

S B

222

SENATE COMMITTEE REPORT

DATE: 2/23/90

FURTHER: Finance

DATE TURNED INTO OFFICE: _____

State Affairs _____ Committee considered _____ SB 222

Smoking in certain vehicles and indoor places

and recommended:

- replace with _____ CS SB 222 (SA) same title
- or adopt _____ CS _____ new title
- attached amendment(s) technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

ATTACHES NEW FISCAL NOTE(S):
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

appropriation-no fiscal note

APPROVES PREVIOUS:
Dept/Date:

fiscal note(s) _____

zero fiscal note(s) _____

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

Tom Kelly

[Signature]

Al Adams - No Rec

[Signature]

Chair: Signature and Recommendation

Alaska State Legislature



Senate Judiciary Committee

February 6, 1990

MEMORANDUM

TO: Senator Paul Fischer, -Chairman
Senate Health, Education and Social Services Committee

FROM: Senator Jan Faiks

SUBJECT: Senate Bill 222 -- Smoking in Public Places

Senate Bill 222 is currently pending in your committee. I would appreciate your scheduling it for the committee's consideration at your earliest convenience.

Attached is a previously prepared background memo on the bill. Should you need any additional information, please let me know.

Thank you.

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

March 17, 1990

SUBJECT: Regulation of Smoking
(CSSB 222(State Affairs))

TO: Senator Pat Pourchot
Chair, State Affairs Committee

FROM: Terri Lauterbach *TL*
Legislative Counsel

Enclosed is a draft version of CSSB 222(State Affairs). It is in draft form pending your approval of certain changes in the bill that were not explicitly adopted by the committee.

One change involves the collective bargaining language on page 3, lines 2 - 6.

The other changes involve implementation of the intent behind eliminating the repealer that was in the HESS version. My understanding is that by eliminating the repealer you intended to restore to the house and senate the ability to regulate smoking in areas under their jurisdiction. Therefore, I have made changes to effectuate that intent; just deleting the repealer was insufficient to give you the desired result. The changes I made appear on page 1, lines 28 - 29, and on page 3, line 7. The first change places house and senate areas under the statute that prohibits smoking except where smoking signs are erected. The second change ("except as provided in AS 18.35.300(5)") makes an exception to the prohibition section relating to public areas so that smoking can be regulated by the house and senate in areas under their control.

Please let me know if I can be of further assistance.

TL:pl
WKP3/050

Enclosure

amendment #1

by Adams

to CSSB 222 (HESS)

Page 2, at the end of line 28 add:

provisions of ~~collective~~ bargaining agreements ^{signed before the effective date of this act} supercede the prohibition in this paragraph;

A M E N D M E N T #2

by Adams

OFFERED IN THE SENATE

TO: CSSB 222 (HESS)

Page 2, line 6, after "facility":

Insert ", or a public or private office or facility that is engaged primarily in providing mental health services"

Page 3, line 6, after "facility;":

Insert "this paragraph does not apply to a public or private office or facility that is engaged primarily in providing mental health services;"

FISCAL NOTE

REQUEST:

Revision Date: 02-23-90
 Title: "An Act relating to smoking in certain vehicles and places"
 Sponsor: Faiks
 Requestor: _____

Agency Affected: Environmental Conservation
 BRU: Environmental Health
 Components: Sanitation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
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REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS : (Attach a separate page if necessary)

The fiscal impact of CSSB 222(HESS) will be zero.

Prepared by: Douglas C. Donegan, Director
 Division: Environmental Health

Phone: 465-2609
 Date: 02-27-90

Approved by Commissioner: _____
 Agency: _____

Date: 2/27/90

Distribution (by preparer):

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

SB 222, Smoking in Certain indoor places and vehicles

TO TESTIFY;

Chris Christenson: on behalf of Senator Faiks
Senator Fahrenkamp

NOTES:

Adams has two amendments to SB 222.

#1: concerns collective bargaining agreements

#2. concerns exempting mental health related facilities

Letter from Alaska Court System: they misinterpreted the bill. Jury deliberation rooms are not under prohibited areas. Chris is ready to clarify. This letter is not in member packets.

Alaska State Legislature

Chairman
(907) 465-4523



Jan Faiks
Post Office Box V
Juneau, Alaska 99811

Senate Judiciary Committee

March 17, 1989

MEMORANDUM

TO: Senator Paul Fischer, Chairman
Senate HESS Committee

FROM: Senator Jan Faiks, Chairman
Senate Judiciary Committee

SUBJECT: SB 222 "An Act relating to smoking in certain
vehicles and indoor places."

Senate Bill 222 has been referred to the Senate HESS Committee for consideration. This bill amends Alaska law relating to smoking in certain public places. It was introduced at the request of the American Lung Association of Alaska, as part of their Tobacco Free Alaska 2000 program.

At the present time, approximately 26% of Americans over the age of 16 smoke cigarettes. Alaskans smoke at a rate 5% greater than the national rate.

According to the Surgeon General, cigarette smoking is the single most important environmental factor contributing to premature mortality in the United States. Each year, smoking causes the deaths of more than 300,000 Americans, principally from heart disease, cancer and chronic obstructive lung disease. In 1985, there were estimated to be 261 smoking attributable deaths in Alaska. This was 14% of the state's mortality that year. The estimated total for medical care due to smoking in Alaska in 1985 was \$52.8 million. This does not take into account lost wages due to illness, or losses to employers because of increased insurance premiums and absenteeism.

The tremendous social harms caused directly or indirectly by cigarette smoking cannot be disputed. In an effort to

Members

Mike Szymanski, Vice-Chairman • Rick Halford • Drue Pearce • Pat Rodey

Out of Session

3111 C Street, Anchorage, Alaska 99503 • (907) 561-7610

encourage people not to smoke, and to protect the health and well being of non-smokers who must breathe secondary smoke, many jurisdictions including Alaska have enacted laws restricting smoking in public places.

At the present time, 42 states and the District of Columbia restrict smoking in some manner in public places. These laws range from simple, limited prohibitions to comprehensive clean indoor air laws that limit or ban smoking in virtually all public places. Alaska's law was enacted in 1984, and was predicated on the following legislative findings:

1. numerous studies have shown second-hand smoke to be a significant health hazard;
2. recent court decisions recognize an emerging right of employees to work in a smoke-free environment; and
3. 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 workers' compensation.

In order to address these findings, current law specifies certain public places and vehicles in which smoking is regulated. In these specified places, smoking and non-smoking areas must be designated. Signs must be posted to accomplish this. Persons who violate the requirement to post signs or who smoke in a designated non-smoking area are subject to civil penalties.

SB 222 revises current law by establishing two categories of public place: those in which smoking is regulated, as with current law, and those in which smoking is absolutely prohibited. The bill takes many of the places currently on the regulated smoking list and moves them to the new smoking prohibited list. It adds several types of places not currently mentioned in the law to the regulated smoking list. It provides that a person in charge of a place on the regulated smoking list may not designate the entire place as a smoking area. Finally, it provides that a person in charge of a place on the regulated smoking list must consider only the health of non-smokers in designating a smoking area, and not the convenience of smokers. A sectional analysis of the bill is attached.

SB 222 will close loopholes in the current law, and more adequately address the findings contained in the 1984 legislation. It protects the health of non-smokers, the prime duty of government in this area. It moves us one step closer to a smoke-free Alaska. I urge the committee to schedule this bill at its earliest convenience. Thank you.

Alaska State Legislature



Senate Judiciary Committee

March 6, 1990

MEMORANDUM

TO: Senator Pat Pourchot, Chairman
Senate State Affairs Committee

FROM: Senator Jan Faiks, Chairman
Senate Judiciary Committee

SUBJECT: SB 222 "An Act relating to smoking in certain
vehicles and indoor places."

Senate Bill 222 has been referred to the Senate State Affairs Committee for consideration. This bill amends Alaska law relating to smoking in certain public places. It was introduced at the request of the American Lung Association of Alaska, as part of their Tobacco Free Alaska 2000 program.

