

SB

209

<TARGET><BILL>SB 209</BILL><SUBJECT>SB
209</SUBJECT><COMM>SHSS28</COMM></TARGET>

ALASKA STATE LEGISLATURE

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SENATOR PETER A. MICCICHE

SB 209 Sponsor Statement

DISTRICTS

Anchor Point

Clam Gulch

Cohoe

Diamond Ridge

Fox River

Fritz Creek

Funny River

Halibut Cove

Happy Valley

Homer

Kachemak City

Kachemak Selo

Kalifornsky

Kasilof

Kenai

Nikolaevsk

Ninilchik

Razdolna

Ridgeway

Seldovia

Soldotna

Voznesenka

REGULATION OF SMOKING

Senate Bill 209 will protect Alaskans from the well-known health harms of secondhand smoke by amending existing state law to provide comprehensive protection for Alaskan workers and public in all indoor workplaces, businesses and public places. Current law prohibits smoking in healthcare facilities, schools, childcare facilities and public meeting rooms in government buildings, and otherwise provides smoking and non-smoking sections, which we know to be ineffective.

Bethel, Anchorage, Juneau, Barrow, Dillingham, Haines, Skagway, Petersburg, Klawock, Nome, Unalaska, and Palmer have all adopted local smoke-free laws. However, Alaska's remaining large-population centers do not have the legal health powers to enact smoke-free laws as second-class boroughs (Fairbanks North-Star Borough, Mat-Su Borough, Kenai Peninsula Borough.) An additional 70,000 Alaskans residing in unorganized areas are also not currently protected. It is therefore up to the Legislature to take the necessary action.

SB 209 is based on current local laws in Anchorage, Juneau, and Palmer, which are well established and well regarded by citizens and businesses. It does not prohibit outdoor smoking, except within certain areas near building entrances/exits, air intakes, and other specifically designated public gathering places as defined in the statute. It does not legislate hiring or employment of smokers or non-smokers. Employers and businesses can still elect to have smoke-free/tobacco-free properties (e.g., smoke-free hospital campuses). Local governments with health powers retain the authority to adopt more restrictive local provisions than the statewide law (e.g., provisions specific to locally popular public gathering places or events).

Four hundred Alaskan businesses and organizations, representing all regions of the state, have already signed on in support of a statewide smoke-free workplace law.

CSSB 209 (STA): Smoke-Free Work Places & Enclosed Public Places

SECTIONAL ANALYSIS (Version "C")

Page 1, line 4: Section 1 creates new Article 4 within AS 18.35 describing where smoking is prohibited or regulated.

- **Page 1, lines 6-14 & page 2, lines 1-15: Sec. 18.35.301(a)(1)** prohibits smoking in enclosed areas within or at places of employment, public places, transportation facilities, schools, health care facilities, restaurants, bars, hotels, motels, child care locations, marine vessels operating as a shore-based fisheries business, and public meeting rooms.
- **Page 2, lines 16-26: Sec. 18.35.301(a)(2)** describes other areas where smoking is prohibited including outdoor arenas, stadiums or amphitheaters, areas at a public school or playgrounds, and within a certain distance of health care facilities, bars and other buildings.
- **Page 2, lines 27-31 & page 3, lines 1-25: Sec. 18.35.301(b)** lists five exceptions to the prohibitions in (a) of this section. Exceptions are provided for certain private clubs, most private residences unless used for adult or child care, or if located within a health care facility or within a hotel or motel, marine vessels when the vessel is operating as a work place for commercial or sport charter fishing, vehicles used exclusively by one employee, and stand-alone retail tobacco stores.
- **Page 3, lines 26-31 & Page 4, lines 1-13: Sec. 18.35.331** describes the obligations of employers, owners and operators to post no smoking signs within places or vehicles where smoking is prohibited. Signs are also required at or near the entrance of buildings at which smoking is prohibited within a specific distance from the entrance to the building. Ashtrays or other smoking accessories cannot be provided at a building or place where smoking is prohibited. This section also requires the Department of Health & Social Services to furnish signs upon request.
- **Page 4, lines 14-20: Secs. 18.35.344(a) & (b)** re-enacts existing law to require the commissioner of health and social services to develop and maintain a procedure for processing and investigating reports of violations of the subsections above. This section allows the commissioner considerable flexibility to establish an implementation system that includes filing civil complaints or issuing citations. The expectation is this law will be largely self-enforcing, which is the experience around the state with local smoke-free work place ordinances.

