to the effect that we had already compromised on the question of ventilation standards and that the bill had already undergone all of the dilution which it reasonably could be expected to sustain.

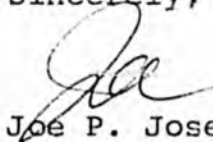
I will continue to support the measure on the Floor of the Senate.

Anne Morris, M.D.
February 27, 1984
Page Two

Thank you again for writing as you did.

With best wishes, I am

Sincerely,



Joe P. Josephson
State Senator

JPJ:rak

ALASKA  LUNG ASSOCIATION, Inc.

February 17, 1984

Curtis Mekemson, Executive Director

Senator Joe Josephson
Alaska State Legislature
Pouch V (MS 3100)
Juneau, AK 99811

Dear Senator Josephson,

The members of the Coalition would like to take this opportunity to express our appreciation for your contributions to and support of SENATE CS FOR CS FOR HOUSE BILL NO. 84 (HESS).

As the bill itself states, "numerous studies have shown second-hand smoke to be a significant health hazard;" and its passage will be an important step in providing more protection from this health hazard in public areas. (Remember 3 out of 4 of this "public" have already chosen not to smoke to protect their own health.)

We are concerned however about an amendment being introduced in Senate Rules to delete Sec. 4 AS 18.35.320. "(b) A smoking section designated under this section shall make reasonable accommodations for the needs of the smokers and non-smokers who use the place or vehicle."

Since ventilation standards and space requirements for non-smoking and smoking sections have already been deleted, the additional deletion of this section could remove any guarantee that the reasonable rights and needs of a non-smoker would be accommodated in an indoor place or vehicle in which the majority are smokers.

We encourage your ongoing support of this bill in its present form while in Senate Rules and when it comes to the Senate floor.

Thank you very much,



Anne Morris, M.D., Chair
HB 84 in 84 Coalition

AM:gm

The health of Alaskans: An assessment of the prevalence of behaviors posing health risks

Prepared for

The Alaska Department of Health and Social Services
Health Education Risk Reduction Project

by

John A. Kruse
Elsa Aegerter
Institute of Social and Economic Research
University of Alaska
707 A Street
Anchorage, Alaska 99501

February 1983

Introduction

Traditionally, government intervention to improve public health has focused on communicable diseases. Today, however, most of the deaths and illnesses which occur in the United States as a whole and in Alaska in particular result from things people do themselves. Ex-

amples of behaviors which pose health risks include smoking, drinking, and lack of exercise. Untreated conditions such as being overweight or having high blood pressure or high cholesterol levels also result in needless illness or death. To assess the prevalence of these

health risks, the Alaska Department of Health and Social Services asked the Institute of Social and Economic Research to conduct a survey of Alaskan adults. This report contains an overview of the survey results.

Study Design

The Federal Center for Disease Control (CDC) developed a questionnaire to assess health risks, and we used a modification of the questionnaire. The CDC and Alaskan questionnaires differ primarily in format; we attempted to make it easier for interviewers and data-entry people to use the questionnaire and changed the order in which question topics appeared so that the interview would start with questions that are relevant to most Alaskans. In addition, we added several questions of particular interest in Alaska, including a question on whether or not Alaskans think the state should have programs which attempt to get Alaskans to lead more healthy lifestyles.

CDC has developed a simple, but effective, set of procedures for contacting a random sample of adults. The CDC approach assumes that virtually every adult can be reached

through a residential telephone number. To assess the validity of this assumption, we contacted 29 Alaskan telephone companies and determined that 86 percent of the state's population live in communities in which at least 80 percent of the households have telephones. Outside of Anchorage, Fairbanks, Juneau, Ketchikan, Sitka, and the Mat-Su and Kenai Boroughs, however, only 47 percent of the population live in communities with adequate telephone service (i.e., 80 percent or more). Therefore, it is impossible to conduct a survey of Alaskan adults without resorting to some face-to-face interviews, a substantially more expensive means of data collections.

On the basis of this information and cost assumptions derived from our past survey experience in Alaska, we developed a preliminary sample design involving a mixed sampling strategy of telephone and

face-to-face interviews. We refined the design during discussions with CDC sampling consultants. The final sample design is presented in Table 1. It represents a compromise between the objective of developing reliable statewide estimates and the objective of differentiating between urban and rural conditions.

We hired and trained 14 interviewers during the week of September 13, 1982. Telephone interviews began September 18 and face-to-face interviewing began October 11. We completed our field work on November 17, 1982. Our final sample consisted of 846 interviews, reflecting a 78 percent response rate. The sample includes 250 Anchorage interviews, 248 interviews in other urban areas, and 348 rural interviews.

The telephone sample frame included all prefixes in Alaska in which 80 percent or more of

Table 1 — Final sample design

	Desired Number of Telephone Interviews	Desired Number of Face-to-Face Interviews	Total Number of Interviews
Anchorage	250	—	250
Other Rural*	250	—	250
Rural	175	147	<u>322</u>
			822

*Includes Fairbanks, Juneau, Ketchikan, Sitka, Kenai Peninsula Borough, and Matanuska-Susitna Borough.

the households possessed residential telephones. We calculated the degree of telephone coverage from individual utility records as of the spring of 1982 and from 1980 census statistics. In order to raise the probability of randomly dialing a residential number, we analyzed published telephone listings and eliminated sequences of numbers which contained no residential numbers. Once we refined the telephone sample frame, we programmed the University of Alaska computer to generate random numbers for each prefix. The number of sample elements drawn for each prefix varies according to the number of households served by the prefix. Thus, we can determine the probability of selection of a household in each prefix. These probabilities are equal within

each of the three sample strata (Anchorage, other urban, and rural).

The face-to-face sample frame consisted of all places of 25 persons or more not included in the telephone sample frame. We selected 30 places with probabilities of selection proportional to place size. We then listed all housing units in each selected place, calculated the sampling fraction necessary to choose 12 housing units and attempted to interview one randomly selected adult in each of the 12 housing units. As in the case of the telephone sample, we recontacted the household until we obtained an interview with the originally selected respondent or until we decided that further attempts would not be worthwhile (households in the latter category count against the response rate). Finally, we

verified the disposition of 10 percent of the numbers drawn in the telephone sample.

We edited all of the completed interviews and prepared them for data entry. J and J Enterprises of Anchorage entered the data on machine-readable computer disks and performed a 100 percent verification of their work. J and J then produced a computer tape which we installed in the University computing system. We then constructed a computer program file and produced a data dictionary along with a permanent computer file consisting of the original data, constructed variables, variable labels, value labels, and missing data specifications. Anyone with a moderate familiarity with computers could access this file and conduct their own analyses.

Maximum estimated sampling errors
(percent)

Number of Interviews	Observed Proportions				
	10 or 90%	20 or 80%	30 or 70%	40 or 60%	50%
850	2	3	3	3	3
500	3	4	4	4	4
200	4	6	6	7	7
100	6	8	9	10	10
50	8	11	13	14	14

The data file also includes a weighting variable designed to:

- Adjust for deliberate over-sampling in rural areas.
- Adjust for the under-sampling of adults in larger households (a product of conducting one interview per household).
- Adjust for the under-sampling of young male adults (a product of the selection table we used).
- Adjust for the over-sampling of households with more than one telephone number.

The weighting variable should be applied when using the data to estimate the characteristics of any group of Alaskan adults.

All of the survey results are subject to sampling errors, an inevitable product of the fact that we are using a sample of

adults, 18 years old or older, to generalize to the entire adult population. Estimated sampling errors are larger for survey results which are based on relatively fewer interviews or which vary widely across the population. The following table provides a rough guide for estimating sampling errors.

To use the table, find the table cell which corresponds to the particular survey proportion you are considering. For example, 37 percent of 846 respondents currently smoke. The appropriate sampling error is located in the first row and in the fourth column. Loosely interpreting the meaning of sampling errors, you can be 95 percent sure that the true population proportion lies between 37 ± 3 percent or 34-to-40 percent.

Survey data is subject to additional sources of error; unfor-

tunately, the size of these errors is impossible to determine without expensive, further studies. Of particular concern in this study is response bias. For example, we think respondents significantly underreported the amount of alcohol they drink. We cannot tell, however, the extent of underreporting and, therefore, cannot adjust the data or attach a range of estimates around the observed survey results. We can only advise data users to apply their own expertise and experience to the interpretation of the data.

The fact that 37 percent of the adult population in Alaska currently smoke is not as interesting as the fact that an estimated 90,000 Alaskan adults currently smoke. Translating survey proportions into population estimates is an easy matter. According to 1980 U.S. Census

figures, the number of Alaskan adults not living on military bases and not living in institutional quarters (e.g., hospitals, jails, dormitories, nursing homes) is 240,194. To derive a

population estimate, multiply the proportion being considered by the appropriate population figure. If the proportion applies to the entire population, multiply the proportion by 240,194

(e.g., $.375 \times 90,100 = 88,872$). In reports, round the results so as not to mislead people into thinking that your estimates are more precise than they really are.

Survey Results

Blood Pressure

The vast majority of Alaskan adults (89 percent) report that they have had their blood pressure checked in the last two years. Based on the survey results, we estimate that

some 44,000 Alaskans have been told that they have high blood pressure and about 6,000 believe that their blood pressure is still high. Only an estimated 200 Alaskans, however, believe that they still have high blood

pressure yet are not regularly following their prescribed treatment.

Exercise

We estimate that 7,400 Alaskan adults get virtually no

Table 2 — Weekly physical activity

Frequency of Active Exercise ¹	Frequency of Light Exercise ²	Level of Physical Effort in Daily Activities ³	Proportion of Population	Estimated Number of Alaskan Adults
none	none	light	3%	7,400
none	1-7 times per week	light	8%	19,300
none	0-7 times per week	medium	22%	53,400
once per week	0-7 times per week	light or medium	23%	53,700
none or once/week	0-7 times per week	heavy	9%	22,200
2-to-3 times/week	0-7 times per week	light to heavy	20%	46,900
4 or more times/wk.	0-7 times per week	light to heavy	15%	34,700

¹Examples of active exercise include running, skiing, and calisthenics.

²Examples of light exercise include gardening, dancing, and bowling.