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According to the Surgeon General, cigarette smoking is the single most important environmental factor contributing to premature mortality in the United States. Each year, smoking causes the deaths of more than 300,000 Americans, principally from heart disease, cancer and chronic obstructive lung disease. In 1985, there were estimated to be 261 smoking attributable deaths in Alaska. This was 14% of the state's mortality that year. The estimated total for medical care due to smoking in Alaska in 1985 was \$52.8 million. This does not take into account lost wages due to illness, or losses to employers because of increased insurance premiums and absenteeism.

The tremendous social harms caused directly or indirectly by cigarette smoking cannot be disputed. In an effort to

encourage people not to smoke, and to protect the health and well being of non-smokers who must breathe secondary smoke, many jurisdictions including Alaska have enacted laws restricting smoking in public places.

At the present time, 42 states and the District of Columbia restrict smoking in some manner in public places. These laws range from simple, limited prohibitions to comprehensive clean indoor air laws that limit or ban smoking in virtually all public places. Alaska's law was enacted in 1984, and was predicated on the following legislative findings:

1. numerous studies have shown second-hand smoke to be a significant health hazard;
2. recent court decisions recognize an emerging right of employees to work in a smoke-free environment; and
3. 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 workers' compensation.

In order to address these findings, current law specifies certain public places and vehicles in which smoking is regulated. In these specified places, smoking and non-smoking areas must be designated. Signs must be posted to accomplish this. Persons who violate the requirement to post signs or who smoke in a designated non-smoking area are subject to civil penalties.

CSSB 222 (HESS) revises current law by establishing two categories of public place: those in which smoking is regulated, as with current law, and those in which smoking is absolutely prohibited. The bill takes some of the places currently on the regulated smoking list and moves them to the new smoking prohibited list. It adds several types of places not currently mentioned in the law to the regulated smoking list. Finally, it provides that a person in charge of a place on the regulated smoking list must consider only the health of non-smokers in designating a smoking area, and not the convenience of smokers. A sectional analysis of the bill is attached.

CSSB 222 (HESS) will close loopholes in the current law, and more adequately address the findings contained in the 1984 legislation. It protects the health of non-smokers, the prime duty of government in this area. It moves us one step closer to a smoke-free Alaska. I urge the committee to schedule this bill at its earliest convenience. Thank you.

Current Law	CS SB 222 (HESS)
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Vehicles and places in which smoking must be regulated by the designation of smoking and non-smoking areas:

- A vehicle of public transportation and a waiting or boarding area for a vehicle of public transportation, including a bus, ferry vessel, train, limousine for hire, taxicab, or scheduled intrastate aircraft flight when consistent with federal law
- A place of employment, a building or other structure, or portion of them, owned, leased or operated by the state or political subdivision of the state, including an office, library, museum, theater, concert hall, convention hall, gymnasium, swimming pool, or other place of entertainment or recreation
- A public or private school, pre-school, or day care facility
- A room, chamber, or other place under the control of the state or a political subdivision of the state while a public meeting or public assembly is in progress
- A patients' or visitors' waiting room or restroom of a public or private laboratory or office associated with dental care, health care, or the healing arts, and a waiting room, restroom, lobby, or hallway of a public or private hospital

Vehicles and places in which smoking must be regulated by the designation of smoking and non-smoking areas:

- Adds "interstate" aircraft flights
- Same
- Prohibits all smoking
- Prohibits all smoking
- Prohibits all smoking

Current Law	CS SB 222 (HESS)
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- A food service establishment that has a seating capacity of at least 50 persons
- A grocery store or other store maintained primarily for the retail sale of food products
- A place of employment in which the owner, manager, proprietor or other person who has control of the premises posts a sign stating that smoking is prohibited by law
- A nursing home, rest home or other health care institution or facility

- Same
 - Same
 - Same
 - Adds "residential" to describing health care institution or facility
- Adds:
- A courtroom or jury deliberation room
 - A commercial establishment whose premises are open to the general public, including a retail store, a financial institution and a shopping mall
 - Correctional facilities
 - Pioneers Home
 - Post secondary educational institutions
 - Adult day care facility

Current Law

CS SB 222 (HESS)

Where All Smoking is Prohibited:

- An elevator
- Smoking areas for students in elementary or secondary schools

Where All Smoking is Prohibited:

- Same
- A public or private elementary or secondary school, pre-school or children's day care facility. If the school or day care facility is in a private residence, then the prohibition only applies during the hours when the residence is being used as a school or day care facility
- A room, chamber, or other place under the control of the state or a political subdivision of the state while a public meeting or public assembly is in progress
- A public or private laboratory or office associated with dental care, health care, or the healing arts, and a public or private hospital, or other nonresidential health care institution or facility

Current Law

SB 222

Vehicles and places in which smoking must be regulated by the designation of smoking and non-smoking areas:

Vehicles and places in which smoking must be regulated by the designation of smoking and non-smoking areas:

- A vehicle of public transportation and a waiting or boarding area for a vehicle of public transportation, including a bus, ferry vessel, train, limousine for hire, taxicab, or scheduled intrastate aircraft flight when consistent with federal law
- A place of employment, a building or other structure, or portion of them, owned, leased or operated by the state or political subdivision of the state, including an office, library, museum, theater, concert hall, convention hall, gymnasium, swimming pool, or other place of entertainment or recreation
- A public or private school, pre-school, or day care facility
- A room, chamber, or other place under the control of the state or a political subdivision of the state while a public meeting or public assembly is in progress
- A patients' or visitors' waiting room or restroom of a public or private laboratory or office associated with dental care, health care, or the healing arts, and a waiting room, restroom, lobby, or hallway of a public or private hospital

- Adds "interstate" aircraft flights
- Prohibits all smoking
- Prohibits all smoking
- Prohibits all smoking
- Prohibits all smoking

Current Law	SB 222
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- A food service establishment that has a seating capacity of at least 50 persons
- A grocery store or other store maintained primarily for the retail sale of food products
- A place of employment in which the owner, manager, proprietor or other person who has control of the premises posts a sign stating that smoking is prohibited by law

- Same
- Same
- Same

Adds:

- A courtroom or jury deliberation room
- A nursing home, rest home or other residential health care institution or facility
- A commercial establishment whose premises are open to the general public, including a retail store, a financial institution and a shopping mall
- Correctional facilities

Where All Smoking is Prohibited:

- An elevator

Where All Smoking is Prohibited:

- Same
- A place of employment, a building or other structure or the portion of them, owned, leased, or operated by the state or a political sub-

Current Law

SB 222

- Smoking areas for students in elementary or secondary schools

division of the state, including an office, library, museum, theater, concert hall, convention hall, gymnasium, swimming pool, or other place of entertainment or recreation

Not included are a correctional facility, a court room, a jury deliberation room, or Pioneers' Home

- A public or private school, pre-school, or day care facility. If the school or day care facility is in a private residence, then the prohibition only applies during the hours when the residence is being used as a school or day care facility
- A room, chamber, or other place under the control of the state or a political subdivision of the state while a public meeting or public assembly is in progress
- A public or private laboratory or office associated with dental care, health care, or the healing arts, and a public or private hospital, or other nonresidential health care institution or facility

FISCAL NOTE

APR 19 1989

REQUEST:

Revision Date: _____
Title: "An Act relating to smoking in
certain vehicles and indoor places."
Sponsor: FAIKS
Requestor: _____

Agency Affected: Environmental Conservation
BRU: Environmental Health

Components: Sanitation

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	-0-	131.8	131.8	131.8	131.8	131.8
TRAVEL		7.5	7.5	7.5	7.5	7.5
CONTRACTUAL		10.5	7.0	7.0	5.0	5.0
SUPPLIES		2.5	2.5	2.5	2.5	2.5
EQUIPMENT		35.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		181.8	148.8	148.8	146.8	146.8
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	181.8	148.8	148.8	146.8	146.8
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	181.8	148.8	148.8	146.8	146.8

POSITIONS:

FULL-TIME	-0-	3	3	3	3	3
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

The additional educational monitoring and enforcement responsibilities associated with the proposed legislation would require the addition of three full-time sanitarians and associated support costs.