SECTIONAL ANALYSIS (Version "C")

- **Pages 4, lines 22-31 & page 5, lines 1-4: Secs. 18.35.344(c) through (e)** establishes fine amounts for violations of different sections of the law. Under subsection (c), a person who smokes where smoking is prohibited will be subject to a fine of \$100. Under subsection (d), a person who fails to comply the duties under Sec. 18.35.331 is subject to a fine of \$100 for the first failure to comply, \$200 for a second failure that occurs within 24 months of the first violation, and \$500 for the third and each consecutive failure to comply within 24 months of the second violations. A person who violates the nonretaliation provision in Sec. 18.35.357 is subject to a fine not to exceed \$1,000.
- **Page 5, lines 5-6: Sec. 18.35.344(f)** allows the department to accept fine payments by mail.
- **Page 5, lines 7-31: Secs. 18.35.345(a) through (e)** re-enacts existing law to allow a peace officer or an employee designated by the commissioner to issue citations for violations of the new law. Violations by a person who smokes where smoking is prohibited must occur in the presence of a peace officer, but this is not the case for any employee designated by the department to issue a citation. Fines for any violations alleged in a citation are subject to the same fine schedule described in Sec. 18.35.344.
- **Page 6, lines 1-17: Secs. 18.35.345(f) through (i)** re-enacts existing law to allow courts to implement ticketing and bail procedures for violations.
- **Page 6, lines 18-20: Sec. 18.35.346** re-enacts existing law to permit the commissioner or another affected party to bring a civil action to enjoin a violation of the law. It is unlikely that this section will be needed except in unusual cases.
- **Page 6, lines 21-31: Sec. 18.35.351** requires the commissioner of health and social services to administer and implement the provisions of the new law and adopt regulations as needed. Authority is provided for the commissioner to delegate to another agency the authority to implement one or more provisions of the law.
- **Page 7, lines 1-10: Sec. 18.35.356** requires the commissioner to provide ongoing access to public education about the law, including an electronically published brochure explaining the new requirements for employers, property owners, property operators and the public.

CSSB 209 (STA): Smoke-Free Work Places & Enclosed Public Places

SECTIONAL ANALYSIS (Version "C")

- **Page 7, lines 11-18: Sec. 18.35.357** prohibits an employer to discharge, refuse to hire, or to retaliate against an employee or applicant for employment because the employee or applicant cooperates with or initiates enforcement of a requirement in the law.
- **Page 7, lines 19-23: Sec. 18.35.359** establishes a municipality may adopt and enforce local laws with additional prohibitions on smoking or additional duties for employers, owners, operators, and other persons related to enforcement of such provisions.
- **Page 7, lines 24-31: Sec. 18.35.361** establishes a local option to permit smoking in public places.
- **Page 8, lines 1-25: Sec. 18.35.362** provides the procedure to allow a local municipality to opt out of these requirements through an initiative process. Approval requires a majority vote of the persons voting. This option may not be used more than once every 12 months.
- **Page 8, lines 26-28: Sec. 18.35.363** permits property owners and government agencies to establish restrictions within a municipality that elects to opt out of this law.
- **Page 8, lines 29-31, page 9 & page 10, lines 1-10: Sec. 18.35.366** is the definitions section. Definitions are provided for business, commissioner, department, e-cigarette, employee, employer, enclosed area, health care facility, place of employment, private club, public place, and smoking.

Page 10, lines 11-16: Sections 2 & 3 are conforming changes adding sections into Title 29 to reflect the local opt out option.

Page 10, lines 17-18: Section 4 repeals the state's existing statutes (AS 18.35.300, 18.35.305, 18.35.310, 18.35.320, 18.35.330, 18.35.340, 18.35.341-343, 18.35.350, 18.35.355, and 18.35.365) that regulate smoking in enclosed and public places.

Page 10, lines 19-22: Section 5 is uncodified law and clarifies that the new provisions of this bill apply to violations or failures to comply that occur on or after the effective date of Section 1 of the bill.

SECTIONAL ANALYSIS (Version "C")

Page 10, lines 23-28: Section 6 is uncodified law and permits the Department of Health and Social Services to adopt regulations to implement Section 1 of the bill. Regulations cannot take effect before the effective date of Section 1 of the bill.

Page 10, lines 29-30: Sections 7 & 8 set effective dates for different sections. Section 4 takes effect immediately. The rest of the bill will be effective on October 1, 2014.