³Light daily activities include office work, driving, or sitting; medium daily activities include walking, housework, or carpentry; and heavy daily activities include moving heavy loads.

exercise (see Table 2). On the other hand, some 104,000 actively exercise at least two times a week or work in a physically demanding job. In between, we find that about 126,000 Alaskans participate in some exercise at least weekly or work in a job that involves moderate physical activity — walking, housework, or carpentry, for example.

The main forms of physical exercise in Alaska are running or walking (28 percent), wage work (19 percent), housework (13 percent), calisthenics (5 percent), team sports (4 percent), and wood cutting (3 percent). Since these activities only comprise 72 percent of the main forms of physical exercise in Alaska, variability is clearly the rule, not the exception. It is clear, however, that most Alaskans (58 percent) get more exercise in the summer than they do in the winter. Only 12 percent of Alaskan adults think that they get equal amounts of exercise year-round.

Since there are so many ways to actively exercise, it is difficult to identify groups which overall get too little exercise. CDC uses an exercise index reflecting the amount of light and heavy exercise and the amount of physical effort required in daily activities to compare the overall amount of exercise experienced by persons of different sex, ages, and ethnic backgrounds. We think the

CDC index may give too little weight to the amount of exercise many Alaskans get in their daily activities. Taken at face value, however, the index scores suggest that, on the average, women, Natives, and persons over 65 engage in fewer physical activities than men, Non-Natives, and younger persons.

Weight and Cholesterol Level

Almost a third of the Alaskan adult population think of themselves as being overweight. In most cases, they are right; 74 percent of those that perceive of themselves as overweight weigh 110 percent or more than the median weight for their sex and height. About 10 percent, or 24,000 Alaskans, weigh at least 130 percent of the median weight for their sex and height. For example, for a six-foot man to be 130 percent of his median weight, he would weigh 222 pounds. Not surprisingly, adults between the ages of 45 and 64 are relatively more likely to be overweight. Thirty-one percent of this group weighs at least 130 percent of the median weight appropriate to their height compared to 14 percent of both younger and older age groups.

Only 8,200 Alaskans (3 percent) are under medical advice to reduce or maintain their cholesterol level and, of these, only an estimated 2,000 are not following their physicians' medical advice.

Stress

In our survey, we did not attempt to identify situations which may cause an individual to experience stress. The measurement of stress itself is extremely difficult in a short interview and the two questions on stress developed by CDC are crude, at best. In response to the question,

During the past year, how often were you unable to do your daily activities because of worry or nervousness; would you say: often, sometimes, rarely, or never?

2 percent of our respondents said often; 10 percent said sometimes; 21 percent said rarely; and 67 percent said never. We cannot tell how many respondents interpreted the question to refer to times that they literally were immobilized or how many interpreted the question to refer to times that their productivity was reduced. We can estimate that some 78,000 Alaskans at least occasionally experience stress that affects their daily activities. There appear to be no major differences in the prevalence of stress by region, age, or race. Women are more likely to report that stress at least occasionally interferes with their daily activities (44 percent among women versus 22 percent among men).

The second CDC stress question asks:

How often do you get uptight or irritable with those around you; would you say: often, sometimes, or rarely?

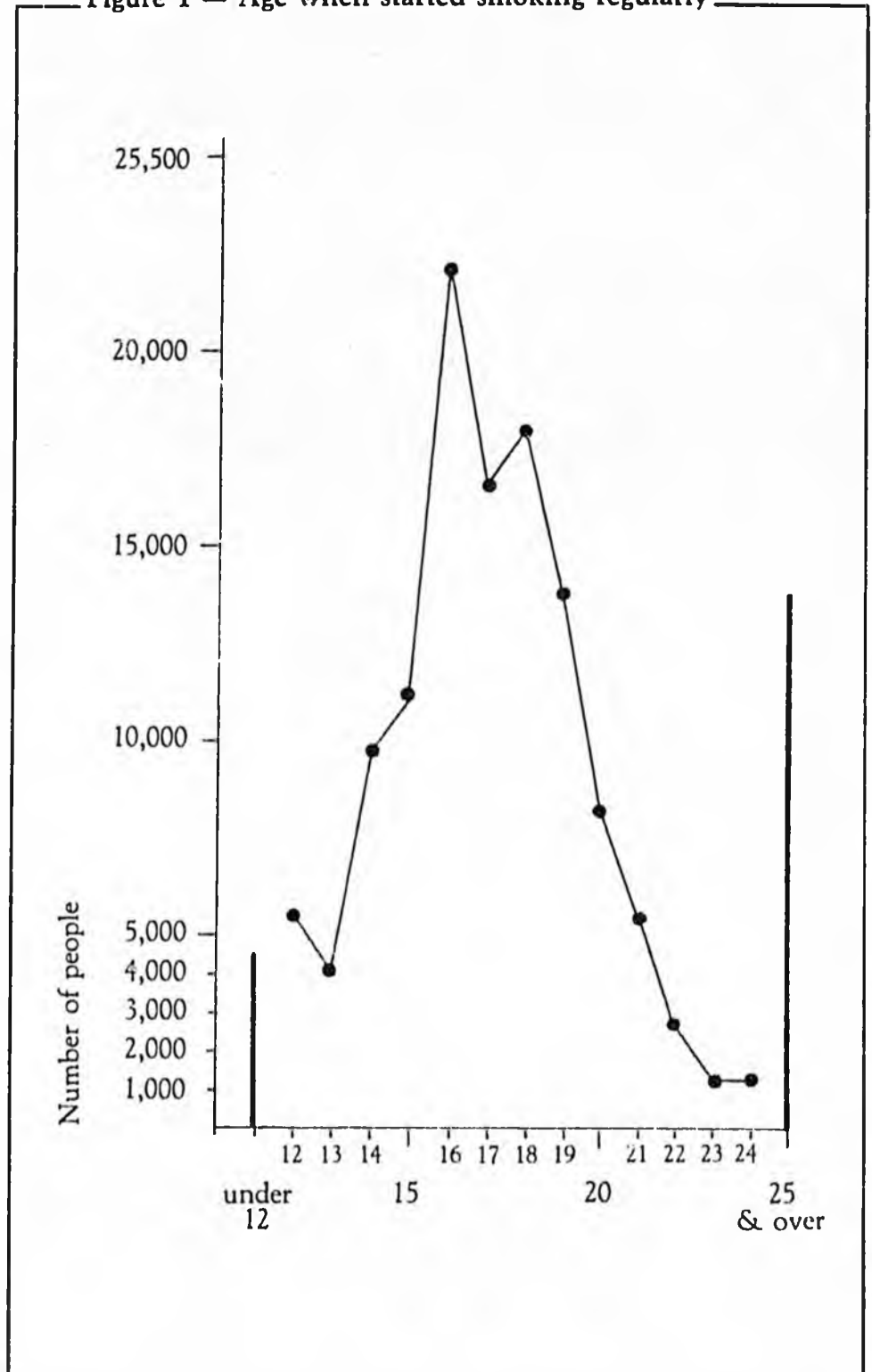
In response to this question, 12 percent, or an estimated 29,000 Alaskans, said often. Younger adults appear somewhat more likely to perceive that they become uptight or irritable, as do women. Combining responses to the two questions on stress, we find that 48 percent of the population feel that stress never interferes with their daily activities and that they are rarely irritable or uptight.

Unfortunately for their health, one-in-four Alaskans smoke cigarettes to cope with stress. The second most popular choice differs by sex: men are more likely to exercise, and women are more likely to eat. Few Alaskans (5 percent) perceive that they drink to cope with stress.

Smoking Cigarettes

We estimate that 90,100 Alaskans, 18 years old or older, currently smoke cigarettes. Based on the survey results, some 27,100 Alaskan adults smoke more than one pack of cigarettes per day. Smoking is just about equally prevalent among women (35 percent) as it is among men (40 percent) and among 18-to-34-year olds (37 percent) as it is among all age groups, ex-

Figure 1 — Age when started smoking regularly



cept 65 and older in which the percent who currently smoke drops to 13. A higher proportion of Alaska Natives currently smoke than non-Natives (47 percent versus 36 percent). At the same time, however, Alaska Native smokers tend to smoke fewer cigarettes per day; 24 percent of Native smokers consume more than two packs per day compared with 34 percent of non-Native smokers.

The critical age period when Alaskans picked up their smok-

ing habit is between 14 and 19 (see Figure 1). Since 60 percent of Alaska's adult population spent their teen age years in other states, a maximum of only 40 percent of current smokers could be influenced by an anti-smoking program in Alaska's secondary schools.

Drinking Alcoholic Beverages

Based on sales of alcoholic beverages in Alaska, one would think that most Alaskans consume significant amounts of

alcohol. While the majority of Alaskans (79 percent) have had at least one alcoholic drink in the last year, our survey results suggest that the vast majority of Alaskans drink only small or moderate amounts of alcohol (see Table 3 and Figure 2). Only 3 percent of our respondents reported having at least five drinks on five or more occasions in the month previous to the survey.

