

SBROB

SENATE FINANCE COMMITTEE REPORT

DATE: 4/10/91

FURTHER:

DATE TURNED INTO OFFICE: 4/29/91

The Finance Committee considered SENATE BILL NO. 203

"An Act requiring that signs warning of possible danger from drinking alcohol during pregnancy also warn of possible danger from smoking cigarettes during pregnancy."

and recommended:

- replace with _____ CS _____ 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):

fiscal note(s) _____ Dept/Date: _____

zero fiscal note(s) _____

appropriation-no fiscal note

SIGNING DO PASS:

[Handwritten signatures]

APPROVES PREVIOUS:

fiscal note(s) DOR 3/22/91 Dept/Date: 2.2

zero fiscal note(s) _____

OTHER RECOMMENDATIONS:

[Handwritten: 1. Discontinue No Rec]

1. *[Handwritten: do pass]* 2. *[Handwritten: do pass]*
Co-Chairs: Signatures and Recommendations

STATE OF ALASKA
1991 LEGISLATIVE SESSION

lo. 1
Bill Version: SB 203

Revision Date: _____ Department Affe (S) Publish Date: 4/10/91
Title: That alcohol warning signs also warn of danger from smoking during pregnancy. BRU: Alcoholic Beverage Control Board
Component: _____

Sponsor: Sen. Sturgulewski & Sen. Menard

Requestor: Sen. HES Committee COMPONENT SERIAL NO.

0	1	0	0
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	-0-	-0-	-0-	-0-	-0-	-0-
TRAVEL	-0-	-0-	-0-	-0-	-0-	-0-
CONTRACTUAL	2.0	.8	.8	.8	.8	.8
SUPPLIES	.2	.1	.1	.1	.1	.1
EQUIPMENT	-0-	-0-	-0-	-0-	-0-	-0-
LAND & STRUCTURES	-0-	-0-	-0-	-0-	-0-	-0-
GRANTS, CLAIMS	-0-	-0-	-0-	-0-	-0-	-0-
MISCELLANEOUS	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL OPERATING	2.2	.9	.9	.9	.9	.9

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	2.2	.9	.9	.9	.9	.9
FEDERAL FUNDS	-0-	-0-	-0-	-0-	-0-	-0-
OTHER	-0-	-0-	-0-	-0-	-0-	-0-
TOTAL	2.2	.9	.9	.9	.9	.9

POSITIONS:

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

Estimate of current year impact: This note intends that funds be appropriated for FY 92.

ANALYSIS: (Attach a separate page if necessary.)

See attached cost analysis for initial and annual issuance of signs to liquor licensees and permittees.

Prepared By: Patrick L. Sharrock *Patrick L. Sharrock* Phone: 277-8638
Division: Alcoholic Beverage Control Board Date: March 19, 1991

Approved by Commissioner: *[Signature]*
Agency: Department of Revenue Date: 3-22-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

Initial Issue

Beverage dispensary	679
Restaurant or eating place	314
Club license	81
Brewery	3
Package store	454
Common carrier	175
Recreational site	19
Pub license	1
Winery	0
Community license	3
Club caterer's permit	1
Theatre site license	2
Restaurant caterer's permit	<u>5</u>
Assume 2 signs per premises	1,737
	<u>x 2</u>
	3,474

Annual Issue

Caterer's permits	629
Special events permits	89
Club caterer's permit	6
Restaurant caterer's permit	5
wear and tear	<u>50</u>
Approximately 50%	779
	<u>x 2</u>
	1,558

Approx. \$175. per thousand	<u>Initial</u>	<u>Annual</u>
Initial: \$175. x 3,474.	608	
Annual: \$175. x 1,558		272
Postage		
Initial: .75 x 1,737	1,303	
Annual: .75 x 779		584
Envelopes		
Initial: 1,737 x .12	208	
Annual: 799 x .12		93
Letters	<u>26</u>	<u> </u>
	2,145	949

SENATE BILL NO. 203

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS STURGULEWSKI, Menard

Introduced: 3/15/91
Referred: HES and Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring that signs warning of possible danger from drinking alcohol during
2 pregnancy also warn of possible danger from smoking cigarettes during pregnancy."