Prepared by: Douglas C. Donegan, Director *DD*
Division: Environmental Health

Phone: 465-2609
Date: 4/18/89

Approved by Commissioner: Dennis D. Kelso *AD/KL*
Agency: Environmental Conservation

Date: 4/18/89

Distribution (by preparer):

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

MAR 30 1989

**AMERICAN
CANCER
SOCIETY**

ALASKA DIVISION, INC.

March 24, 1989

Sen. Paul Fischer
P.O. Box V
Juneau, Alaska 99811

Dear Senator Fischer,

One hundred-fifty Alaskans will die from lung cancer this year. The sad fact is that most of these deaths could have been prevented. Nationally 155,000 new cases of lung cancer are estimated, while we expect 142,000 deaths this year alone.

If the death of the 142,000 were expected to be due to firearms, aircraft, or other device or conveyance we could look forward to considerable legislative outcry for increased safety or restrictions thereon. Most lung cancers are caused by cigarette smoking. Cigarette smoking is also a major risk factor in cancers of the bladder, oral cavity, and the pancreas. Cigarette smoking.

What good comes from cigarette smoking? The only advantages are those that can be said for the growers and distributors of opiates, cocaine or marijuana, an economic shot in the arm devoid of morality or ethics.

The death of the 142,000 could, for the most part, have been prevented by the elimination of cigarette smoking. It would seem to me, therefore, that we have an ethical debt to these 142,000 and the 139,000 that died in 1988, not to mention those of the preceding years. That ethical debt is simply to stop this insane waste of human life.

We can apparently proceed only a small step at a time in this endeavor to do what is morally correct. Two small steps that seem at least minimally necessary are HB 80 and SB 222. I feel that it is very important that we proceed positively on these bills this session. They have my full support and I think that they should have yours.

Sincerely,



A. H. Koenig
Public Education/Area Director

cc: Roland Gower, M.D., Division President
Richard Parry, M.D., Division Public Issues Chairman
Bruce Kiessling, M.D., Division Public Education Chairman
Michael Franklin, M.D., Division President-Elect

ADOPTED AT THE ALASKA STATE MEDICAL ASSOCIATION
ANNUAL MEETING HELD IN SITKA,
JUNE 10, 1989

RESOLUTION 89-02

SUBJECT: Support of SB 222

WHEREAS, the Surgeon General has concluded that:

- (1) involuntary smoking is a cause of disease, including lung cancer, in healthy nonsmokers;
- (2) the children of parents who smoke have an increased frequency of respiratory infections, increased respiratory symptoms, and smaller rates of increase in lung function as the lung matures; and
- (3) the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to environmental tobacco smoke; and

WHEREAS, tobacco smoke contains about 4,000 chemicals, including 200 known poisons such as DDT, arsenic, formaldehyde and carbon monoxide; and

WHEREAS, the existing smoking in public places law in the State of Alaska does not adequately protect nonsmokers from the known hazards of second hand smoke; therefore

BE IT RESOLVED THAT, the Alaska State Medical Association supports strengthening Alaska's smoking in public places law through the passage of SB 222 or a similar measure, in order to protect the health of Alaskans statewide.

Distribution:

American Lung Association, Alaska Affiliate
Anchorage Health Department
Anchorage Neighborhood Health Center
Eagle River Health Center
Fairbanks Health Center
Division of Public Health
Drug Enforcement Administration
Veterans Administration
UAF Artic Health Research
Hospitals
Nursing Homes
Pioneer Homes
Alaska Thoracic Society
American Academy of Pediatrics
American College of Radiology
Alaska Academy of Physician Assistants
Alaska Dental Society
Alaska Health Fair

American Cancer Society
Cook Inlet Council on Alcohol
and Drug Abuse
March of Dimes, Birth Defects
Health Association of Alaska
Media

(5) "special events" means events involving public gathering and shall include athletic and sporting events where the public congregates, which shall include but not be limited to dog sled racing, horse racing, snowmobile races, skiing events, salmon derbies, and other activities;

(6) "tavern" means a place maintained or held out to the public for purposes of sale and on-premise consumption of alcoholic beverages;

(7) "toilet accommodations" means a facility available to the public consisting of an approved flush-type commode, urinal, privy, self-contained privy or any other device approved by the department for containment and disposal of human wastes and shall include lavatory facilities where practical. (§ 1 ch 58 SLA 1974; am § 3 ch 78 SLA 1976; am E.O. No. 51, § 36 (1981))

Revisor's notes. — Reorganized in 1986 to alphabetize the defined terms.

Article 4. Health Nuisances.

<p>Section 300. Smoking in certain vehicles and indoor places prohibited 310. Exemptions 320. Designation of smoking sections 330. Display of smoking and no smoking signs 340. Civil complaints; penalties</p>	<p>Section 341. Citations; penalty 342. Multiple fines prohibited 343. Injunctions 350. Enforcement authority 355. Public education 365. Definitions</p>
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Cross references. — For legislative findings in connection with ch. 34, SLA 1984, see § 1, ch. 34, SLA 1984 in the Temporary and Special Acts.

Opinions of attorney general. — In light of the repeal of former AS 18.35.360, which granted the Department of Environmental Conservation's authority to write regulations in implementation of this article, the department may promulgate legislative-type regulations which are truly necessary to implementation of

the article; (2) the department may not promulgate other legislative-type regulations, such as those which are helpful but not strictly necessary to the statutory scheme; and (3) the department may issue interpretive regulations which offer suggested guidelines on implementing the article. June 22, 1984, Op. Att'y Gen.

Collateral references. — 39 Am. Jur. 2d, Health, §§ 24, 25, 41-44.

39A C.J.S., Health and Environment, §§ 26, 27.

Sec. 18.35.300. Smoking in certain vehicles and indoor places prohibited. Smoking in any form is a nuisance and a public health hazard and is prohibited in the following vehicles and indoor places, except as otherwise provided by this chapter:

(1) a vehicle of public transportation and a waiting or boarding area for a vehicle of public transportation, including a bus, ferry vessel, train, limousine for hire, taxicab, or scheduled intrastate aircraft flight when consistent with federal law;

(2) an elevator;

(3) a place of employment, a building or other structure, or a portion of them, owned, leased, or operated by the state or a political subdivision of the state, including an office, library, museum, theater, concert hall, convention hall, gymnasium, swimming pool, or other place of entertainment or recreation;

(4) a public or private school, pre-school, or day care facility;

(5) a courtroom or jury deliberation room;

(6) a room, chamber, or other place under the control of the state or a political subdivision of the state while a public meeting or public assembly is in progress;

(7) a patients' or visitors' waiting room or restroom of a public or private laboratory or office associated with dental care, health care, or the healing arts, and a waiting room, restroom, lobby, or hallway of a public or private hospital, nursing home, rest home, or other health care institution or facility;

(8) a food service establishment that has a seating capacity of at least 50 persons;

(9) a grocery store or other store maintained primarily for the retail sale of food products; and

(10) a place of employment in which the owner, manager, proprietor, or other person who has control of the premises posts a sign stating that smoking is prohibited by law. (§ 1 ch 125 SLA 1975; am § 2 ch 34 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section.

Sec. 18.35.310. Exemptions. The prohibition set out in AS 18.35.300 does not apply to

(1) a portion of a place or vehicle that is designated as a smoking section under AS 18.35.320;

(2) a limousine for hire or taxicab, if the driver consents and the driver ascertains that all passengers consent to smoking in the vehicle;

(3) smoking by performers on the stage as part of a theatrical or entertainment production. (§ 1 ch 125 SLA 1975; am § 3 ch 34 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section.

Sec. 18.35.320. Designation of smoking sections. (a) A person in charge of an indoor place or vehicle of public transportation described in AS 18.35.300 may designate portions of the place or vehicle as smoking sections. For purposes of this section, "vehicle of public transportation" does not include a taxicab or limousine for hire, and "indoor place" does not include an elevator.