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MEMORANDUM

April 3, 2014

SUBJECT: CSSB 209(STA): Constitutional problems with local option addition (Work Order No. 28-LS1539\O)

TO: Senator Fred Dyson
Attn: Joshua Banks

FROM: Kathleen Strasbaugh
Legislative Counsel

This memo addresses an issue with the local option provisions added to the newest draft of CSSB 209(STA): whether permitting a municipality to negate a law of statewide application is constitutional.

The Alaska statutes provide communities with the ability to adopt a local option with respect to alcoholic beverages and to certain gaming activity.¹ State law also authorizes municipal governments to adopt certain measures within parameters set by state law.² The Alaska Court of Appeals upheld a conviction under the alcohol local option law challenged on the grounds that it was unconstitutional because it unlawfully delegated the legislature's authority:

The fact that the local community is not itself enacting a state law when it holds a local option election disposes of Shetters' other arguments that local options are unconstitutionally enacted. It does not violate due process for local voters to elect to adopt a state law regulating alcoholic beverages without the opportunity to specifically vote on all the provisions of the state law. Nor does the possibility that a community might frequently change its local option establish an unlimited delegation of legislative power. Finally, because the community voters were not empowered to and in fact did not enact a state law, the elections were not subject to the constitutional provisions on initiative measures.

Shetters v. State, 832 P. 2d 181, 185 (Alaska Ct. App. 1992).

¹ AS 04.11.490 - 04.11.509; AS 05.15.620 - 05.15.625.

² See generally, state law restrictions identified in AS 29.10.200.

Senator Fred Dyson

April 3, 2014

Page 2

In contrast, the local option requested for this bill would allow a community to opt to nullify the application of a state law. There is no precedent for this that I am aware of. Further it is not clear from the legislation that the exercise of the local option serves a beneficial public purpose, unlike the public health purpose that is served by permitting a community to limit access to alcohol. And unlike the alcohol local option law, this bill's local option is essentially just an up or down vote on whether state law should apply. Given these factors, a challenge based on improper delegation of legislative authority may be more likely to be successful than it was in *Shetters*. See *State v. Fairbanks North Star Borough*, 736 P.2d 1140 (Alaska 1987).

I have been advised that a better option than the one set out in this draft might be a parallel set of prohibitions for "local option communities." It might be possible to avoid the problem noted above that arises when a municipality is given "veto power" over a state law, which the current version does.

If I may be of further assistance, please advise.

KJS:ray

14-153.ray

Enclosure

CS SB 209 REGULATION OF SMOKING

Comparison of CS SB 209 (STA) to

CS SB 209 () Version “P”

Page 1, lines 7 & 8 – Sec. 18.35.301(a)

The draft CS inserts: “In a municipality that has not exercised a local option to permit smoking in public places under AS 18.35.361”. This is to conform to the local opt out provisions contained later in the bill.

Page 1, line 14 – 18.35.301 (a)(1)(C)

The draft CS removes: “airport fuel facility”, as a smoking ban at these locations are addressed in other statutes.

Page 3, lines 9-28 – 18.35.301(b)(5)

The draft CS extends the exemption to include stand-alone e-cigarette shops.

28-LS1539\P
Strasbaugh
4/7/14

CS FOR SENATE BILL NO. 209()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS MICCICHE, Meyer, McGuire, Ellis

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to a prohibition on smoking in certain locations; providing for a local**
2 **option election with respect to smoking in public places; and providing for an effective**
3 **date."**

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

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

6 **Article 4. Regulation of Smoking in Public.**

7 **Sec. 18.35.301. Prohibition of smoking.** (a) In a municipality that has not
8 exercised a local option to permit smoking in public places under AS 18.35.361 and
9 except as provided in (b) of this section, smoking is prohibited in the following places:

10 (1) enclosed areas at or within

11 (A) a sports arena, public educational facility, private
12 educational facility, shopping mall, or other enclosed public space;

13 (B) a bus, taxicab, ferry, or other public transportation vehicle;

14 (C) a public transit depot, bus shelter, airport terminal, or other

1 public transportation facility;

2 (D) an office building, common area, office, employee lounge,
3 hotel, motel, restaurant, bar, retail store, or other enclosed area in a place of
4 employment;

5 (E) a room, chamber, place of meeting, or other enclosed place
6 of government or public assembly located on property that is owned or
7 operated by the state, a municipality, or a regional educational attendance area,
8 or by a board, council, commission, committee, authority, or other agency of
9 the state, a municipality, or regional educational attendance area;