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

4 * Section 1. AS 04.21.065(b) is amended to read:

5 (b) A warning sign required by (a) of this section must be at least 11 inches by 14
6 inches. The sign must read, in lettering at least one-half inch high and in contrasting colors,
7 "WARNING: Drinking alcoholic beverages such as beer, wine, wine coolers, and distilled spirits
8 or smoking cigarettes during pregnancy can cause birth defects." The license or permit holder
9 shall display the signs in a manner that would make them conspicuous to a person who will be
10 purchasing or consuming alcoholic beverages or smoking cigarettes on the licensed or
11 designated premises.

Alaska State Legislature



3111 C STREET, SUITE 550
ANCHORAGE, ALASKA 99503
(907) 561-7615

While in Juneau
P.O. BOX V
JUNEAU, ALASKA 99811
(907) 465-3818

SENATOR
ARLISS STURGULEWSKI

Senate

Sponsor Statement on:

SB 203 "An Act requiring that signs warning of possible danger from drinking alcohol during pregnancy also warn of possible danger from smoking cigarettes during pregnancy."

Senate Bill 203 was introduced at the suggestion of the American Lung Association of Alaska. This bill would amend state law to add "or smoking cigarettes" to the signs warning pregnant women that drinking alcoholic beverages during pregnancy can cause birth defects. A 1990 report from the Surgeon General states, "If all women quit smoking during pregnancy, about 5 percent of deaths among newborn infants could be prevented."

I have enclosed supportive testimony presented to the Senate HESS Committee from Dr. Anne Morris and Dr. Kenneth Kesler as well as statistical information provided by Alfred Zangri, Chief of the Bureau of Vital Statistics, Department of Health and Social Services.

Enclosed is a copy of Sec. 04.21.065(a) noting which license or permit holders are required to post the warning signs.

Patrick L. Sharrock, Director of the Alcoholic Beverage Control Board, has provided a letter stating the board has no objection to the legislation. Also enclosed is a Fiscal Note for SB 203 prepared by Mr. Sharrock.

Earlier this year, the Anchorage Municipal Assembly passed the enclosed Ordinance 91-23 pertaining to posting warning signs for pregnant women. These signs include a smoking warning.

Enclosures

4/29/91 SFC



Tom Fink,
Mayor

Municipality of Anchorage



Department of Health and Human Services

825 "L" Street

P.O. Box 196650 Anchorage, Alaska 99519-6650

April 29, 1991

Senator Arliss Sturgulewski
Room 427, Capitol
P. O. Box V
Juneau, Alaska 99811

Dear Senator Sturgulewski:

SUBJECT: SB 203

I urge you to support SB 203. Section 1 (AS 4.21.065b) refers to a sign warning pregnant women that drinking alcoholic beverages and smoking cigarettes during pregnancy can cause birth defects. Information from numerous researchers and health professionals document this fact. C. Everett Koop, M.D., Surgeon General U.S.P.H.S., 1981-1989 stated "The benefits of smoking cessation are significant. Sensitive and supportive cessation and maintenance efforts can help pregnant smokers to quit. In addition to saving thousands of infants' lives, you will spare numerous children from having excessive respiratory and ear infections and from the burden, even pain, of having to compensate for a slower beginning in life, whether as a result of low birthweight or a birth defect. Researchers have also demonstrated that babies born to mothers and fathers who do not smoke are less likely to become smokers."

If there was any confusion on the Municipality of Anchorage, Department of Health and Human Services' stand on this issue I hope this clears it up.

Thank you for your support of this bill.

Sincerely,

Helen D. Beirne, Ph.D,
Director, Health and Human Services
Municipality of Anchorage

AMERICAN LUNG ASSOCIATION of ALASKA

April 25, 1991

VIA FAX

APR 25 1991

To: Members of the Senate Finance Committee: Senators Kerttula, Pourchot
Duncan, Adams, Hoffman, Shultz & Uehling

From: Walter L. Hays, Executive Director *W. Hays*
American Lung Association of Alaska

RE: SB 203

SB 203 was introduced by Senators Sturgulewski and Menard at our request.

It is a simple and effective measure that would help extend the important message about the dangers of smoking and pregnancy.

According to the 1990 report of the Surgeon General (The Health Benefits of Smoking Cessation), "if all women quit smoking during pregnancy, about 5% of deaths among newborn infants could be prevented." Alaska data for the year 1989 indicates that a full third of the low birthweight outcomes of babies born during that year were directly related to maternal smoking.

I would call your attention to the materials in your packet that were presented to the Senate HESS committee when this bill was considered by Anne Morris MD and Kenneth Kesler MD. As a neonatologist, Dr. Kesler has done an excellent job in summarizing for you the considerable health risks that smoking places on the pregnant woman and her unborn child.