(b) The person who chairs the Rules Committee in a house of the legislature is responsible for the designation of smoking sections under this section in the legislative offices, committee rooms, and other places under the control of that house. The authority to designate a smoking section may not be used to impede the work of a conference committee.

(c) A person who designates a smoking section under this section shall make reasonable accommodations for the needs of the smokers and nonsmokers who use the place or vehicle.

(d) Notwithstanding any other provision in this chapter, a smoking section may not be designated under this section for students on the grounds of or in an elementary or secondary school, indoors or outdoors. (§ 1 ch 125 SLA 1975; am § 4 ch 34 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section.

Sec. 18.35.330. Display of smoking and no smoking signs. (a) A person in charge of a place or vehicle described in AS 18.35.300, except a limousine for hire or taxicab, shall conspicuously display in the place or vehicle a sign that reads "Smoking Prohibited by Law — Maximum Fine \$50" and that includes the international symbol for no smoking.

(b) In a place or vehicle in which a smoking section has been designated under AS 18.35.320, the person in charge of the place or vehicle shall conspicuously display signs that specify the portions of the place or vehicle in which smoking is allowed by law and in which smoking is prohibited by law.

(c) A sign required by this section must be at least 18 inches wide and six inches high, with lettering at least 1.25 inches high.

(d) The department shall furnish signs required under this section to a person who requests them with the intention of displaying them. (§ 1 ch 125 SLA 1975; am § 5 ch 34 SLA 1984)

Effect of amendments. — The 1984 amendment rewrote this section.

Sec. 18.35.340. Civil complaints; penalties. (a) The commissioner shall develop and maintain a procedure for processing reports of violations of AS 18.35.300 and 18.35.330.

(b) If, after investigating a report made under this section, the commissioner determines that a violation has occurred, (1) the commissioner may file a civil complaint in the district court to enforce the provisions of AS 18.35.300 — 18.35.365; or (2) an employee of the department designated by the commissioner to enforce the provisions of AS 18.35.300 — 18.35.365 may issue a citation under AS 18.35.341(b). If an employee of the department issues a citation, the violation shall be processed and disposed of under AS 18.35.341.

(c) A person who violates AS 18.35.300 and against whom the commissioner has filed a civil complaint under this section is punishable by a civil fine of not less than \$10 nor more than \$50. A person who violates AS 18.35.330 and against whom the commissioner has filed a civil complaint under this section is punishable by a civil fine of not less than \$20 nor more than \$300. Each day a violation of AS 18.35.330 continues after a civil complaint for the violation has been filed and served on the defendant constitutes a separate violation.

(d) The department may provide for the payment of civil fines under this section by mail. (§ 1 ch 125 SLA 1975; am § 6 ch 34 SLA 1984)

Revisor's notes. — In subsections (a) and (b) of this section, the phrase "or of a regulation adopted under AS 18.35.360" was deleted from each subsection in 1984 to correct a manifest error made when

SCS CSHB 84 (Fin) was amended to effect the repeal of AS 18.35.360. The amended bill became ch. 34, SLA 1984.

Effect of amendments. — The 1984 amendment rewrote this section.

Sec. 18.35.341. Citations; penalty. (a) A peace officer may issue a citation for a violation of AS 18.35.300 committed in the officer's presence or for a violation of AS 18.35.330. The provisions of AS 12.25.180(b) and 12.25.190 — 12.25.230 apply to the issuance of a citation under this subsection.

(b) An employee of the department designated by the commissioner to enforce the provisions of AS 18.35.300 — 18.35.365 may issue a citation for a violation of AS 18.35.300 or 18.35.330 regardless of whether the violation was committed in the employee's presence. A citation issued under this subsection shall be in the same form and shall be processed in the same manner as a citation issued by a peace officer under (a) of this section. An employee of the department may not arrest a person for a violation of AS 18.35.300 or 18.35.330.

(c) A person who violates AS 18.35.300 or 18.35.330 is guilty of a violation as defined in AS 11.81.900(b) and upon conviction is punishable by a fine of not less than \$10 nor more than \$50 for a violation of AS 18.35.300 and by a fine of not less than \$20 nor more than \$300 for

a violation of AS 18.35.330. Each day a violation of AS 18.35.330 continues after a citation for the violation has been issued constitutes a separate violation.

(d) The supreme court shall establish a schedule of bail amounts for violations of AS 18.35.300 and 18.35.330, but in no event may the bail amount exceed the maximum fine that may be imposed for the violation under (c) of this section. The bail amount for a violation shall appear on the citation.

(e) A person cited for a violation under this section may, within 15 days after the date of the citation, mail or personally deliver to the clerk of the court in which the citation is filed

(1) the amount of bail indicated on the citation for that violation; and

(2) a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered and the bail is forfeited.

(f) When bail has been forfeited under (e) of this section, a judgment of conviction shall be entered. Forfeiture of bail is a complete satisfaction for the violation. The clerk of the court accepting the bail shall provide the violator with a receipt stating that fact.

(g) If the person cited fails to pay the bail amount established under (d) of this section or to appear in court as required, the citation is considered a summons for a misdemeanor. (§ 7 ch 34 SLA 1984)

Sec. 18.35.342. Multiple fines prohibited. A person may not be fined more than once for each violation of AS 18.35.300 or 18.35.330. (§ 7 ch 34 SLA 1984)

Sec. 18.35.343. Injunctions. The commissioner or any affected party may institute an action in the superior court to enjoin repeated violations of AS 18.35.300 or 18.35.330. (§ 7 ch 34 SLA 1984)

Revisor's notes. — The phrase "or of a regulation adopted under AS 18.35.360" was deleted from this section in 1984 to correct a manifest error made when SCS

CSHB 84 (Fin) was amended to effect the repeal of AS 18.35.360. The amended bill became ch. 34, SLA 1984.

Sec. 18.35.350. Enforcement authority. The commissioner or the commissioner's designee is responsible for enforcing the provisions of AS 18.35.300 — 18.35.365. This section does not limit the authority of peace officers. (E.O. No. 51 § 37 (1981); am § 8 ch 34 SLA 1984)

Revisor's notes. — The phrase "and the regulations adopted under AS 18.35.360" was deleted from this section in 1984 to correct a manifest error made when SCS CSHB 84 (Fin) was amended to effect the repeal of AS 18.35.360. The

amended bill became ch. 34, SLA 1984. The word "section" was added in the second sentence in 1981.

Effect of amendments. — The 1984 amendment rewrote the first section, which read "The commissioner of environ-

mental 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.”

Sec. 18.35.355. Public education. The commissioner shall take appropriate measures to inform the public of the provisions of AS 18.35.300 — 18.35.365. (§ 9 ch 34 SLA 1984)

Sec. 18.35.360. Regulations. [Repealed, § 10 ch 34 SLA 1984.]

Sec. 18.35.365. Definitions. In AS 18.35.300 — 18.35.365,
 (1) “commissioner” means commissioner of environmental conservation;
 (2) “department” means the Department of Environmental Conservation. (§ 11 ch 34 SLA 1984)

Chapter 40. Shelter Cabins and Comfort Stations.

Section	Section
10. Shelter cabins and comfort stations on airports	50. Prohibited acts and penalties
20. Shelter cabins on roads and trails	60. Exception
30. Inspection of cabins	70. Damages for destruction of or injury to shelter cabins
40. Cabins and furnishings property of state	

Collateral references. — Establishment, maintenance, and regulation of tourist or trailer camps by public authorities. 22 ALR2d 774.

Racial or religious discrimination in furnishing of public utilities, services, or facilities. 53 ALR3d 1027.

Validity of statutes, ordinances, and regulation requiring the installation or maintenance of various bathroom facilities in dwelling units. 79 ALR3d 716.