Table 3 — Reported number of drinks consumed in average week over past year

Number of Drinks per Week	Percent	Estimated Number of People
None	27	64,100
Less than one	29	70,400
1 - 3	12	28,300
4 - 13	21	51,600
More than 13	11	25,700
	100	240,100

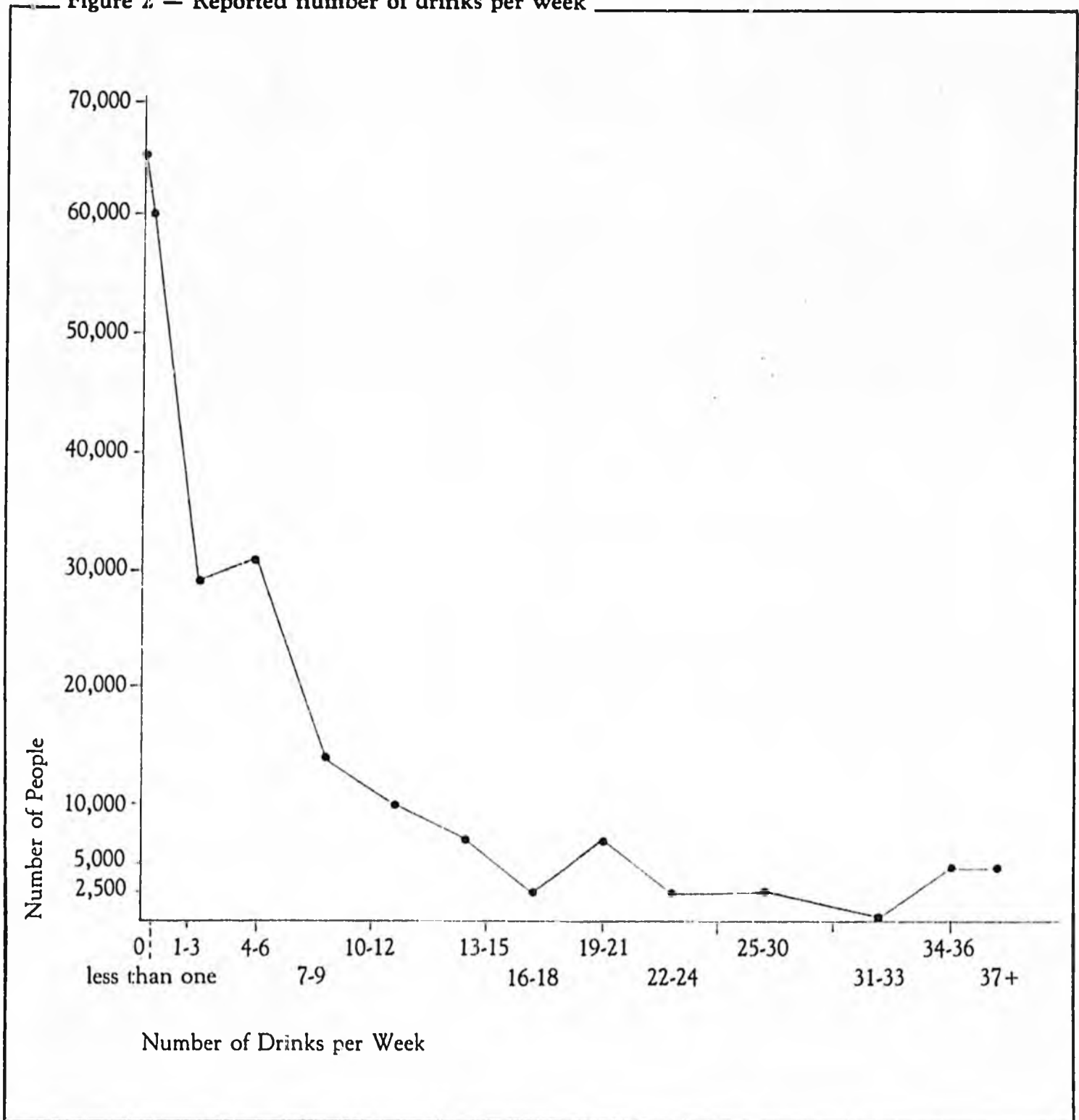
*A drink consists of one can or bottle of beer, one glass of wine, one mixed drink, or one shot of liquor.

We question the validity of these survey results. As we will show below, Alaskans are more concerned about alcohol abuse than any other health risk. No doubt this concern largely stems from the perception that alcohol

abusers are a threat not only to themselves but also to others. Although our respondents knew their answers would remain confidential, we think that the strong societal disapproval of alcohol abuse caused them to

understate the amount of alcohol they consume. Looking back to Table 3, we think that a significant proportion of those reporting that they consume an average of 4-to-13 drinks per week, in fact, consume more

Figure 2 — Reported number of drinks per week



than 13 drinks per week. Even if this is true, however, it is still difficult to use the survey results to estimate the number of alcohol abusers or alcoholics in the population.

The problem in interpreting the responses of Native Alaskans is particularly acute. By their reports, 46 percent consumed no alcohol in the previous twelve months, and an additional 33 percent reported drinking an average of less than one drink per week. Natives living in legally "dry" villages may be reluctant to admit that they consume any alcohol. Therefore, the Native responses may not only understate the amount of alcohol consumed but may also understate the proportion of Natives who drink at all. We did include a question specifically asking about binge drinking (a phrase commonly used in rural Alaska) and found that only 6 percent of our respondents (an estimated 2,600 Natives) said that they had gone on at least one binge of drinking in the previous year. Again, this figure may underestimate the frequency of alcohol use.

Assuming that the group of respondents who report consuming more than 13 drinks a week contains most of the heavy drinkers who fell into the sample, we can construct a profile of the most common heavy drinker. Because of the prevalence of young people in Alaska, the largest number of

heavy drinkers are between 18 and 34 years old. Proportionately, however, more adults between the ages of 45 and 54 and, particularly, between the ages of 55 and 64 drink heavily. One-in-five adults, in the 55-to-64 age group reported drinking more than 13 drinks a week. Men are almost three times as likely as women to consume more than 13 drinks per week.

Given the evidence that our survey respondents understate the amount they drink, the survey responses concerning driving while intoxicated are alarming. We asked,

How many times during the last four weeks have you driven a car, boat, or three-wheeler when you've had perhaps too much to drink?

Four percent of our respondents mentioned that they had done so at least once in the past month. This translates to an estimated 10,700 Alaskans. We observed no regional differences in response; but men, particularly young men, were the most likely to report that they drove while intoxicated. We are confident that responses to this question are understated even more than are the responses to other questions on alcohol use.

The final survey question on alcohol asked if respondents favored or opposed an increase in the tax on alcoholic beverages in order to pay for the treatment and prevention of

alcohol abuse. Seventy-eight percent of our respondents and an estimated 187,000 of 240,000 Alaskan adults said that they favor the tax increase. Public support for the tax increase is evenly spread across the state and among persons of different age, race, and sex.

Coincidence of Smoking, Drinking and Stress

We have seen that significant, but not in all cases, large numbers of Alaskans smoke or drink heavily and/or find that stress interferes with their daily activities. To what extent do these high-risk behaviors involve the same people? To answer this question, we defined heavy drinkers to be those who reported consuming five or more drinks on at least two occasions in the previous month. We defined heavy smokers to be those who say they smoke ten or more cigarettes a day, and we defined those under heavy stress to include respondents who said that stress makes them unable to perform their daily activities sometimes or often.

Under these definitions, only 1 percent of Alaskan adults both drink and smoke heavily and experience significant stress. Another 5 percent drink and smoke heavily and do not report significant stress. At the other extreme, 15 percent of the population reported that they consume no alcohol or cigarettes, nor do they feel that stress

makes them unable to perform their daily activities more than rarely. Seventy-nine percent of the population falls in between, with 37 percent reporting only one of the three high-risk behaviors and 42 percent reporting some combination of more than moderate-risk behaviors. Together, these results suggest that health risk behaviors are not concentrated among the same individuals but are spread across the adult population.

Personal Safety

Half of the Alaskan adult population (52 percent) seldom, if ever, use seat belts while driving. Seat belt use is relatively greater in Anchorage (38 percent nearly always use them) than in other urban areas or in rural Alaska (where the comparable proportions are 26 percent and 10 percent, respectively).

We designed the comparable question on the use of personal

floatation devices (PFDs) to reflect the Coast Guard requirement that PFDs be available on the boat but not necessarily worn. Under this liberal definition, 73 percent of Alaskan adults always have a PFD along when they ride in boats. Most Alaskans (82 percent) also think they can swim. However, the proportion of Alaskan adults who say they can swim varies by region, sex, and race (see Table 4).

Table 4 — Number of Alaskan adults who say they cannot swim

Total Estimated Number That Cannot Swim	43,200
Urban Residents	25,200
Rural Residents	18,000
Men	11,000
Women	32,200
Native	16,900
Non-Native	26,300

Attitudes Toward State Intervention

It is no secret that Alaskans, more than Americans in general, value personal freedoms and, therefore, a minimum of government interference. In designing the study, we thought that the prospect of the state's encouraging Alaskans to drink and smoke less, to exercise more, and to change other behaviors to improve their

health would encounter strong objections. To their credit, those coordinating this study within the Department of Health and Social Services (HSS) agreed to let us include a question which tests public support for existing and potential HSS programs.

The question asked was as follows:

Most of the deaths and illnesses in Alaska result from

things people do themselves. Some examples are drinking while driving, and smoking. Do you think the state should have programs to encourage Alaskans to lead healthy lifestyles?

In response, 86 percent said that they favored such programs. We also asked those who did not favor these programs, why. The primary objection was one we expected to find shared by more

Alaskans: the state shouldn't interfere with personal choices. Half of the 14 percent opposed to state intervention cited this as the basis of their objection. Thirty-five percent of those opposed felt that such programs wouldn't work and a small proportion (2 percent) either thought that there were better uses for state funds or that the programs would be too expensive to be worthwhile.

We asked the 86 percent favoring state intervention to tell us which of the following health areas is most important: alcohol abuse, stress, smoking,

exercise, diet, or accident prevention. By far the most important health area in the public's view is alcohol abuse. Sixty percent of those favoring state intervention and half of the population as a whole identified alcohol abuse as the most important health area. Accident prevention (13 percent), stress (8 percent), and exercise (7 percent) were also mentioned by some as the most important health area.

The survey results suggest that there is a consensus that reducing alcohol abuse should be the first priority of state health risk reduction programs.

The results should not be interpreted to mean, however, that alcohol abuse is viewed as four or five times more important than the next most frequent mentioned — accident prevention. We did not attempt to measure the relative importance of each health area, but rather we tried to determine the amount of public agreement about the most important health area. A majority of the public clearly agrees that reducing alcohol abuse is the first priority. They may also think that accident prevention, stress, and exercise are important as well.

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

DEPT. OF HEALTH AND SOCIAL SERVICES

POUCH H 01
JUNEAU, ALASKA 99811
PHONE: 465-3030

OFFICE OF THE COMMISSIONER

February 28, 1984

DOCUMENT #84-54

The Honorable Joe Josephson
Alaska State Senator
Alaska State Legislature
Pouch V
Juneau, AK 99811

Dear Senator Josephson:

Did you know that among Alaskan adults -

- 90,100 currently smoke cigarettes, and that a significantly higher proportion of Alaska natives currently smoke than non-natives?
- 24,000 weigh at least 130% of the median weight for their sex and height?
- 44,000 have been told they have high blood pressure?
- at least 10,700 adults have driven a boat, car, or three-wheeler during the last month when they've had too much to drink?
- 206,400 adults favor state programs to encourage Alaskans to lead healthy lifestyles?