10 (F) a building or residence that is used to provide paid child
11 care, whether or not children are present in the building or residence;

12 (G) a health care facility;

13 (H) a vehicle that is a place of employment, except as provided
14 in (b)(4) of this section;

15 (I) a marine vessel operating as a shore-based fisheries business
16 under AS 43.75;

17 (2) at or within

18 (A) an area located at a public or private school or a state or
19 municipal park that is primarily designated as a place for children to play;

20 (B) a seating area for an outdoor arena, stadium, or
21 amphitheater;

22 (C) 50 feet of an entrance to a health care facility;

23 (D) 10 feet of an entrance to a bar or restaurant licensed or
24 permitted to serve alcoholic beverages; or

25 (E) 20 feet of an entrance, open window, or heating or
26 ventilation system air intake vent at a place of employment or other enclosed
27 area at a place where smoking is prohibited under this section.

28 (b) Unless the owner or operator prohibits it, smoking is allowed in the
29 following places:

30 (1) a private club that is not licensed or permitted to serve alcoholic
31 beverages and is not a place of employment, unless the private club is hosting an event

1 that is open to the public;

2 (2) a private residence, unless it is a residence at which the care of
3 children or adults is provided on a fee-for-service basis, a residence in a health care
4 facility, or a residence located within a hotel or motel;

5 (3) a marine vessel, when the vessel is engaged in commercial fishing
6 or sport charter fishing;

7 (4) a vehicle that is a place of employment used exclusively by one
8 employee;

9 (5) a retail tobacco or e-cigarette store; in this paragraph, "retail
10 tobacco or e-cigarette store"

11 (A) means a retail store

12 (i) that sells primarily cigarettes, e-cigarettes, cigars,
13 tobacco and products containing tobacco, and pipes and other smoking
14 or e-cigarette accessories;

15 (ii) in which the sale of other products is incidental;

16 (iii) that derives at least 90 percent of its gross revenue
17 from the sale of cigarettes, e-cigarettes, cigars, tobacco and products
18 containing tobacco, and pipes and other smoking or e-cigarette
19 accessories; and

20 (iv) that is a freestanding building not attached to
21 another business or to a residence;

22 (B) does not include

23 (i) a tobacco or e-cigarette department or section of a
24 business that does not meet the criteria in (A) of this paragraph;

25 (ii) a business that is also a restaurant, a grocery store,
26 or licensed to sell alcoholic beverages or pull-tabs; or

27 (iii) a retail store that is within an indoor public place or
28 a workplace.

29 (c) Nothing in this section authorizes smoking prohibited under another law.

30 **Sec. 18.35.331. Obligations of employers, owners, and operators.** (a) A
31 person who is in charge of a place or vehicle where smoking is prohibited under

1 AS 18.35.301 shall conspicuously display in the place or vehicle a sign that reads
2 "Smoking Prohibited by Law--Maximum Fine \$100" and includes the international
3 symbol for no smoking or, in the alternative, the words "No Puffin" with a pictorial
4 representation of a Horned Puffin or Tufted Puffin holding a burning cigarette
5 enclosed in a red circle crossed with a red bar.

6 (b) A person in charge of a building at which smoking is prohibited within a
7 specific distance from the entrance of the building under AS 18.35.301 shall
8 conspicuously display a sign that reads "Smoking within (number of feet) Feet of
9 Entrance Prohibited by Law--Maximum Fine \$100" visible from the outside of each
10 entrance to the building.

11 (c) The owner, operator, manager, or other person who manages a building or
12 other place where smoking is prohibited under AS 18.35.301 may not provide ashtrays
13 or other smoking accessories for use in that building or place.

14 (d) The department shall furnish signs required under this section to a person
15 who requests them with the intention of displaying them.

16 (e) An employer may not permit an employee, customer, or other person to
17 smoke inside an enclosed area at a place of employment.

18 **Sec. 18.35.344. Violations and civil penalties.** (a) The commissioner shall
19 adopt by regulation procedures for filing, processing, and investigating reports of
20 violations of AS 18.35.301, 18.35.331, and 18.35.357.

21 (b) If, after investigating a report made under this section, the commissioner
22 determines that a violation has occurred, the commissioner may

23 (1) file a civil complaint in the district court to enforce the provisions
24 of AS 18.35.301, 18.35.331, and 18.35.357; or

25 (2) issue a citation under AS 18.35.345(b).