Sec. 18.40.010. Shelter cabins and comfort stations on airports. The Department of Transportation and Public Facilities may erect and maintain shelter cabins and comfort stations for the accommodation of travelers on the airports throughout the state where the facilities are required and necessary out of funds appropriated for the construction and maintenance of roads and aviation fields. Each shelter cabin or comfort station shall contain a suitable stove and other facilities considered necessary by the Department of Transportation and Public Facilities. (§ 40-10-1 ACLA 1949; am § 9 art VII title II ch 152 SLA 1957)

(9) "nonattainment area" means a geographic area where the air quality is shown by monitored data to exceed national air quality standards for any air pollutant;

(10) "pollutant emissions" means unburned hydrocarbons, carbon monoxide, oxides of nitrogen, and particulate matter;

(11) "proper maintenance" means the use of maintenance practices set out in this chapter;

(12) "qualified mechanic" means a mechanic who meets competency requirement, imposed by the implementing agency for persons who repair vehicles subject to this chapter;

(13) "repair cost ceiling" means a limit that the implementing agency may establish on the cost of repairs necessary to obtain a certificate of inspection when repair work is done by a qualified mechanic; and

(14) "unauthorized modification" means an engine or emissions control system-related modification that has not been performed according to a recall campaign or service bulletin authorized by a vehicle's manufacturer; "unauthorized modification" includes the use of a replacement emissions-related part that is not functionally equivalent to the original equipment part that it replaces, and the use of any added part or system unless that part or system has been specifically approved for use by the U.S. Environmental Protection Agency, the California Air Resources Board, or by the Alaska Department of Environmental Conservation. (Eff. 5/19/85, Register 94; am 6/2/88, Register 106)

Authority: AS 11.56.20 AS 46.03.190
AS 46.03.020(10) AS 46.03.790(a)
AS 46.03.140

Editor's note. -- A list of approved parts and systems mentioned in 18 AAC 52.900(14) can be found in the State Air Quality Plan, Volume III, which is available for viewing at state libraries and regional offices of the Department of Environmental Conservation.

CHAPTER 55. SMOKING IN PUBLIC PLACES

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

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, Register 79)

Authority: AS 18.35.310 AS 46.03.020
 AS 18.35.360 AS 46.03.140

Editor's notes. — 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, Register 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, Register 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, Register 79)

Authority: AS 18.35.340 AS 46.03.020
AS 18.35.360 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, Register 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, Register 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, Register 79)

Authority: AS 18.35.360
AS 46.03.020
AS 46.03.140

Pat
→ Susie



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

JANALEE R. STRANDBERG
Staff Counsel

March 13, 1990

303 K Street
Anchorage, AK 99501
(907) 264-8228

Senator Pat Pourchot
Chair, Senate State Affairs
P.O. Box V
Juneau, Alaska 99811

Re: CSSB 222--An Act relating to smoking in certain vehicles and indoor places

Dear Senator Pourchot:

The Alaska Supreme Court prohibited smoking in court system offices, facilities and courtrooms on September 1, 1987 with one exception. The court permits smoking in jury deliberation rooms. Because smokers who are called for jury service have no choice but to appear, the supreme court was uncomfortable about forcing people into a situation in which they could not smoke.

The court was also concerned that judges might have to excuse prospective jurors who smoke if these citizens asserted that they could not concentrate on the evidence or otherwise participate in the proceedings because they were not allowed to smoke. The jury pool might then be decreased.

For these reasons the court system requests that the phrase "jury deliberation room" be deleted from (4) of Section 1 of CSSB 222.

Thank you for your consideration of these comments. I would be happy to answer any questions you may have on the court system's smoking prohibition.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jan", is written above the typed name.

Janalee R. Strandberg
Staff Counsel

cc: Senator Jan Faiks
Senator Al Adams
Senator Tim Kelly
Senator Rick Uehling

Alaska State Legislature

Sen. Pat Pourchot, Chairman

Sen. Jan Faiks, Vice Chairman

Sen. Al Adams

Sen. Tim Kelly

Sen. Rick Uehling



P.O. Box V
State Capitol
Juneau, Alaska 99811

907-465-3712

Senate State Affairs Committee

MEMORANDUM

TO: Senate State Affairs Committee Members

FROM: Senator Pat Pourchot

RE: Friday, March 16 Committee Hearing

DATE: March 15, 1990

On Friday, March 16 at 1:30 p.m. in the Beltz Room the Senate State Affairs Committee will hear the following bills:
TELECONFERENCE; Public testimony.

CSSB 310. An Act relating to the Alaska Marine Highway System Commission. Originally, SB 310 established an authority to operate and manage the Alaska Marine Highway System (AMHS), with a legal existence independent of and separate from state government. The proposed CS would establish a seven member commission, within DOT/PF, to hire the director, to set policy and to make recommendations regarding operation of AMHS. The commission will be charged with developing and updating a long-range plan. The proposed CS combines elements of SB 310 and SB 473, Senator Duncan's bill which proposed a 5 member commission.

CSSB 485. An Act relating to the Telecommunications Information Council and the provisions of information services by the Department of Administration. The proposed CS adds a public member to the Telecommunications Information Council (TIC) and adds two non-voting legislators. The major provisions are to establish an improved tracking system of information services revenues and expenditures; to allow for a review and approval process of fees and surcharges by the TIC and to define requests for services and expenditures in annual budget requests. This is the second hearing for SB 485, the Department of Administration has clarified that it is in support of this bill.

CSSB 222. An Act relating to smoking in certain vehicles and indoor places. Current smoking law specifies certain public places and vehicles in which smoking must be regulated by designating smoking and non-smoking areas and prohibits all smoking in certain areas i.e. elevators. This bill adds the following to the "designated" areas list: interstate flights, post-secondary educational institutions and adult day care facilities, correctional facilities and a Pioneers Home. This bill would add to the "prohibited areas" list: elementary schools, pre-schools, daycare facilities (during hours of operation in private residences), state meeting rooms, health care related areas i.e. doctor's waiting rooms, hospital lobbies. CSSB 222 also requires consideration of non-smokers needs when designating a smoking area and repeals the statute that gives the Rules Committees the authority to designate smoking and non-smoking areas.

Original sponsor(s): SEN. FAIKS

indicates SA changes.

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 222 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to smoking in certain vehicles and
7 indoor places."

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

9 * Section 1. AS 18.35.300 is amended to read:

10 Sec. 18.35.300. PLACES WHERE SMOKING IS REGULATED [SMOKING IN
11 CERTAIN VEHICLES AND INDOOR PLACES PROHIBITED]. Smoking in any form
12 is a nuisance and a public health hazard and is prohibited in the
13 following vehicles and indoor places, except as allowed under AS 18.-
14 35.310 [OTHERWISE PROVIDED BY THIS CHAPTER]:

15 (1) a vehicle of public transportation and a waiting or
16 boarding area for a vehicle of public transportation, including a bus,
17 ferry vessel, train, limousine for hire, taxicab, or scheduled inter-
18 state or intrastate aircraft flight when consistent with federal law;

19 (2) [AN ELEVATOR;

20 (3)] a place of employment, a building or other structure,
21 or a portion of them, owned, leased, or operated by the state or a
22 political subdivision of the state, including an office, library,
23 museum, theater, concert hall, convention hall, gymnasium, swimming
24 pool, or other place of entertainment or recreation;

25 (3) [(4)] a public or private post-secondary educational
26 institution [SCHOOL, PRE-SCHOOL,] or adult day care facility;

27 (4) [(5)] a courtroom or jury deliberation room;

28 (5) [(6)] a room, chamber, or other place under the con-
29 trol of the state senate or state house of representatives [A

1 POLITICAL SUBDIVISION OF THE STATE] while a public meeting or public
2 assembly is not in progress;

3 (6) [(7)] a [PATIENTS' OR VISITORS' WAITING ROOM OR REST-
4 ROOM OF A PUBLIC OR PRIVATE LABORATORY OR OFFICE ASSOCIATED WITH
5 DENTAL CARE, HEALTH CARE, OR THE HEALING ARTS, AND A WAITING ROOM,
6 RESTROOM, LOBBY, OR HALLWAY OF A PUBLIC OR PRIVATE HOSPITAL,] nursing
7 home, rest home, or other residential health care institution or
8 facility, or a public or private office or facility that is engaged
9 primarily in providing mental health services;

10 (7) [(8)] a food service establishment that has a seating
11 capacity of at least 50 persons;

12 (8) [(9)] a grocery store or other store maintained primar-
13 ily for the retail sale of food products; [AND]

14 (9) [(10)] a place of employment in which the owner, manag-
15 er, proprietor, or other person who has control of the premises posts
16 a sign stating that smoking is prohibited by law;

17 (10) a correctional facility; and

18 (11) a Pioneers' Home.