These are but a few of the findings contained within the attached report entitled "The Health of Alaskans: An Assessment of the Behaviors Posing Health Risks."

As you may know, data increasingly indicate that "lifestyle" or personal health habits have a direct influence on illness or death. In the past, infectious and communicable diseases were the major killers and disablers of the population. Today, however, many of the leading causes of death and illness are caused by, or associated with, high risk health behaviors; cigarette smoking, immoderate alcohol and drug consumption, lack of exercise, inadequate or inappropriate dietary intake, stress, etc. In fact, the five leading causes of death in Alaska in 1980 were: accidents, diseases of the heart, cancer, suicide, and cerebrovascular diseases. All of these diseases and conditions are associated with lifestyle issues. To sum, we are increasingly engaging in behaviors which make us sick and eventually kill us.

Separate and apart from these issues of mortality and morbidity is the issue of cost. During the period 1970 to 1982, the nation's health care bill increased from \$75 billion to \$322 billion, reflecting a rate of increase that will double health care costs approximately every 5.5 years. These health care expenditures

The Honorable Joe Josephson

-2-

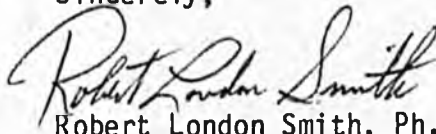
February 28, 1984

currently constitute 10.5% of the nation's Gross National Product (GNP). Closer to home, the Alaska State health appropriations amount to 6 percent of the State's operating budget for FY 84. This does not include funds appropriated for Pioneer Homes, the \$1.6 billion for health-related capital projects, direct grants to municipalities and institutions for the purchase of health-related facilities, funds for State employee health insurance plans, etc., nor does it include funds spent by Indian Health Service and other Federal programs or from private sources. Clearly, total health care expenditures constitute a significant portion of Alaska's economy.

I present this information to you essentially to establish a connection between the spiraling costs of "illness" care and the trends we find in both morbidity and mortality data. We must begin to review the vast sums of money spent for the treatment of diseases that could have been prevented. Many states in the nation are using data similar to that which is contained within this report to take progressive action to do what 206,400 Alaskans favor - to encourage our people to lead healthier lifestyles.

I encourage you to review this brief and very readable report as you fulfill your legislative decision-making responsibilities pertaining to health promotion and preventive health legislation. The expertise and experience of our departmental staff is available should you need additional information.

Sincerely,


Robert London Smith, Ph.D.
Commissioner

Enclosure

Geog M?

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

February 22, 1984

RECEIVED

The Honorable Jan Faiks
Alaska State Senate
Pouch V
Juneau, AK 99811

RE: House Bill 84,
"An Act relating to
smoking in public places
and vehicles."

Dear Senator Faiks:

In reviewing this legislation, it would be unenforceable, from a law enforcement standpoint, because the offense is a violation rather than a criminal offense.

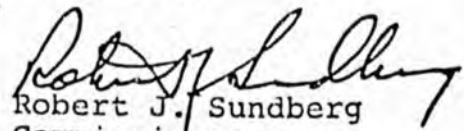
I would offer the following scenario as an example of why we feel this is unenforceable from a Trooper standpoint.

Hypothetically, an individual could be seated in a restaurant smoking and another person could complain to the police that the individual is violating the law by smoking in a prohibited area. The responding officer would ask the individual violating the smoking regulation for his identification in order to issue a citation. The individual could refuse to identify himself, and the officer would have no choice other than to leave the situation. There are no provisions in the law mandating that a person suspected of an offense has to identify himself to a peace officer. The only exception to this is that a person operating a motor vehicle has to produce a driver's license.

I checked with the Department of Law, Chief Prosecutor's Office, and they concur as to the unenforceability of this regulation by a peace officer.

If you have any other questions, please feel free to contact me.

Sincerely,


Robert J. Sundberg
Commissioner

STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH N
JUNEAU, ALASKA 99811
PHONE: 465-4322

March 19, 1984

[RECEIVED]

MAR 19 1984

The Honorable Joe Josephson
Alaska State Senate
Pouch V
Juneau, Alaska 99811

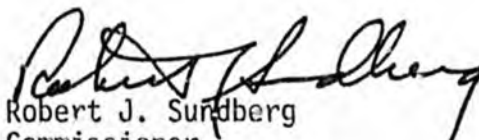
Josephson,

Dear Senator Josephson:

RE: House Bill 84, "An Act relating to smoking in public places and vehicles."

It is the Department's current position that under a proposed modification to the above-referenced bill amending Section 18.35.341(a) "Citations; Penalty" to read that the issuance of a citation would be effected only if a violation was committed in the presence of a peace officer; and that the Department of Environmental Conservation, as currently written into the bill, will remain responsible for investigations of smoking violations, it would not oppose the bill.

Sincerely,


Robert J. Sundberg
Commissioner

STATE OF ALASKA

MAR 12 1984

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF LAW

CRIMINAL DIVISION

March 12, 1984

REPLY TO:

- OFFICE OF THE CHIEF PROSECUTOR
POUCH KC
JUNEAU, ALASKA 99811
PHONE: (907) 465-3428
- OFFICE OF SPECIAL PROSECUTIONS
AND APPEALS
1031 WEST 4TH AVENUE, SUITE 318
ANCHORAGE, ALASKA 99501-5993
PHONE: (907) 279-7424

The Honorable Frank R. Ferguson
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Ferguson:

You have asked for the Department of Law's opinion on the enforceability of HB 84 - an Act relating to smoking in public places and vehicles. As you may know, the most recent version of that bill is SCS CSHB 84 (HESS). It is interesting that you should ask about this aspect of the bill, as the Criminal Division of the Department of Law has recently reviewed the enforcement sections of the bill and have suggested some amendments to the bill's prime sponsor, Representative Milo Fritz.

Under current law, if a person smokes in a prohibited area designated under AS 18.35.300, he is punishable by a civil fine of not less than \$5 nor more than \$25 for each offense. If a person or entity does not display the appropriate signs as required under AS 18.35.330, a civil fine of not less than \$10 nor more than \$100 can be imposed.

Violations of the above provisions are enforced by means of a civil complaint system. A person who observes such a violation must fill out an affidavit form provided by the Department of Environmental Conservation (DEC) and agree to testify in court concerning the violation if testimony becomes necessary. If the complainant fulfills both of the above requirements, then DEC may file a complaint in small claims court. The court will then determine whether a civil fine, court costs, and attorneys fees should be assessed against the violator.

Thus, there is a workable process to enforce the laws, although this process is evidently not used very often. One of the main thrusts of HB 84 is apparently to make the law more "enforceable". The latest version does that, but we recommend some changes to improve the bill.

Specifically, SCS CSHB 84 (HESS) offers a complainant two options for enforcement, the filing of a civil complaint or

March 12, 1984

the issuance of a citation by a peace officer. The civil complaint section is essentially the same as current law except that:

- (1) it requires DEC to file a complaint in the superior court instead of the small claims (district) court, and
- (2) the amount of the civil fines have been raised.

Section 7 of the bill broadens the enforceability of the law by giving a peace officer the authority to issue a citation for smoking and sign violations.

The new civil complaint section is enforceable in the same manner and to the same extent as the comparable provisions in existing law. The Criminal Division has recommended that this entire section be eliminated, however, so that enforcement would be accomplished through citations issued by a peace officer. DEC employees could then be designated by the Commissioner of DEC as "peace officers" for the purpose of enforcing these laws. This would give the employees the authority to issue citations for smoking violations in the same manner as other peace officers. There appears to be no reason to provide two options for enforcement. The existence of only one enforcement mechanism would make the process simpler and less confusing for both complainant and violator.

A practical enforcement problem may arise when a peace officer attempts to cite a patron in a restaurant, for example, and that patron refuses to identify himself. AS 12.25.180(b), however, states:

When a person is stopped or contacted by a peace officer for the commission of an infraction or a violation, he shall be issued a citation instead of being taken before a judge or magistrate under AS 12.25.150, unless

(1) the person does not furnish satisfactory evidence of identity; or

(2) the person refuses to accept the citation or to give his written promise to appear as provided for under AS 12.25.190(c).

Therefore, a peace officer, whether a police officer or a DEC employee, could arrest a person who refuses to identify himself or promise to appear in court.

March 12, 1984

Under SCS CSHB 84 (HESS), once a person has received a citation, the process for paying the appropriate fine is similar to that used for traffic citations. Under the proposed bill, a new AS 18.35.341(f) would state: "If the person cited fails to pay the bail amount established under (c) of this section or to appear in court as required, the citation is considered a summons for a violation." As in traffic court, an arrest warrant may be issued for a person who fails to appear in response to such a summons.

I hope this letter has answered your question about the enforceability of the current draft of HB 84. As it stands now, the bill is legally enforceable. Of course, as you are well aware, the form of the bill may be considerably altered by the time it reaches the Senate floor.

Sincerely,

NORMAN C. GORSUCH
ATTORNEY GENERAL

DANIEL W. HICKEY
CHIEF PROSECUTOR

By: 

Lisa B. Nelson
Assistant Attorney General

LBN/so-03

496

Int. records
1/15

THE ATTACHED PETITION, WITH 496 SIGNATURES, IS IN SUPPORT OF H.B. 84, "AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES". THE PETITION WAS MADE AVAILABLE TO THE PUBLIC AT A BOOTH SET UP AT THE HEALTH FAIR IN THE NUGGET MALL IN JUNEAU, ALASKA. THE FAIR WAS HELD SATURDAY, MAY 21, 1983 FROM 10:00 A.M. TO 5:00 P.M.