26 (c) A person who violates AS 18.35.301 and against whom the commissioner
27 has filed a civil complaint under this section is punishable by a civil penalty of not
28 more than \$100.

29 (d) A person who fails to comply with a duty imposed on that person by
30 AS 18.35.331 and against whom the commissioner has filed a civil complaint under
31 this section is punishable by a civil penalty not to exceed

- 1 (1) \$100 for a first failure to comply;
2 (2) \$200 for a second failure to comply that occurs within 24 months
3 after the date the person was fined for a first failure to comply;
4 (3) \$500 for each failure to comply that occurs within 24 months after
5 the date the person was fined for a second failure to comply.

6 (e) A person who violates AS 18.35.357 and against whom the commissioner
7 has filed a civil complaint under this section is punishable by a civil penalty not to
8 exceed \$1,000.

9 (f) The department may provide for the payment of a civil penalty under this
10 section by mail.

11 **Sec. 18.35.345. Citations; fines.** (a) A peace officer may issue a citation for a
12 violation of AS 18.35.301 committed in the officer's presence or for a violation of
13 AS 18.35.331 or 18.35.357. The provisions of AS 12.25.175 - 12.25.230 apply to the
14 issuance of a citation under this subsection.

15 (b) An employee of the department designated by the commissioner to enforce
16 the provisions of AS 18.35.301, 18.35.331, or 18.35.357 may issue a citation for a
17 violation of AS 18.35.301, 18.35.331, or 18.35.357 regardless of whether the violation
18 was committed in the employee's presence. A citation issued under this subsection
19 shall be in the same form and shall be processed in the same manner as a citation
20 issued by a peace officer under (a) of this section. An employee of the department may
21 not arrest a person for a violation of AS 18.35.301, 18.35.331, or 18.35.357.

22 (c) A person who violates AS 18.35.301 as alleged in a citation under (a) or
23 (b) of this section is guilty of a violation, as defined in AS 11.81.900, and punishable
24 by a fine not to exceed \$100 for each violation.

25 (d) A person who fails to comply with a duty imposed on that person by
26 AS 18.35.331 as alleged in a citation under (a) or (b) of this section is guilty of a
27 violation as defined in AS 11.81.900(b) and punishable by a fine not to exceed

- 28 (1) \$100 for a first failure to comply;
29 (2) \$200 for a second failure to comply that occurs within 24 months
30 after the date the person was fined under this section for a first failure to comply;
31 (3) \$500 for each failure to comply that occurs within 24 months after

1 the date the person was fined under this section for a second failure to comply.

2 (e) A person who violates AS 18.35.357 as alleged in a citation under (a) or
3 (b) of this section is guilty of a violation, as defined in AS 11.81.900, and punishable
4 by a fine not to exceed \$1,000 for each violation.

5 (f) The supreme court shall establish a schedule of bail amounts for violations
6 of AS 18.35.301, 18.35.331, and 18.35.357, but in no event may the bail amount
7 exceed the maximum fine that may be imposed for the violation under (c) - (e) of this
8 section. The bail amount for a violation must appear on the citation.

9 (g) If a person cited for a violation under this section does not contest the
10 citation, the person may, on or before the 30th day after the date of the citation, mail
11 or personally deliver to the clerk of the court in which the citation is filed

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

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

15 (h) When bail has been forfeited under (g) of this section, a judgment of
16 conviction shall be entered. Forfeiture of bail is a complete satisfaction for the
17 violation. The clerk of the court accepting the bail shall provide the violator with a
18 receipt stating that fact if requested.

19 (i) A person cited under this section is guilty of failure to obey a citation under
20 AS 12.25.230 if the person fails to pay the bail amount established under (f) of this
21 section or fails to appear in court as required.

22 **Sec. 18.35.346. Injunctions.** The commissioner or another affected party may
23 bring a civil action in the superior court to enjoin a violation of AS 18.35.301,
24 18.35.331, or 18.35.357.

25 **Sec. 18.35.351. Powers and duties of the commissioner.** (a) The
26 commissioner shall

27 (1) administer and enforce the requirements of AS 18.35.301 -
28 18.35.366;

29 (2) adopt regulations under AS 44.62 (Administrative Procedure Act)
30 necessary to carry out the duties under this section.

31 (b) In addition to other powers granted the commissioner under AS 18.35.301

1 - 18.35.366, the commissioner may delegate to another agency the authority to
2 implement and enforce one or more provisions of AS 18.35.301 - 18.35.366.

3 (c) Nothing in this section limits the authority of a peace officer to enforce
4 law.