You will note that the Department of Health and Social Services has also testified in support of this legislation and that the Alcohol Beverage Control Board has indicated that the cost of providing new warning signs state-wide would be nominal indeed.

Similar warning signage has been in place in San Mateo County (CA) and in King County (WA) and the city of Seattle for the past two years. I checked recently with Tobacco-Free America, the legislative clearinghouse on tobacco and health issues sponsored by the American Heart Association, the American Cancer Society and the American Lung Association; they informed me that to the best of their knowledge no other state has yet enacted such comprehensive warning sign legislation. We in Alaska have the opportunity to pass model legislation in this important area of public health.

I urge your strong support for SB 203.

STATE OF ALASKA

DEPARTMENT OF REVENUE

ALCOHOLIC BEVERAGE CONTROL BOARD

WALTER J. HICKEL, GOVERNOR

550 W. 7TH AVE
ANCHORAGE, ALASKA 99501-6698

March 28, 1991

The Honorable Arlis Sturgulewski, Chair
Health, Education and Social Services Committee
Alaska State Senate
P. O. Box V
Juneau, Alaska 99811

RE: SB 203

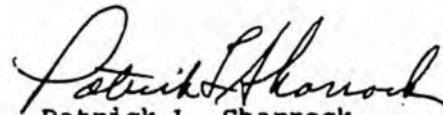
Dear Senator Sturgulewski:

Betty Hargrave, of your office, asked that I provide you with the Alcoholic Beverage Control Board's position concerning SB 203.

The board has no objection to the legislation and, upon enactment, will provide new signs to appropriate licensees.

Thank you for the opportunity to comment.

Sincerely,



Patrick L. Sharrock
Director, ABC Board
277-8638

PS/cl

91-49

Submitted by: Assemblymember Flynn
Prepared by: Assembly Budget Analyst
For reading: February 19, 1991

ANCHORAGE, ALASKA
AO NO. 91- 23

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING CHAPTER
16.60 OF THE ANCHORAGE CODE OF MUNICIPAL REGULATIONS PERTAINING TO
POSTING WARNING SIGNS FOR PREGNANT WOMEN

THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

Section 1: That Chapter 16.60 of the Anchorage Code of
Municipal Regulations is amended by adding a new section to read as
follows:

16.60.039 Warning Signs or Notices.

A. Signs or notices warning of the effects of alcohol
consumption and cigarette smoking during pregnancy, shall
be posted in all food service establishments serving any
alcoholic beverage for consumption on premises. For the
purpose of this section, the term "alcoholic beverage"
means and includes wine, beer, malt beverage, liquor and
distilled spirits.

B. Each such sign or notice shall read as follows:

**"WARNING: DRINKING DISTILLED SPIRITS, BEER, WINE,
COOLERS AND OTHER ALCOHOLIC BEVERAGES OR
SMOKING CIGARETTES DURING PREGNANCY MAY CAUSE
BIRTH DEFECTS."**

C. Each such sign or notice shall be of the following size:

At least two inches (2") high if printed or included in
a menu; at least three inches by three (3" x 3") per side
if set forth on a single, double or multi-sided placard
or display "tent" on any table provided for the
establishment's customer; and not less than eight and
one-half inches (8 1/2" x 11") if included on a sign that
is posted conspicuously at a bar or other point of sale
that is clearly visible to the public.

Section 2: That this ordinance is effective upon passage and
approval.

AMERICAN LUNG ASSOCIATION of ALASKA

December 10, 1990

Dedicated to the prevention and control of lung disease

Senator Arliss Sturgulewski, Chair
HESS Committee, Alaska State Senate

Representative Patrick Carney, Chair
HESS Committee, Alaska State House

Dear Friends:

We are writing to seek your good offices in introducing concurrent legislation in your respective committees to amend existing state law to warn women about the dangers of smoking during pregnancy.

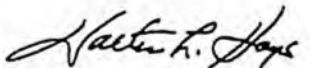
Enclosed you will find copies of a city ordinance (Seattle) and county rule and regulation (King) that have been in effect for over a year and one-half in the State of Washington.

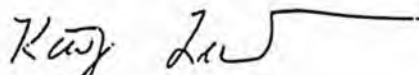
There is conclusive medical evidence that drinking during pregnancy is dangerous; smoking is also highly toxic on the fetus. The combined impact of smoking and drinking places the pregnant woman and her unborn child in double jeopardy. In fact the medical evidence is even stronger since the passage of the above ordinance and regulation. Note the highlighted fact from the enclosed summary document (based on "The Health Benefits Of Smoking Cessation: A Report of the Surgeon General, 1990) ... "if all women quit smoking during pregnancy, about 5% of deaths among new born infants could be prevented".