19 * Sec. 2. AS 18.35 is amended by adding a new section to read:

20 Sec. 18.35.305. PLACES WHERE SMOKING IS PROHIBITED. Smoking in
21 any form is prohibited in the following indoor places:

22 (1) a public or private elementary or secondary school,
23 preschool, or children's day care facility; if the school, preschool,
24 or day care facility is in a building that is also a private resi-
25 dence, this paragraph applies only during the hours when the residence
26 is being used as an elementary or secondary school, preschool, or
27 children's day care facility; if the school, preschool, or day care
28 facility is in a building that includes more than one private resi-
29 dence or units that are not private residences, this paragraph applies

1 only to the private residence in which the elementary or secondary
2 school, preschool, or children's day care facility is located; the
3 prohibition in this paragraph does not apply to a public or private
4 elementary or secondary school to the extent that a collective bar-
5 gaining agreement covering employees who work in the school contains
6 terms that conflict with this prohibition;

7 (2) a room, chamber, or other place under the control of
8 the state or a political subdivision of the state while a public
9 meeting or public assembly is in progress;

10 (3) a public or private laboratory or office associated
11 with dental care, health care, or the healing arts, and a public or
12 private hospital, or other nonresidential health care institution or
13 facility; this paragraph does not apply to a public or private office
14 or facility that is engaged primarily in providing mental health
15 services;

16 (4) an elevator.

17 * Sec. 3. AS 18.35.310 is amended to read:

18 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-
19 35.300 does not apply to

20 (1) a portion of a place or vehicle that is designated as a
21 smoking section under AS 18.35.320;

22 (2) a limousine for hire or taxicab, if the driver consents
23 and the driver ascertains that all passengers consent to smoking in
24 the vehicle [;

25 (3) SMOKING BY PERFORMERS ON THE STAGE AS PART OF A THEAT-
26 RICAL OR ENTERTAINMENT PRODUCTION].

27 * Sec. 4. AS 18.35.310 is amended by adding a new subsection to read:

28 (b) The prohibitions set out in AS 18.35.300 - 18.35.305 do not
29 apply to smoking by performers on the stage as part of a theatrical

1 entertainment production.

2 * Sec. 5. AS 18.35.320(c) is amended to read:

3 (c) A person who designates a smoking section under this section
4 shall make reasonable accommodations to protect the health of the [FOR
5 THE NEEDS OF THE SMOKERS AND] nonsmokers who use the place or vehicle
6 by separation, partition, or ventilation that ensures that nonsmokers
7 in the place or vehicle are not subject to the active by-products of
8 smoke from smokers in the place or vehicle.

9 * Sec. 6. AS 18.35.330(a) is amended to read:

10 (a) A person in charge of a place or vehicle described in
11 AS 18.35.300 or 18.35.305, except a limousine for hire or taxicab,
12 shall conspicuously display in the place or vehicle a sign that reads
13 "Smoking Prohibited by Law - Maximum Fine \$50" and that includes the
14 international symbol for no smoking.

15 * Sec. 7. AS 18.35.340(a) is amended to read:

16 (a) The commissioner shall develop and maintain a procedure for
17 processing reports of violations of AS 18.35.300, 18.35.305, and
18 18.35.330.

19 * Sec. 8. AS 18.35.340(c) is amended to read:

20 (c) A person who violates AS 18.35.300 or 18.35.305 and against
21 whom the commissioner has filed a civil complaint under this section
22 is punishable by a civil fine of not less than \$10 nor more than \$50.
23 A person who violates AS 18.35.330 and against whom the commissioner
24 has filed a civil complaint under this section is punishable by a
25 civil fine of not less than \$20 nor more than \$300. Each day a viola-
26 tion of AS 18.35.330 continues after a civil complaint for the viola-
27 tion has been filed and served on the defendant constitutes a separate
28 violation.

29 * Sec. 9. AS 18.35.341(a) is amended to read:

1 (a) A peace officer may issue a citation for a violation of
2 AS 18.35.300 or 18.35.305 committed in the officer's presence or for a
3 violation of AS 18.35.330. The provisions of AS 12.25.180(b) and
4 12.25.190 - 12.25.230 apply to the issuance of a citation under this
5 subsection.

6 * Sec. 10. AS 18.35.341(b) is amended to read:

7 (b) An employee of the department designated by the commissioner
8 to enforce the provisions of AS 18.35.300 - 18.35.365 may issue a
9 citation for a violation of AS 18.35.300, 18.35.305, or 18.35.330
10 regardless of whether the violation was committed in the employee's
11 presence. A citation issued under this subsection shall be in the
12 same form and shall be processed in the same manner as a citation
13 issued by a peace officer under (a) of this section. An employee of
14 the department may not arrest a person for a violation of AS 18.35.-
15 300, 18.35.305, or 18.35.330.

16 * Sec. 11. AS 18.35.341(c) is amended to read:

17 (c) A person who violates AS 18.35.300, 18.35.305, or 18.35.330
18 is guilty of a violation as defined in AS 11.81.900(b) and upon con-
19 viction is punishable by a fine of not less than \$10 nor more than \$50
20 for a violation of AS 18.35.300 or 18.35.305 and by a fine of not less
21 than \$20 nor more than \$300 for a violation of AS 18.35.330. Each day
22 a violation of AS 18.35.330 continues after a citation for the viola-
23 tion has been issued constitutes a separate violation.

24 * Sec. 12. AS 18.35.341(d) is amended to read:

25 (d) The supreme court shall establish a schedule of bail amounts
26 for violations of AS 18.35.300, 18.35.305, and 18.35.330, but in no
27 event may the bail amount exceed the maximum fine that may be imposed
28 for the violation under (c) of this section. The bail amount for a
29 violation shall appear on the citation.

1 * Sec. 13. AS 18.35.342 is amended to read:

2 Sec. 18.35.342. MULTIPLE FINES PROHIBITED. A person may not be
3 fined more than once for each violation of AS 18.35.300, 18.35.305, or
4 18.35.330.

5 * Sec. 14. AS 18.35.343 is amended to read:

6 Sec. 18.35.343. INJUNCTIONS. The commissioner or any affected
7 party may institute an action in the superior court to enjoin repeated
8 violations of AS 18.35.300, 18.35.305, or 18.35.330.
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*Adopted -
Incorporated into
3-19-90 CS*

A M E N D M E N T # 2

by Adams

OFFERED IN THE SENATE

TO: CSSB 222(HESS)

Page 2, line 6, after "facility":

Insert ", or a public or private office or facility that is engaged primarily in providing mental health services"

Page 3, line 6, after "facility;":

Insert "this paragraph does not apply to a public or private office or facility that is engaged primarily in providing mental health services;"

CONCEPTUALLY
Approved —
Incorporated into
3-19-90 CS

amendment #1

by Adams

to CSSB 222 (HESS)

Page 2, at the end of line 28 add:

provisions of collective bargaining agreements supercede the
prohibition in this paragraph;

6-0448M ✓
Lauterbach
3/16/90

Original sponsor(s): SEN. FAIKS

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 222 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to smoking in certain vehicles and
7 indoor places."