G.A.S.P. OF JUNEAU
789-3757

Cathy Miller
Tracy Miller

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

LINDA L. Neale

P.O. Box 485 Douglas, AK 99824

Cher R. Blain

P.O. Box 1716 JUNEAU AK 99809

Pauline Hau Kilk

Box 485 - Douglas AK 99824

Paul A. McCutcheon

P.O. Box 1037 Juneau 99802

Dr. J. J. Cohen

Box 491, Juneau AK 99802

Greg J. Hanson

6590 GLACIER HWY #220 JUNEAU AK 99802

Andrea Martin

4053 Delta Dr. Juneau, AK 99801

Nelaine L. Bailey

P.O. Box 3146 Juneau AK 99803

Charles W. Martin

4442 Translun Juneau ak. 99801

Kenneth J. J. J.

42416 LINDA DR JUNEAU AK 99802

Walter D. Dyer

P.O. Box 773 Juneau, AK 99802

David J. Kink

Box 578 Metlakatla Alaska 99826

Bob Johnson

Gen'l Del Juneau, AK, 99802

Dorothy L. Barr

Box 1444 Juneau ak 99802

Carl Campbell

85001 Rainbow Ave Juneau AK 99802

LISA HODGES

2215 MEADOW LANE JUNEAU AK 99801

Donna Edwards

4017 Spruce Lane Juneau

Kristina R. Simpson

361 Dustin Ave Apt #2 Juneau

James Wood

5452 Trinity Court Juneau

Paul R. Munnich

9354 Parkview Ct Juneau

John D. Miller

6015 LINDA JUNEAU

Clara Thompson

P.O. Box 603 Metlakatla Alaska 99826

Ernie Johnson

P.O. Box 06 " " 99826

Bill H. H.

5041 W 12th St Juneau AK 99801

Carol Kinnison

Box 253 Juneau AK

Corinne L. L.

24220 Day Dr Juneau AK 99801

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

Beverly Woods

9018 Gee St Juneau, AK 99801

MICHAEL ARVOLD

2405 O'DAY DR JUNEAU AK 99801

Samarsi del

4532 Dartmouth Fairbanks, AK 99701

Brahana Keroo

PO BOX 3-5000 JUNEAU AK 99802

Charles L. Powell

2338 Eng Ct JUNEAU AK 99801

Linda Thomas

Box 1076 Juneau, AK 99802

Robert L. Sherry

2667 S. Gulf Juneau AK 99801

Robert Stewart

9503 Meadow Ln Juneau AK 99801

LOU MEINERS

P.O. Box 2491 Juneau 99803

PAT BOCK

Box 253, DOUGLAS, AK 99824

Jim Cogan

570 Seatter Juneau

Miguel J. Kelly

219 Astoria Ave Juneau 99801

Linda Wilson

Box 6003 Douglas AK 99824

Marie Lynn

5875 Slave Hwy #59 Juneau 99801

KATIE DUTCHER

Box 6004 Juneau 99802

Miagana Carretti

5405 Chardice Way #2

Gary Miller

P.O. Box 2436 Juneau AK 99801

Steve M. Kroll

8603 Hayes Way Juneau AK 99801

Kathy Miller

PO Box 2124 Juneau 99801

Mary-Lynn Lee

1951 Lemon Creek Rd Juneau AK

Maria Johnson

3504 McQuinn Dr Juneau AK 99801

Pat Johnson

835T River Pl. Juneau AK 99801

Tom C. A.

835T River Pl. Juneau

John DeFuria

32102-6 Mt. R. Juneau 99801

Helmut Smelser

Box 744 Juneau 99801

Bruce Johnson

P.O. Box 3188 JUNEAU AK 99803

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

Tamara Soboleff

416 W. 9th St. Juneau AK 99801

Llewellyn Litchanski

P.O. Box 3164 Juneau 99801

Della Ocker

P.O. Box 212 Douglas, AK 99824

Sandra Francis

3850 Thane Rd. Juneau AK 99801

Yvonne Macvic

P.O. Box 1174 Juneau AK 99801

Louis S Keller

876 O TRINITY JUNEAU AK 99801

LORI A LEWIS

3166D MCGINNIS DRIVE 99801

Jayne M. Wright

8207 Garnot Juneau 99801

Verdon (AK 11)

P.O. Box 1081 Juneau 99802

Charles Zimmerman

19911 Fisher Dr. Juneau 99801

Robert Peterson

5905 Churchill Way #13 Juneau 99801

Madison Zinn

P.O. Box 22 Juneau 99802

Raymond Young

P.O. Box 2518 Juneau 99803

Philip James New

P.O. Box 3 South Juneau, AK 99802

John B. Hammond

9022 Ruedale Street Juneau AK 99801

Jerry S. Sullivan

4104 Birch Lane Juneau AK 99801

Valerie A. Lambert

4421 1st St. Juneau

Paulene Babal

1255 Fifth Ave. Anchorage AK

Jerry Underwood

3025 Mack Road Fairbanks AK

Clara V. Vreth

8371 Old Dairy Rd Juneau, AK

Joseph P. Fuchs

P.O. Box 1525 Juneau AK 99802

Milo Jennings

3555 Warden Rd. Juneau AK #70

Heida M. Jennings

" " " "

Caroline Caron

570 Scatter St Juneau

Kathleen J. Powell

5992 North St Juneau

Carolee Johnson

P.O. Box 391 Douglas AK 99824

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

<u>Maitha Stevens</u>	<u>515 N. Frank St Juneau AK 99801</u>
<u>John Stevens</u>	<u>515 N. Frank St Juneau</u>
<u>HAROLD SCOLLARD</u>	<u>8242 ASPEN A.K. JUNEAU 99801</u>
<u>Andy</u>	<u>" " " " "</u>
<u>Bob Zelland</u>	<u>#11 Thunder Mt. Park Juneau 99801</u>
<u>Bill Frayser</u>	<u>Box 202 Douglas 99824</u>
<u>Karla Kinachey</u>	<u>PO Box Juneau 99802</u>
<u>Dee Bronowski</u>	<u>3824 KICE A DRIVE 99801</u>
<u>Cheryl E. Carson</u>	<u>PO BOX 64 Auke Bay 99824</u>
<u>Carol Chop</u>	<u>P.O. Box 64 Auke Bay 99821</u>
<u>Lana K. Brasher</u>	<u>13910 Glacier Hwy Juneau 99801</u>
<u>Costy McWhorter</u>	<u>6008 SUNSET ST. 99801</u>
<u>Lin Paul</u>	<u>1800 Northwood Dr. # D-28 99801</u>
<u>Jay Hunt</u>	<u>112 West 5th St Juneau AK 99801</u>
<u>Franklin Brown</u>	<u>6590 Marine Hwy Juneau 99801</u>
<u>Wendell Hank</u>	<u>9163 Parkwood Juneau 99801</u>
<u>Carol Ann</u>	<u>32/2865 Mendenhall St Juneau 99801</u>
<u>Kenneth</u>	<u>8477 Thunder Mt #13 Juneau 99801</u>
<u>Lisa Robinson</u>	<u>27272 Douglas Hwy 99824</u>
<u>John</u>	<u>7326 Glacier Hwy 99801</u>
<u>Marlene Saunders</u>	<u>7320 Glacier Hwy Juneau AK 99801</u>
<u>Tula Max</u>	<u>403 E 1st Juneau AK 99801</u>
<u>Jeffrey DeSinet</u>	<u>BOX 2476 JUNEAU AK 99803</u>
<u>Terry D. Donovan</u>	<u>P.O. Box 164, Ancon, AK 99820</u>
<u>Lynne Jensen</u>	<u>P.O. Box 172, Ancon, AK 99824</u>
<u>Dorothy Elle-dus</u>	<u>P.O. Box 5133 Juneau, AK 99803</u>

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

Walter Remond Bell

3051st Box 64 Douglas 99824

STEVEN SCHLAFMAN

3050 GLACIERWOOD, JUNEAU, AK 99801

Rayce Loure

80 Box 2548 Juneau AK 99803

CHRIS R. RIZ

Box 657 Douglas AK 99824

Elliot Lipson

9601 Long Run Dr., Juneau AK 99801

CAROL BRANDNER

1810 MARK ALAN AVE, JUNEAU AK 99801

DAVID DI TRAGLIA

9320 GLACIER HWY JUNO 99801

DEBORAH NIENRMEYER

754 9TH AVE. FRS 99801 (REFRIGERATOR !!)

ANDREW N HUGHES

3200 WILLISSA DR JUNEAU AK 99801

Ken Austin

P.O. Box 425 Juneau, AK 99802

Patricia Park-Yisker

P.O. Box 2393 Juneau, AK 99803

Manicman

Alton

Mark R. Chester

3555 MENDENHALL SUP ROAD #72 99801

Elaine Schroeder

1706 Willow Sun 99801

Carla Norman

3786 McQuinn's Dr. Juneau AK 99801

[Handwritten signature]

5126th St Juneau AK 99801

Mary L. McClellan

Box 391 Douglas, AK 99824

Dennis Kerkala

P.O. Box 204 Auke Bay 99821

[Handwritten signature]

2345 Old Denny Rd Juneau AK

[Handwritten signature]

3470 Neanderly Juneau 99801

[Handwritten signature]

PO Box 849 Sitka AK 99801

[Handwritten signature]

Box 2511 Juneau 99803

[Handwritten signature]

4444 Trafalgar Juneau AK

[Handwritten signature]

Box 504 Gungahon AK 99801

[Handwritten signature]

Box 441 Gungahon AK 99801

[Handwritten signature]

Box 327 K. d. z. officers 99801

[Handwritten signature]

Box 327 K. d. z. officers 99801

with original

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
 "AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)	MAILING ADDRESS
Lynn Crossman	8166 Grant - Turnau, Ak. 99801
William Atkins	P.O. Box 253 Douglas Ak. 99824
John Collins	P.O. Box 253 Douglas Ak. 99824
Constance Adams	P.O. Box 131 Douglas, Ak. 99824
Jeff Zinke	P.O. Box 2374 - Turnau AK 99801
Melissa Durham	P.O. Box 2374 Turnau 99801
Luther Cooper	1800 Northwood Dr. R11 Juneau 99801
Jessie Reid	P.O. Box 1087, Turnau, AK 99802
William W. Reid	P.O. Box 1087, Turnau, AK 99802
Jeff Hasty	P.O. Box 1715 Turnau AK 99802
Karen Yerkes	8933 Hafner Ct Juneau, Ak 99801
Mary Lorence	1050 Salmon Crk Rd #D302 Juneau 99801
Margaret Sablender	3064 Kant Court, Juneau 99801
Anna D. Trayler	9320 Glacier Juneau 99801
Brian Allen	P.O. Box 3075 Fok, AK 99801
Juanita McCallon	P.O. Box 162 Duke Bay, AK. 99821
Christina Stone	9440 Pioneer Av Juneau, Ak 99801
Maguire Harris	Box 13 Duke Bay Alaska 99821
Alvin Smith	3120 Douglas Hwy Juneau Alaska 99801
Donna Jensen	7251 Kania Hwy Juneau Ak 99801
Sheryl Westcott	3456 Meander Hwy Juneau 99801
Paula K. Miller	510 S. 1st Juneau
Sue Fiscus	3850 Thane Rd Juneau, Ak
John P. Rubin	3-5000 Juneau Ak 99802
Carole Baker	Box 75 Douglas Alaska
Andrew Mitchell	Box 94 " " 99802