By copy of this letter we are also asking Heather Flynn to consider introducing this expanded warning signage as an ordinance for consideration by the Anchorage Municipal Assembly.

We have advised Mr. Patrick Sharrock of the Alcohol Beverage Control Board of our decision to ask that this legislation be introduced. Further, we are prepared to bring expert medical opinion and nationally validated medical research findings to public hearings that may be held in conjunction with this proposed legislation.

Feel free to call on our Association as you consider this matter.


Walter L. Hays
Executive Director


Kitty Lew (Volunteer)
Legislative Issues Coordinator

CC: Heather Flynn

Warning:

Drinking distilled spirits, beer, wine, coolers and other alcoholic beverages or smoking cigarettes during pregnancy may cause birth defects.

- King County Board of Health Rule & Regulation 42
- Seattle City Ordinance 114582

Before the Board of Health of King County, Washington:

RULE AND REGULATION NO. 42

Amendment to King County Code of the Board of Health, Title 5 (Rule and Regulation No. 2), adding a new section relating to posting warning signs, Section 5.60.060.

BE IT ORDAINED BY THE BOARD OF HEALTH OF KING COUNTY:

SECTION 1. Purpose. The Surgeon General of the United States has advised women who are pregnant, or considering pregnancy, not to drink alcoholic beverages or smoke cigarettas. Recent research indicates that alcohol consumption during pregnancy, especially in the early months, can harm the fetus, and result in birth defects including mental retardation, facial abnormalities and other defects involving heart and bone structure. In addition, research indicates that maternal cigarette smoking during pregnancy slows fetal growth, lowers birth weight and increases the risk of stillbirths. The King County Board of Health finds that strategically located warnings to deter consumption of alcohol and cigarettes by pregnant women will reduce the incidence of these health effects. The King County Board of Health supports these findings and seeks to educate the public of this health problem.

SECTION 2. Section 5.60.060 (Part 60 of Rule and Regulation 2) of the King County Code of the Board of Health is hereby added as follows:

SECTION 5.60.060. WARNING SIGNS.

A. After February 1, 1989, signs, warning of the effects of alcoholic consumption and cigarette smoking during pregnancy, shall be posted in all establishments serving alcoholic beverages for consumption on premises. Alcoholic beverages shall include wine, beer, malt beverages and distilled spirits.

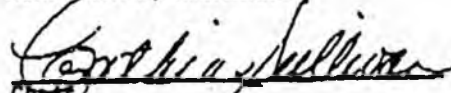
B. The sign or notice shall read as follows: "WARNING: DRINKING DISTILLED SPIRITS, BEER, WINE, COOLERS AND OTHER ALCOHOLIC BEVERAGES OR SMOKING CIGARETTES DURING PREGNANCY MAY CAUSE BIRTH DEFECTS."

C. Signs shall be either menu notations at least two inches high, table placards at least three by three inches or signs at least eight and one half inches by eleven inches and posted conspicuously at the bar or point of sale.

SECTION 3. Effective date. This chapter shall take effect on February 2, 1989.

Passed this 15th day of December, 19 88.

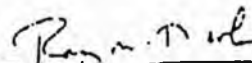
KING COUNTY BOARD OF HEALTH
KING COUNTY, WASHINGTON


Chair


Member

Member

ATTEST:


Secretary

GBD:bjw
4/25/89

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ORDINANCE 114582

AN ORDINANCE relating to the Seattle Food Code, amending SMC Chapter 10.11 by the addition of Section 10.11.696 requiring the posting of warning signs or notices in establishments serving alcoholic beverages.

WHEREAS, the Surgeon General of the United States has advised women who are pregnant, or considering pregnancy, not to drink alcoholic beverages or smoke cigarettes; and

WHEREAS, recent research indicates that alcohol consumption during pregnancy, especially in the early months, can harm the fetus, and result in birth defects including mental retardation, facial abnormalities and other defects involving heart and bone structure; and

WHEREAS, research indicates that maternal cigarette smoking during pregnancy slows fetal growth, lowers birth weight and increases the risk of stillbirths; and

WHEREAS, The City of Seattle finds that strategically located warnings to deter consumption of alcohol and cigarette smoking by pregnant women will reduce the incidence of these health effects and seeks to educate the public of this health problem; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Food Code (Seattle Municipal Code Chapter 10.11) is amended by adding thereto new section 10.11.696, as follows:

10.11.696. WARNING SIGNS OR NOTICES

A. Signs or notices, warning of the effects of alcohol consumption and cigarette smoking during pregnancy, shall be posted in all food service establishments serving any alcoholic beverage for consumption on premises. For the purpose of this section, the term "alcoholic beverage" means and includes wine, beer, malt beverage, liquor, and distilled spirits, each as defined in RCW Ch. 66.04.