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

9 * Section 1. AS 18.35.300 is amended to read:

10 Sec. 18.35.300. PLACES WHERE SMOKING IS REGULATED [SMOKING IN
11 CERTAIN VEHICLES AND INDOOR PLACES PROHIBITED]. Smoking in any form
12 is a nuisance and a public health hazard and is prohibited in the
13 following vehicles and indoor places, except as allowed under AS 18.-
14 35.310 [OTHERWISE PROVIDED BY THIS CHAPTER]:

15 (1) a vehicle of public transportation and a waiting or
16 boarding area for a vehicle of public transportation, including a bus,
17 ferry vessel, train, limousine for hire, taxicab, or scheduled inter-
18 state or intrastate aircraft flight when consistent with federal law;

19 (2) [AN ELEVATOR;

20 (3)] a place of employment, a building or other structure,
21 or a portion of them, owned, leased, or operated by the state or a
22 political subdivision of the state, including an office, library,
23 museum, theater, concert hall, convention hall, gymnasium, swimming
24 pool, or other place of entertainment or recreation;

25 (3) [(4)] a public or private post-secondary educational
26 institution [SCHOOL, PRE-SCHOOL,] or adult day care facility;

27 (4) [(5)] a courtroom or jury deliberation room;

28 (5) [(6)] a room, chamber, or other place under the con-
29 trol of the state senate or state house of representatives [A

1 POLITICAL SUBDIVISION OF THE STATE] while a public meeting or public
2 assembly is in progress;

3 (6) [(7)] a [PATIENTS' OR VISITORS' WAITING ROOM OR REST-
4 ROOM OF A PUBLIC OR PRIVATE LABORATORY OR OFFICE ASSOCIATED WITH
5 DENTAL CARE, HEALTH CARE, OR THE HEALING ARTS, AND A WAITING ROOM,
6 RESTROOM, LOBBY, OR HALLWAY OF A PUBLIC OR PRIVATE HOSPITAL.] nursing
7 home, rest home, or other residential health care institution or
8 facility, or a public or private office or facility that is engaged
9 primarily in providing mental health services;

10 (7) [(8)] a food service establishment that has a seating
11 capacity of at least 50 persons;

12 (8) [(9)] a grocery store or other store maintained primar-
13 ily for the retail sale of food products; [AND]

14 (9) [(10)] a place of employment in which the owner, manag-
15 er, proprietor, or other person who has control of the premises posts
16 a sign stating that smoking is prohibited by law;

17 (10) a correctional facility; and

18 (11) a Pioneers' Home.

19 * Sec. 2. AS 18.35 is amended by adding a new section to read:

20 Sec. 18.35.305. PLACES WHERE SMOKING IS PROHIBITED. Smoking in
21 any form is prohibited in the following indoor places:

22 (1) a public or private elementary or secondary school,
23 preschool, or children's day care facility; if the school, preschool,
24 or day care facility is in a building that is also a private resi-
25 dence, this paragraph applies only during the hours when the residence
26 is being used as an elementary or secondary school, preschool, or
27 children's day care facility; if the school, preschool, or day care
28 facility is in a building that includes more than one private resi-
29 dence or units that are not private residences, this paragraph applies

1 only to the private residence in which the elementary or secondary
2 school, preschool, or children's day care facility is located; the
3 prohibition in this paragraph does not apply to a public or private
4 elementary or secondary school to the extent that a collective bar-
5 gaining agreement covering employees who work in the school contains
6 terms that conflict with this prohibition;

7 (2) except as provided in AS 18.35.300(5), a room, chamber,
8 or other place under the control of the state or a political subdivi-
9 sion of the state while a public meeting or public assembly is in
10 progress;

11 (3) a public or private laboratory or office associated
12 with dental care, health care, or the healing arts, and a public or
13 private hospital, or other nonresidential health care institution or
14 facility; this paragraph does not apply to a public or private office
15 or facility that is engaged primarily in providing mental health
16 services;

17 (4) an elevator.

18 * Sec. 3. AS 18.35.310 is amended to read:

19 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-
20 35.300 does not apply to

21 (1) a portion of a place or vehicle that is designated as a
22 smoking section under AS 18.35.320;

23 (2) a limousine for hire or taxicab, if the driver consents
24 and the driver ascertains that all passengers consent to smoking in
25 the vehicle [;

26 (3) SMOKING BY PERFORMERS ON THE STAGE AS PART OF A THEAT-
27 RICAL OR ENTERTAINMENT PRODUCTION].

28 * Sec. 4. AS 18.35.310 is amended by adding a new subsection to read:

29 (b) The prohibitions set out in AS 18.35.300 - 18.35.305 do not

1 apply to smoking by performers on the stage as part of a theatrical
2 entertainment production.

3 * Sec. 5. AS 18.35.320(c) is amended to read:

4 (c) A person who designates a smoking section under this section
5 shall make reasonable accommodations to protect the health of the [FOR
6 THE NEEDS OF THE SMOKERS AND] nonsmokers who use the place or vehicle
7 by separation, partition, or ventilation that ensures that nonsmokers
8 in the place or vehicle are not subject to the active by-products of
9 smoke from smokers in the place or vehicle.

10 * Sec. 6. AS 18.35.330(a) is amended to read:

11 (a) A person in charge of a place or vehicle described in
12 AS 18.35.300 or 18.35.305, except a limousine for hire or taxicab,
13 shall conspicuously display in the place or vehicle a sign that reads
14 "Smoking Prohibited by Law - Maximum Fine \$50" and that includes the
15 international symbol for no smoking.

16 * Sec. 7. AS 18.35.340(a) is amended to read:

17 (a) The commissioner shall develop and maintain a procedure for
18 processing reports of violations of AS 18.35.300, 18.35.305, and
19 18.35.330.

20 * Sec. 8. AS 18.35.340(c) is amended to read:

21 (c) A person who violates AS 18.35.300 or 18.35.305 and against
22 whom the commissioner has filed a civil complaint under this section
23 is punishable by a civil fine of not less than \$10 nor more than \$50.
24 A person who violates AS 18.35.330 and against whom the commissioner
25 has filed a civil complaint under this section is punishable by a
26 civil fine of not less than \$20 nor more than \$300. Each day a viola-
27 tion of AS 18.35.330 continues after a civil complaint for the viola-
28 tion has been filed and served on the defendant constitutes a separate
29 violation.

1 * Sec. 9. AS 18.35.341(a) is amended to read:

2 (a) A peace officer may issue a citation for a violation of
3 AS 18.35.300 or 18.35.305 committed in the officer's presence or for a
4 violation of AS 18.35.330. The provisions of AS 12.25.180(b) and
5 12.25.190 - 12.25.230 apply to the issuance of a citation under this
6 subsection.

7 * Sec. 10. AS 18.35.341(b) is amended to read:

8 (b) An employee of the department designated by the commissioner
9 to enforce the provisions of AS 18.35.300 - 18.35.365 may issue a
10 citation for a violation of AS 18.35.300, 18.35.305, or 18.35.330
11 regardless of whether the violation was committed in the employee's
12 presence. A citation issued under this subsection shall be in the
13 same form and shall be processed in the same manner as a citation
14 issued by a peace officer under (a) of this section. An employee of
15 the department may not arrest a person for a violation of AS 18.35.-
16 300, 18.35.305, or 18.35.330.

17 * Sec. 11. AS 18.35.341(c) is amended to read:

18 (c) A person who violates AS 18.35.300, 18.35.305, or 18.35.330
19 is guilty of a violation as defined in AS 11.81.900(b) and upon con-
20 viction is punishable by a fine of not less than \$10 nor more than \$50
21 for a violation of AS 18.35.300 or 18.35.305 and by a fine of not less
22 than \$20 nor more than \$300 for a violation of AS 18.35.330. Each day
23 a violation of AS 18.35.330 continues after a citation for the viola-
24 tion has been issued constitutes a separate violation.

25 * Sec. 12. AS 18.35.341(d) is amended to read:

26 (d) The supreme court shall establish a schedule of bail amounts
27 for violations of AS 18.35.300, 18.35.305, and 18.35.330, but in no
28 event may the bail amount exceed the maximum fine that may be imposed
29 for the violation under (c) of this section. The bail amount for a

1 violation shall appear on the citation.

2 * Sec. 13. AS 18.35.342 is amended to read:

3 Sec. 18.35.342. MULTIPLE FINES PROHIBITED. A person may not be
4 fined more than once for each violation of AS 18.35.300, 18.35.305, or
5 18.35.330.