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

[Signature]

PO Box 224 Juneau 99803

Kim Himpelquist

Box 225, Juneau AK 99801

Kim Himpelquist

4200 N. 14th Dr. 99801

Tiffany Himpelquist

" " " "

Yvonne Pines de Luna

2300 4th St - Juneau AK 99801

R. C. & T. C.

739 4th Juneau AK 99801

John Pines de Luna

475 Doyle Drive Juneau AK 99801

John Pines de Luna

475 Doyle Drive Juneau AK 99801

Mr. Tuba

Box 74 Juneau AK

Frank Pines de Luna

996 1st Ave Juneau AK 99801

David Pines de Luna

9309 Northland St. Juneau AK 99801

Robbie Pines de Luna

1050 Salmon Saline Dr. Juneau

Doreen Pines de Luna

Box 104 Juneau AK 99801

ANNE SIMI

Box 44 Juneau AK 99802

Fred Webster

5100 1st Ave

Eric Minor

7340 1st Ave Juneau AK

Laura Van Kirk

P.O. Box 485 Juneau AK

Diane Kaddach

P.O. Box 312 Juneau AK 99802

Lynn Pines de Luna

P.O. Box 107 Juneau AK 99801

Caroline Scoville

PO Box 107 Juneau AK 99801

Bill Tuba

Box 107 Juneau AK 99801

Don Pines de Luna

" " " "

Bill Tuba

" " " "

Bill Tuba

" " " "

Kathy Wilson

1133 1st Ave Juneau AK 99801

Diane Cove

10330 1st St 99801

Harold Pines de Luna

Box 107 Juneau AK 99801

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
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NAME (Please print)

MAILING ADDRESS

EILEEN FRANKSON

PO Box 2591 JUNEAU AK 99803

Ken LeGunn

8473 N. Douglas Hwy PO 99801

Brend Hobbs

P.O. Box 474, DOUGLAS, AK 99824

Julie Orshorn

8191 ERNST JUNEAU 99801

Charles Dense

General Delivery JUNEAU 99802

Joe J. Brown

3-6000 Smith 14 JUNEAU 99801

Vigilante Kurljic

4915 N Douglas Hwy

Thomas E. Wagner

510 Kennedy JUNEAU 99801

Yvonne E. French

4523 N. Riverdale Dr. JUNEAU 99801

Barbara Kay Rukter

PO BOX 797, JUNEAU AK 99802

JOHN THEDINGA

2422 SUSAN WAY, JUNEAU AK 99801

Brian Handberg

6722 MARGUERITE JUNEAU AK 99801

Bob Miller

PO Box 681 DOUGLAS, AK 99824

Asandeevasty

P.O. Box 1776 JUNEAU AK 99801

Helen Jacobson

8112 Poplar JUNEAU 99801

MARK Jo Hobbs

4515 N. Riverdale Dr. JUNEAU 99801

Ray Gould

P.O. Box 702 JUNEAU AK 99802

Jim Jones

3812 N. Douglas AK 99801

Roy L. Westfall

4036 - D. St. JUNEAU AK 99801

STEVEN WIMMER

PO Box 274 JUNEAU AK 99801

Judy Crandall

626 5th St JUNEAU AK 99801

Kyoko Kusano

1280 Fitz Gerald JUNEAU 99801

Lisa Warner

3495 Miranda Way JUNEAU 99801

Steven A. Childers

2479 A - Scott Dr. JUNEAU AK

Arthur L. Chertea

3555 Commercial Loop Rd #72 JUNEAU AK 99801

James J. Sweeney

435 3rd St JUNEAU 99801

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 24,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

Martin Skallies	4030 Akbarak Dr
W. H. John	4447 E. 15th St Juneau AK
Terold Deppa	P.O. Box 43 Juneau AK
Excelsior OSBORN	8191 E. 11th St.
Kinda D. D. D.	915 E. 15th St Juneau
Karen Johnson	4310 Marine Dr.
BRUCE BLAKE	817 C ST. JUNEAU AK. 99801
Joyce H. Landmarkam	1980 Hughes Way, Juneau
Cristi Herren	General Delivery Juneau, AK 99802
Melanie M. Little	326 4th St #402 Juneau 99801
Laura Kent	8176 Thunder St. Juneau AK 99801
Clarence K. Katwijk	2925 Glendale St #24 Juneau AK
Dave M. M.	2835 5th St. Juneau AK 99801
Lynn Ramsey	412 Eastman #55 Juneau, AK 99801
Shirley Penness	Box 2628 Juneau, AK. 99803
Melissa O. Patterson	P.O. Box 3057 Juneau AK 99803
Janet Sano	Box 1446 Juneau 99802
Marion A. Lamer	215 5th St Douglas AK 99824
Vivie Sibelius	1255 4th St Juneau
Paul Petrelli	" " " " " "
Ronald D. Lambert	Box 267 Juneau AK. 99802
Sheryl Harty	P.O. Box 1776 Juneau AK 99802
Krist Jacobson	8112 Poplar Juneau AK 99801
Kim L. L.	P.O. Box 100 Juneau, AK 99802
L. L. L.	4415 Port Way Juneau AK 99801
Shirley L. L.	6590 G. L. L. Juneau AK 99801

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
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NAME (Please print)

MAILING ADDRESS

Quinn Tamm	Box 324 Douglas
Hidi (Dink)	P.O. Box 332 Juneau
Ronald W. Nelson	P.O. Box 2975 JUNEAU
DARRY MATHERHEAD	8923 STEEP COURT, JUNEAU
Alison Young	9118 Rainier Ave Juneau AK 99801
Linda (Tara)	8924 Birch Lane Juneau
Patricia Burke	3189 Indian Cove Dr. Juneau 99801
Miss Ann Oshkott	1170 Commercial Juneau
Linda K. Ansell	P.O. Box 2864 Juneau AK 99803
Roger Wilson	3856 Seaview Juneau 99801
Paula W. Foswick	9353 Turn St. Juneau - 99801
Margy J. Hinson	Box 1107 Juneau AK 99802
Ronald M. Hinson Jr.	Box 1107 Juneau, AK 99802
Jeff Davis	P.O. Box 3061 JUNEAU AK 99803
Nancy Gustavson	Box 43 Juneau AK 99802
Ann Holmes	3235 Trinity Lane Rd. Juneau
Maria H. Treble	9251 Sharon St. Juneau 99801
Phoebe A. Dinsley	9367 Riverfront Way Juneau 99801
Jeanne C. Brown	8742 Loni Ave Juneau AK 99801
Jerry J. Kiehl	8490 Thunder Mt. Rd. - AK 99801
Richard E. Street	5195 Thunder Mt. Rd - 99801
Lynda Park	9022 6th St. Juneau, Ak. 99801
Steve Thompson	9234 6th St Juneau AK 99801
William L. Katsyik	8809 GLENDALE #24 JUNEAU 99801
John A. Van	4401 Thane Road, Juneau AK 99801
Will Davis	Box 2500 Juneau AK 99803

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
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NAME (Please print)

MAILING ADDRESS

<u>Simon E. Hubbel</u>	<u>2575-3 Douglas Hwy. Juneau AK.</u>
<u>ANTHONY CORREY</u>	<u>PO Box 96 TONGUE Pt 99802</u>
<u>FLORIE H. OLSO</u>	<u>1630 N. DODD ST. JUNEAU 99801</u>
<u>MARGARET HAN SHANK</u>	<u>334 CARROLL W. JUNEAU</u>
<u>ARON BIRKEL</u>	<u>440 E. 1ST ST. JUNEAU, AK. 99801</u>
<u>RODIE ZEMKE</u>	<u>411-7th Juneau Alaska 99801</u>
<u>JOHN BROSTEN</u>	<u>PO Box 2652 Juneau AK 99803</u>
<u>KIM BROWTHORPE</u>	<u>P.O. Box 2645 JUNEAU. 99803</u>
<u>WAYNE H. STOTT</u>	<u>5997 NORTH ST JUNEAU 99801</u>
<u>DAVID S. FOSTER</u>	<u>6590 CLARKE HWY #129, JUNEAU, AK 99801</u>
<u>DELOROUS H. HILL</u>	<u>125 FOSTER JUNEAU, AK 99801</u>
<u>WILLIAM C. MATHIAS</u>	<u>3-6000 Suite 110 Juneau AK 99801</u>
<u>MARCEA WIRTH</u>	<u>125 JONES AVE JUNEAU AK 99801</u>
<u>MARCEA WIRTH</u>	<u>9391 Rivercourt Way Juneau AK 99801</u>
<u>DARRI WANGEL</u>	<u>9391 Rivercourt Way Juneau AK</u>
<u>FRYDIA D'ANGELO</u>	<u>8587 Nancy Ave Juneau AK</u>
<u>WENDY A. COLE</u>	<u>PO Box 707 Juneau AK 99801</u>
<u>TACHEL BECK</u>	<u>457 GOLD BELL AVE JUNEAU 99801</u>
<u>LEE SHAW</u>	<u>PO Box 1016 JUNEAU AK 99802</u>
<u>DIANE SLUD</u>	<u>545 W. 10th ST., JUNEAU AK 99801</u>
<u>SHEILA NICKEKSON</u>	<u>10220 HENNA WAY, TONGUE Pt 99801</u>
<u>CAROLYN FRILLETTE</u>	<u>PO Box 637 Juneau 99802</u>
<u>BECKY MACDONALD</u>	<u>2818 MARSHA AVE JUNEAU, AK 99801</u>
<u>JILL SHAW</u>	
<u>LIZABETH BURKLEW</u>	<u>SR Box 92184-177 FAIRBANKS AK. 99701</u>
<u>THEA NELSON</u>	<u>P.O. Box 2975 JUNEAU 99803</u>
<u>RILEY SHAW</u>	<u>2556 INT. AVE. JUNEAU, 99801</u>