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B. Each such sign or notice shall read as follows:
"WARNING: DRINKING DISTILLED SPIRITS, BEER, WINE, COOLERS AND OTHER ALCOHOLIC BEVERAGES OR SMOKING CIGARETTES DURING PREGNANCY MAY CAUSE BIRTH DEFECTS."

C. Each such sign or notice shall be of the following size: at least two inches (2") high if printed or included in a menu; at least three inches by three inches (3" x 3") per side if set forth on a single, double, or multi-sided placard or display "tent" on any table provided for the establishment's customers; and not less than eight and one-half inches by eleven inches (8 1/2" x 11"). If included on a sign that is posted conspicuously at a bar or other point of sale that is clearly visible to the public.

Section 2. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 31st day of July 1989,
and signed by me in open session in authentication of its passage the 31st day of July 1989
President of the City Council.

Approved by me this 13th day of July 1989
Mayor.

Filed by me this 13th day of July 1989

Attest: *Norman J. Brooks*
City Comptroller and City Clerk.

(SEAL)

Published _____

By: *Thomas J. Dunbar*
Deputy Clerk.

smoking. Smoking cessation reduces the risk of respiratory infections such as pneumonia, which are often the immediate causes of death in patients with an underlying chronic disease.

The important role of health care providers in counseling patients to quit smoking is well recognized. Health care providers should give smoking cessation advice and assistance to all patients who smoke, including those with existing illness.

Benefits for the Fetus

Maternal smoking is associated with several complications of pregnancy including abruptio placentae, placenta previa, bleeding during pregnancy, premature and prolonged rupture of the membranes, and preterm delivery. Maternal smoking retards fetal growth, causes an average reduction in birthweight of 200 g, and doubles the risk of having a low birthweight baby. Studies have shown a 25- to 50-percent higher rate of fetal and infant deaths among women who smoke during pregnancy compared with those who do not.

Women who stop smoking before becoming pregnant have infants of the same birthweight as those born to women who have never smoked. The same benefit accrues to women who quit smoking in the first 3 to 4 months of pregnancy and who remain abstinent throughout the remainder of pregnancy. Women who quit smoking at later stages of pregnancy, up to the 30th week of gestation, have infants with higher birthweight than do women who smoke throughout pregnancy.

Smoking is probably the most important modifiable cause of poor pregnancy outcome among women in the United States. Recent estimates suggest that the elimination of smoking during pregnancy could prevent about 5 percent of perinatal deaths, about 20 percent of low birthweight births, and about 8 percent of preterm deliveries in the United States. In groups with a high prevalence of smoking (e.g., women who have not completed high school), the elimination of smoking during pregnancy could prevent about 10 percent of perinatal deaths, about 35 percent of low birthweight births, and about 15 percent of preterm deliveries.

The prevalence of smoking during pregnancy has declined over time but remains unacceptably high. Approximately 30 percent of U.S. women who are cigarette smokers quit after recognition of pregnancy, and others quit later in pregnancy. However, about 25 percent of pregnant women in the United States smoke throughout pregnancy. A shocking statistic is that half of pregnant women who have not completed high school smoke throughout pregnancy. Many women who do not quit smoking during pregnancy reduce their daily cigarette consumption; however, reduced consumption without quitting may have little or no benefit for birthweight. Of the women who quit smoking during pregnancy, 70 percent resume smoking within 1 year of delivery.

Initiatives have been launched in the public and private sectors to reduce smoking during pregnancy. These programs should be expanded, and less educated pregnant women should be a special target of these efforts. Strategies need to be developed to address the problem of relapse after delivery.

The Health Benefits
of
SMOKING CESSATION

*a report of the
Surgeon General*

1990

Executive Summary



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service
Centers for Disease Control
Center for Chronic Disease Prevention and Health Promotion
Office on Smoking and Health
Rockville, Maryland 20857

CDC
CENTERS FOR DISEASE CONTROL