6 * Sec. 14. AS 18.35.343 is amended to read:

7 Sec. 18.35.343. INJUNCTIONS. The commissioner or any affected
8 party may institute an action in the superior court to enjoin repeated
9 violations of AS 18.35.300, 18.35.305, or 18.35.330.

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**POSITION PAPER
CS SB 222**

"An Act relating to smoking..."

CS SB 222 amends current law by defining certain locations in which smoking is prohibited rather than regulated. As amended, this section would prohibit smoking in the following locations: primary and secondary schools, preschools or day care facilities, with the added proviso that the smoking prohibition applies to private residences only during the hours when the residence is being used as a school, preschool or daycare facility; public or private laboratories, offices dealing with dental and health care or the healing arts and public or private hospitals or other nonresidential health care institutions or facilities; state controlled buildings during public assembly or public meetings; and in elevators.

Section AS 18.35.320(c), which pertains to designated smoking areas, is amended to enhance the protection of nonsmokers rather than to "accommodate the needs of the smokers and nonsmokers", and generally requires more protection from involuntary exposure to tobacco smoke by mandating the use of physical barriers or ventilation. This subsection does not apply to a store that sells only tobacco products and related articles.

The remaining sections covering civil complaints, citations, penalties, multiple fines, and injunctions are amended to include reference to Section 18.35.305.

BACKGROUND

Information for this analysis was obtained from the Division of Public Health, Alaska Department of Health and Social Services; the Surgeon General's 1986 report, "The health consequences of involuntary smoking"; and a report by the Office of Smoking and Health of the Centers for Disease Control, U.S. Public Health Service entitled "Smoking and Health: a national status report", 1990. The 1986 Surgeon General's report, "The Health Consequences of Involuntary Smoking," focused exclusively on the subject of environmental tobacco smoke (ETS) exposure. Findings from this report include:

1. Children of parents who smoke have an increased frequency of respiratory infections and symptoms, and slightly lower rates of increase in lung function as the lung matures than do children of parents who do not smoke.
2. Pollution from tobacco smoke in homes, offices, other worksites and in certain public places can reach levels which exceed contaminant

levels permitted under environmental and occupational health regulations.

3. Maternal smoking has a harmful effect on the fetus and on pregnancy itself, including an increased risk of miscarriage, stillbirth, death soon after birth, low birth weight, and fetal death.
4. 4. As a result of the antismoking campaign from 1964 through 1985, 789,000 deaths were postponed, 112,000 in 1985 alone. The average life expectancy gain per postponed death was 21 years. Campaign-induced quitting and noninitiation through 1985 will result in the postponement or avoidance of an estimated 2.1 million smoking-related deaths between 1986 and the year 2000.
5. The report concluded that nonsmokers should avoid exposure to cigarette smoke whenever possible, and in particular should protect infants and young children from this smoke.

Alaska Statistics

Cancer was the second leading cause of death in Alaska in 1987, accounting for 21% or 447 deaths. Heart disease was listed as the leading cause of death accounting for 23% or 480 deaths. Alaska has the highest age-adjusted lung cancer mortality rate in the nation. Lung cancer killed 714 Alaskans from 1980-1986. Cigarette smoking is responsible for an estimated 90% of all lung cancer deaths and 30% of all cancer deaths.

One of the fundamental responsibilities of government is to protect the health and safety of its citizens. Laws restricting smoking in public places are a very effective way to accomplish this. These restrictions protect individuals from the consequences of involuntary tobacco smoke exposure. They also contribute to reductions in smoking prevalence by creating environments that foster change in the attitudes and behavior of current and potential smokers.

Restrictions on smoking in public places and at work are growing in number and scope as a result of government actions and private initiatives. Courts in many states are now taking judicial notice of the toxins in cigarette smoke and the association between breathing those toxins and such diseases as asthma, emphysema, lung cancer, heart disease and bronchitis. Forty-two states and more than 320 communities have passed laws restricting smoking in public, and an estimated one-half of large businesses have a policy regulating smoking by their employees.

The intent of these laws and policies is not to keep smokers from smoking, but rather to shift the burden of maintaining non-toxic air quality from nonsmokers to smokers. Collectively, they change the system from one

in which nonsmokers must search for a safe place to breathe, to one in which smokers are required to take responsibility for the toxic by-products of their activity by seeking an appropriate place to smoke.

Nonsmokers' versus Smokers' Rights

Surveys regarding public attitudes about exposure to ETS have shown an increase from 1964 to 1975 in the proportion of adults who were annoyed by being near a person who is smoking: from 20 to 35 percent among smokers and from 64 to 77 percent among nonsmokers. By 1986, 42 percent of smokers and 80 percent of nonsmokers reported that they were annoyed by the smoke from another person's cigarette.

In a 1987 survey conducted for the American Medical Association (AMA), 76% of the respondents thought that nonsmokers had the right to a smoke-free environment (49% of smokers and 86% of nonsmokers) as compared to 10 percent who thought that smokers had the right to smoke anywhere (25% of smokers and 5% of nonsmokers). In summary, approximately half of all smokers and at least three quarters of all nonsmokers surveyed believe that smokers should refrain from smoking in the presence of others. About the same proportions of both groups believe that it is annoying to be near a person who is smoking.

Enforcement

Most cities and states that have enacted comprehensive smoking restrictions have experienced virtually no problems in compliance and enforcement, and have found that such restrictions are overwhelmingly popular.

Studies have shown that it is preferable to stress the health issue of compliance rather than the legal and that the less involvement by law enforcement agencies the better.

POSITION

The Department of Health and Social Services is in strong support of Senate Bill 222.

Recommended by: *Sally Mead*
Sally Mead, Coordinator
Office of Prevention

Date: _____

Approved by: *Myra M. Munson*
Myra M. Munson, Commissioner
Department of Health and
Social Services

Date: 3/20/90

SECTIONAL ANALYSIS

CSSB 222 (HESS)

Section 1. Makes changes to AS 18.35.300, which lists vehicles and places in which smoking must be regulated by the designation of smoking and non-smoking areas. New places added to this list include the following:

- an interstate aircraft flight;
- a public or private post-secondary educational institution or adult day care facility;
- a correctional facility; and
- a Pioneers' Home.

A number of places currently on this list are deleted, and moved to new AS 18.35.305, which prohibits any smoking (see section 2).

Section 2. Adds new AS 18.35.305, which lists places in which smoking is absolutely prohibited. These places include the following:

- a public or private elementary or secondary school, pre-school, or children's day care facility. If the school or day care facility is in a private residence, then the prohibition only applies during the hours when the residence is being used as a school or day care facility;
- a room, chamber, or other place under the control of the state or a political subdivision of the state while a public meeting or public assembly is in progress; and
- a public or private laboratory or office associated with dental care, health care, or the healing arts, and a public or private hospital, or other nonresidential health care institution or facility; and
- an elevator.

Sections 3 and 4. Makes a technical change to AS 18.35.310, to provide that smoking on stage as part of a theatrical production is not prohibited by new AS 18.35.305.

Section 5. Amends AS 18.35.320(c). Current law provides that in designating a smoking area, a person shall accommodate the needs of smokers and non-smokers. This section provides that in designating a smoking area, a person shall only consider the health consequences to the non-smokers using the facility.

Sections 6 - 14. These sections make technical changes to the current law to reflect the addition of new AS 18.35.305.

Section 15. Repeals AS 18.35.320(b), which gives the Rules Committees of the Legislature the authority to designate smoking and non-smoking areas in facilities used by the respective houses.

3-16-90

SB 222

Chris =
Added to regulated
post-secondary
Correctional
Pioneer Home

Prohibited
· daycare - pre-school
· meeting room
· health care

Technical Problems

Page 3, Lines 28, 29 Page 4, Line 1
Causing unnecessary

Page 6, Line 2
Should not be repealed

Kelly: HSS sub — smoking be regulated

Interstate Control?

FCC allows — DEC can cite

Betty: Opposed — raise fine 600%

Bill Potter: NEA-AK
Opposed

? Collective Bargaining Agreements — site by
site OK

? Role Models —