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
 "AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

yes
yes
yes

Donald L. Hall	7098 Sunny Dr. Juneau, Ak
Mary W. Hunter	1320 Glenview Ave. Juneau, Alaska
Patty Garcia	Box 247 Auke Bay AK 99821
Lorraine M. Gregory	P.O. Box 622, Juneau, AK 99802
Dina Brown	P.O. Box 991 Juneau AK 99802
Kathryn Lundstrom	2160 Tite Cove Rd Juneau 99801
Franklin J. Taylor	3555 Mendivil Rd #109 Juneau 99801
William R. Chandler	17205 St. Hgway Juneau 99801
Robert J. Miller	See also Juneau
Kathy Parker	9022 62nd St Juneau.
Jane Albee	5730 Thane Rd Juneau 99801
Cheryl Secos	4100 Taku Blvd Juneau 99801
Joan R. Lyke	9696 Moraine Way Juneau 99801
Marilyn Katz	8468 Valley Blvd. Juneau 99801
Jonathan D. Gray	211 Dixon St. Juneau, Alaska 99801
Juneau	7131 5th St Juneau 99801
Bruce Bowler	P.O. Box 244 Juneau 99802
Ann S. Hughes	1959 Linnon Cr Rd Juneau 99801
Cheryl T. Smith	8887 Frenchy Ave Juneau 99801
Hazel Bluch	4112 Mendenhall Blvd Juneau 99801
Juneau	320 5th St Juneau 99801
Mary Price	P.O. Box 2424, Juneau 99803
Leette P. Hoff	206 N. FRANKLIN #2, Juneau 99801
Mary A. Johns	4447 Elyot St. Juneau 99801
Cheryl D. Walker	7185 Kilauea Blvd Juneau 99801
Cindy Ferrin	3026 Mendenhall Blvd Juneau 99801

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NAME (Please print)

MAILING ADDRESS

Linda J Pacelli

General Delivery Juneau AK

Aina Paulsen

5630 Douglas Hwy Juneau AK

Barbara McKinnon

526 Main Street Juneau AK

John W. Anderson

17205 Glacier Lane Juneau AK

Linda Shanley

3221 Douglas Hwy Juneau AK

Jan Ortolote

316 Wainwright St Juneau AK

Pat White

10651 Porter Lane Juneau AK

Judy C. Amador

712 - 5th St. Douglas AK

Douglas A. Dean

400 Thru Rd Juneau AK 99801

Shirleen Buckley

8004 Evergreen Pl Juneau AK 99801

Pamela T. Cochran

713 E 5th St Juneau AK 99801

Ann Hines

PO Box 151 Juneau AK 99802

Bonnie Marshall

1770 4th St Juneau AK 99801

John Zingales

213 4th St Juneau AK 99801

Bruce D.

2225 Meadow Lane Juneau AK 99801

Cathie Allen

PO Box 195 Juneau AK 99804

George F. Fisher

General Delivery Juneau AK 99801

Ann S. Holladay

515 East 5th Juneau AK 99802

John A. Anderson

PO Box 245 Juneau AK 99802

Richard C. Anderson

PO Box 246 Juneau AK 99802

Ronald Hansen

900 Franklin Juneau AK 99801

Judy Elliott

810 Tweedhead Juneau AK 99801

Bill G. Giff

5179 Thorslund Juneau AK 99801

John W. Anderson

10100 1st Ave Juneau AK 99802

Christina Anderson

2715 Douglas Hwy Juneau AK 99801

Margaret Kehrer

55. Park Rd Juneau AK 99801

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 24,
 "AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

Virginia Palmer

1990 Hughes Way Juneau, AK 99801

JAMES COFFIN

P.O. Box 3-5700 (C.S.R.) JUNEAU AK 99802

MICHAEL LESH

124 BEHREND'S AVE. JUNEAU AK 99801

Cordelia Phillips

9010 Firndale St., Juneau AK 99801

Susan Queralto

4801 RIVER ROAD, Juneau 99801

Bill Church

2465-9 1/2 Mendenhall Loop Rd. Juneau

Scott Davidson

9209 James BLVD #203 Juneau AK 99801

Ronald Hillbert

3062 Mountaineer Dr Juneau, AK 99801

Nancy Smith

P.O. Box 682 Juneau 99802

Kathy Harley

136 Behrends Ave Juneau 99801

PAUL R. PRASAD

9355 River Hwy Juneau 99801

Karen H. Prasad

" " " "

KATHLEEN M. KELLEY

P.O. BOX 596, DOUGLAS AK 99801

Scott Andrews

P.O. Box 2014 Juneau, AK 99803

Juan Higgins

Box 553 Douglas 99804

Dianne Lechman

Box 2914 Juneau, AK 99803

Deth Bond

2465-9 1/2 Mendenhall Loop Rd Juneau 99801

Pauline A Strong

Clarendon Court #8 Juneau, AK 99801

Patricia J. Jensen

8212 Cedar St. Juneau AK 99801

Patricia Kay Sorenson

5775 Thore Rd Juneau AK 99801

DONALD W SNOWHOCK

5775 THORE RD Juneau AK 99801

Gregg Feltner

17005 Point Stephens Rd Juneau 99801

Kelly Bennett

41109 Thore Rd Juneau 99801

Nelson Sorenson

6390 Glacier Hwy #125 Juneau 99801

Pat E. Sorenson

Box 57 - Juneau 99802

Merrill J. Sorenson

Box 511 Juneau 99802

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

M. RE BERRISFORD

2179 Threadneedle St Juneau AK

GUY A. FLEISCHHAUER

17740 LENA Loop Rd JUNEAU 99801

Thomas L. Stewart

3649 Pointe e Ave JUNEAU 99801

Linda Van Houten

413 7th St. #12 JUNEAU 99801

~~Barbara V. [unclear]~~

429 W. WILSON ST JUNEAU 99801

Berkey T. Abbott

9382 Rimsort Way JUNEAU 99801

~~A. D. Angus (Orion)~~

1205 2nd St. Douglas AK

Kevin [unclear]

1120 Frank Cecil Rd JUNEAU AK

an [unclear]

324 Highland Dr. JUNEAU

~~Janine Dullin~~

P.O. Box 763 JUNEAU, AK 99802

Edwin S. [unclear]

1658 Heiber way JUNEAU AK - 99801

Susan Ramsey

361 Distin #111 JUNEAU 99801

Mary [unclear]

9006 Gee St JUNEAU ALASKA 99801

~~William [unclear]~~

8217 DOLLARD LANE JUNEAU AK 99801

Dave Sturdevant

1788 Evergreen Ave

GU-FEMIO VADAO

105 GASTLINEAU AVE JUNEAU AK 99801

William R. Sturdevant

1788 Evergreen Ave

Victoria Villanueva

6590 Glacier Hwy #281 JUNEAU AK 99801

Jeffrey K. Kunz

9155 Glacierwood Dr. JUNEAU 99801

Mary I. Kunz

9155 Glacierwood Dr. JUNEAU 99801

Rita Fisher

Box 60000 Wood Dale

Frank Benson

Box 60000 Wood Dale

MARY ALEXANDER

8600 WILSON ST JUNEAU

Barbara [unclear]

P.O. Box 1117 Douglas AK 99801

Richard T. [unclear]

PO Box 2236 JUNEAU AK 99803

Paul G. [unclear]

PO Box 2236 JUNEAU AK 99803

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 24,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)	MAILING ADDRESS
Karleen Grummett	301 Seward Street Juneau, AK 99801
DAVE HAAS	2405 C DAY, JUNEAU, AK 99801
Owen Hoke	3708 Emerald St. Juneau, AK 99801
Peter Helgeson	361 Distin Ave #202 Juneau AK 99801
Anna von Rostky	311 Distin Ave #202 Juneau AK 99801
Judy Graves	0 Box 2927 Juneau AK 99803
Ann MacFarlane	PO Box 115, Juneau AK 99803
Alan Roberts	9452 B La Perouse Juneau 99801
DONNA OLSON	Box 21053 JUNEAU, AK: 99803
Karen Lipson	9001 Keno Run Dr. Juneau, AK 99801
Susan Hickley	4053 Behrck Dr Juneau 01
John Wilgerson	1800 Northwood F-42 Juneau 01
Roger Buck	6014 Lund St Juneau 99801
Paula Buck	6014 Lund St. Juneau, Ak. 99801
Loren Skene	10234 Heron Way, Juneau 99801
Elder Byron H. Gordon	9310 Glacier Hwy #27 Juneau 99801
Archie Anderson	8204 Birch Lane Juneau 99801
Jean Love	9124 James Blvd. Juneau 99801
JACK Cannon	1007 Bonnie Dean Juneau 99801
FRANK RODRIGUEZ	Box 5653 Juneau, AK 99803
Indyanna Mason	1175 Mendonhall Pen Rd. Juneau 99801
Stephanie McKenna	3001 Douglas Hwy Juneau 99801
Donald L. Beaul	724 Sitka St Juneau 99801
Ruth Anne DeLo	2734 David St., Juneau 99801
Jonathan Hayes	PO Box 1365 Juneau AK 99802
Cheryl Blaine	9348 Porter Ct. Juneau 99801

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

Susan Williams

1800 Northwood Dr. F43 Juneau 99801

Dore Miller

17040 Glacier Hwy. Juneau AK 99801

Bob Wilson

1990 Kieper Way Juneau 99801

Nancy Korn

8217 Cedar Juneau 99801

John Jensen

PO Box 249 Douglas AK 99824

Kathryn Stancumpane

11250 Ken L. Loop Rd. Juneau 99801

Jane Edwards

416 East Street Juneau 99801

Mary Jo Aronson

9175 Skywood Juneau

Patricia P. Miller

17040 Glacier Highway Juneau

Thomas F. Tune

4021 Deborah Drive Juneau Homer E. Juneau

Chyle A. B. Frazier

4031 Riverwood Dr. JUN AK

Anne J. Kyska

P.O. Box 27 Douglas AK 99824

John Tracy

4356 Juliet St. Juneau AK 99801

Barbara Leary

P.O. Box 207 Auke Bay 99821

Deborah P. Marshall

2950 Fruta Cove Rd Juneau 99801

Rebecca Miller

4324 Marshall Blvd. Juneau 99801

Herman F. Trivette

P.O. Box 2431 JUNEAU AK 99803

B.J. Hornstra

5899 Church Hill Way Juneau AK 99801

Maryann E. Lawson

P.O. Box 652 Douglas AK 99824

Melinda R. Taylor

6590 Glacier Hwy. #43 Juneau AK 99801

Cassette Miller

Box 763 Juneau 99802

Steve Parker

P.O. Box 991 Juneau 99802

Aurora Neuf

3866 Jeanie St. Juneau

Marie Lum

957 Gold Belt Juneau 99801

Maurice P. Fouché

339 Fish Street Juneau 99801

Mavis J. Hill

Box 1014 Duke Bay AK 99821

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)

MAILING ADDRESS

Terrera L. McKrill	9191 Lee Smith Dr. Juneau 99801
Jordan M. Hart	6216-22 Glacier House Juneau, 99801
Elder [unclear] Case	9310 BUCKLER HIGHWAY #27
Jed Price	8204 Birch Lane Juneau 99801
Ellen C. Greenberg	17630 Lena Loop Rd. Juneau 99801
Marshall [unclear]	9026 Cee St Juneau 99801
Fleming DeBene	660 W 34th #431 Anchorage 99503
Sister Patrick Mary	623 10th Street - Juneau AK 99801
Maria A. Case	4319 Taku Blvd. Juneau AK 99801
John N. Case	431E TAKU BLVD Juneau AK 99801
Richard D. Spittler	9245 Sharon St. Juneau AK 99801
Lilli Carswell	4401 [unclear] St 99801
Steven Hamilton	Box 995 Oake Bay AK 99821
Carolyn Baxter	P.O. Box 151 Oake Bay AK 99821
Patricia Ann VanMaanen	10204 Heron Way Juneau 99801
Donna Lee [unclear]	Box 2511 Juneau AK 99803
Brenda Linghu	Box 3675 Juneau AK 99803
Louise S. Miller	9570 Radcliffe Ct. - Juneau, AK 99801
JOHN RECKTENHAUS	2737 DAVID ST. JUNEAN AK 99801
MARY BARCLONE	3502 Sierra Juneau AK 99801
Kathryn Lizik	11435 Mendenhall Loop Juneau 99801
Kym Bilbrey	P.O. Box 2176 Juneau 99803
MARK T. GRIESEB	3001 DUNCAN HWY JUNEAN, AK 99801
[unclear]	1700 [unclear] AK 99801
Karen L. [unclear]	PO Box 256 Juneau AK 99802
Mark R. [unclear]	PO Box 2703 Juneau AK 99803

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
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NAME (Please print)

MAILING ADDRESS

Henri Armstrong

1560 Madison Ave. JUNEAU AK 99801

1st class

P.O. Box 25 Seward AK

WE THE UNDERSIGNED, URGE THE ALASKA LEGISLATURE TO PASS HOUSE BILL 84,
"AN ACT RELATING TO SMOKING IN PUBLIC PLACES AND VEHICLES."

NAME (Please print)	MAILING ADDRESS
SHARMAN HALEY	125 TEM AVE JUNEAU 99801
Ruth Jensen	P.O. Box 632, JUNEAU, AK 99802
Constance Trallen	Box 2807 JUNEAU, AK 99803
Shannon Devon	Box 93 Douglas, AK 99824
J. Timothy Moore	P.O. Box 534 JUNEAU, AK 99802
Nancy Kai Coperrider	Box 534 JUNEAU, AK 99802
Bill A. Wilson, Jr.	Box 345 Heenah, AK 99529
Shonda Hamilton	P.O. Box 971 Auke Bay, AK 99821
MARtha KOHLER	8886 CEDAR CT JUNEAU AK 99801
Doreen Stangel	8401 Decoy Blvd JUNEAU AK 99801
TED HAMILTON	P.O. Box 971 AUKE BAY, AK 99821
Bill Moulton	P.O. Box 205 JUNEAU, AK 99802
Marilyn Cooper	2098 Sunny Dr., JUNEAU AK 99801
Sally A. Lippin	9001 Long Run Dr JUNEAU 99801
Steve	5875 C. Hwy. #11 JUNEAU 99801
Matt Tulney	1800 Northwood F-12 JUNEAU AK 99801
Marion Mann	9625 Stikine St JUNEAU, ALASKA 99801
HOWARD J REECE	P.O. Box 1038 AUKE BAY, AK 99821
Lane J BEEB	P.O. Box 1404 JUNEAU, AK 99802
RUNDY BAYLES	Box 3750/99802
Inge Alderseeboas	2473 N Douglas Hwy JUNEAU 99801
Don Becking	17630 Lum Loop Rd JUNEAU, AK 99801
Joan Spittler	9245 Sharon St, JUNEAU AK 99801
David Van Pieren	10204 Hilda Way (JUNEAU) AK 99801
Paul H. K. Hall	P.O. Box 2022 JUNEAU AK 99802
THERESA L. BANNISTER	724 6th St., JUNEAU, AK 99801

PETITION

WE, the undersigned, employees of the State of Alaska at
1111 West 8th Street, Juneau Alaska 99802, are in support of the passage
of House Bill 84: An Act Relating to Smoking in Public Places and Vehicles.
(In its present form, introduced 01/20/83; see attached.)

- 1) Roberta S. Brako
- 2) Albert W. Arundson
- 3) Carolyn M. Spalding
- 4) Brenda J. Vaughn
- 5) Dennis Bellhouse
- 6) Catherine L. Miller
- 7) Bridget Kellum
- 8) Billy J. Olson
- 9) Pat Sylvia
- 10) Joseph A. Taylor

PETITION

WE, the undersigned, employees of the State of Alaska at
1111 West 8th Street, Juneau Alaska 99802, are in support of the passage
of House Bill 84: An Act Relating to Smoking in Public Places and Vehicles.
(In its present form, Introduced 01/20/83; see attached.)

- 1) Lorna Skell
- 2) Lawrence Dale
- 3) Anna Kiezing-von Reitz
- 4) John Miller
- 5) John Smith
- 6) Jean Findley
- 7) Chris Smith
- 8) John E. Post
- 9) Barbara Quval
- 10) Kathryn A. Henderson

PETITION

WE, the undersigned, employees of the State of Alaska at
1111 West 8th Street, Juneau Alaska 99802, are in support of the passage
of House Bill 84: An Act Relating to Smoking in Public Places and Vehicles.
(In its present form, Introduced 01/20/83; see attached.)

- 1) Teresa L. Gammis
- 2) Erny S. Didakson
- 3) Margua A. J. King
- 4) Ann Jones
- 5) David F. Carr
- 6) Gary Miller
- 7) Kathy Brown
- 8) George Long
- 9) Mary Antler
- 10) Susan Bradley

PETITION

WE, the undersigned, employees of the State of Alaska at
1111 West 3th Street, Juneau Alaska 99802, are in support of the passage
of House Bill 84: An Act Relating to Smoking in Public Places and Vehicles.
(In its present form, Introduced 01/20/83; see attached.)

- 1) Larry St Clair
- 2) Shirley A. Gray
- 3) Ralph A. Gray
- 4) Wanda Sims
- 5) Villex T. Elders
- 6) Cecilia Wagoner
- 7) M. G. Torgerson
- 8) Tom Torgerson
- 9) Lincoln Sims
- 10) Mavis Roberts

PETITION

WE, the undersigned, employees of the State of Alaska at
1111 West 8th Street, Juneau Alaska 99602, are in support of the passage
of House Bill 84: An Act Relating to Smoking in Public Places and Vehicles.
(In its present form, Introduced 01/20/83; see attached.)

- 1) Elfrida Mellin
- 2) Amy J. Lyndholm
- 3) Kathleen E. Borm
- 4) Janie Lapinski
- 5) Celeste Hayes
- 6) Thomas Hay
- 7) Diborah Patrick
- 8) Ray Brown
- 9) Anne C. Fuller
- 10) Ralph Swaps

PETITION

WE, the undersigned, employees of the State of Alaska at
1111 West 8th Street, Juneau Alaska 99802, are in support of the passage
of House Bill 84: An Act Relating to Smoking in Public Places and Vehicles.
(In its present form, Introduced 01/20/83; see attached.)

- 1) Robert James
- 2) Tiffany Kern
- 3) Debbie O'Neil
- 4) Ken L. Sullivan
- 5) Gregory A. Scott
- 6) Kim Y...
- 7) Frank J. McEntee
- 8) John M. Hunter
- 9) Carole Wheeler
- 10) Dan P. Johnson

PETITION

WE, the undersigned, employees of the State of Alaska at
1111 West 8th Street, Juneau Alaska 99802, are in support of the passage
of House Bill 84: An Act Relating to Smoking in Public Places and Vehicles.
(In its present form, Introduced 01/20/83; see attached.)

- 1) Fay Wright
- 2) Dan Corcoran
- 3) James A. Wilson
- 4) Barry Waid
- 5) Debra McCune
- 6) Helene Wright
- 7) Laila Clarke
- 8) Marilyn Gunn
- 9) Mark Sigler
- 10) Craig Mataga

PETITION

WE, the undersigned, employees of the State of Alaska at
1111 West 8th Street, Juneau Alaska 99802, are in support of the passage
of House Bill 24: An Act Relating to Smoking in Public Places and Vehicles.
(In its present form, introduced 01/20/83; see attached.)

- 1) Paul G. Wickerhold
- 2) Jo Shonner
- 3) Betsy Townsend
- 4) Anthony E. Zink
- 5) [Signature]
- 6) [Signature]
- 7) [Signature]
- 8) [Signature]
- 9) _____
- 10) _____