5 **Sec. 18.35.356. Public education.** (a) The commissioner shall ensure
6 employers, property owners, property operators, and other members of the public are
7 provided ongoing access to

8 (1) a program of education regarding the requirements in AS 18.35.301
9 - 18.35.366;

10 (2) an electronically published printable brochure that summarizes the
11 requirements in AS 18.35.301 - 18.35.366.

12 (b) The program of education under (a) of this section may be provided in
13 combination with the comprehensive smoking education, tobacco use prevention, and
14 tobacco control program established in AS 44.29.020(a)(14).

15 **Sec. 18.35.357. Nonretaliation.** (a) An employer may not discharge, refuse to
16 hire, or in any other manner retaliate against an employee or applicant for employment
17 because the employee or applicant cooperates with or initiates enforcement of a
18 requirement in AS 18.35.301 - 18.35.366.

19 (b) The owner or operator of a vehicle or other place that is subject to a
20 requirement in AS 18.35.301 - 18.35.366 may not retaliate against a customer or other
21 member of the public for cooperating with or initiating enforcement of a requirement
22 in AS 18.35.301 - 18.35.366.

23 **Sec. 18.35.359. Conflicts with local requirements.** Nothing in AS 18.35.301
24 - 18.35.366 prohibits a municipality adopting and enforcing a law that establishes

25 (1) additional prohibitions on smoking; or

26 (2) additional duties for employers, owners, operators, and other
27 persons who are subject to the requirements of AS 18.35.331 related to smoking.

28 **Sec. 18.35.361. Local option to permit smoking in public places.** (a) The
29 following question, appearing alone, may be placed before the voters of a municipality
30 in accordance with AS 18.35.363: "Shall (name of municipality) exercise its option
31 not to comply with AS 18.35.301 - 18.35.346, relating to smoking in certain public

1 places? (yes or no)."

2 (b) If a majority of the voters vote "yes" on the question set out in (a) of this
3 section, AS 18.35.301 - 18.35.346 do not apply within the boundaries of the
4 municipality.

5 **Sec. 18.35.362. Procedure for local option elections.** (a) The local governing
6 body of a municipality shall, whenever a number of registered voters equal to at least
7 10 percent of the number of votes cast at the last regular municipal election petition
8 the local governing body to do so, place on a separate ballot at the next regular
9 election or at a special election the question set out in AS 18.35.361(a) that is the
10 subject of the petition. The local governing body shall conduct the election in
11 accordance with the election ordinance of the municipality.

12 (b) Notwithstanding any other provision of law, an election under (a) of this
13 section to reverse the results imposed under AS 18.35.361 may not be conducted more
14 than once every 12 months.

15 (c) If a majority of the persons voting on the question vote to

16 (1) adopt the option to allow smoking in public places, the option is
17 effective the first day of the month following the certification of the results of the
18 election;

19 (2) remove the option to permit smoking in public places, the option is
20 repealed effective the first day of the month following certification of the results of the
21 election.

22 (d) AS 29.26.110 - 29.26.160 apply to a petition under (a) of this section in a
23 general law municipality except the

24 (1) number of required signatures is determined under (a) of this
25 section rather than under AS 29.26.130;

26 (2) application filed under AS 29.26.110 must contain the question set
27 out in AS 18.35.361 rather than containing an ordinance or resolution;

28 (3) petition must contain the question set out in AS 18.35.361 rather
29 than the material required under AS 29.26.120(a)(1) and (2).

30 **Sec. 18.35.363. Property owners may impose restrictions.** Notwithstanding
31 AS 18.35.361 and 18.35.362, an owner of property, including a local, state, or federal

1 government agency, may limit or prohibit smoking on the owner's property.

2 **Sec. 18.35.366. Definitions.** In AS 18.35.301 - 18.35.366,

3 (1) "business" means a for-profit or nonprofit sole proprietorship,
4 partnership, joint venture, corporation, professional corporation, private club, retail
5 seller of goods or services, or other business entity;

6 (2) "commissioner" means the commissioner of health and social
7 services or the commissioner's designee;

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

9 (4) "e-cigarette" means an electronic device that uses a heating
10 element, battery, or electronic circuit to issue a vapor for inhalation in a manner that
11 simulates smoking a lighted or heated cigar, cigarette, or pipe, or other lighted or
12 heated tobacco or plant product intended for inhalation;

13 (5) "employee" means a person who is employed by a business for
14 compensation or works for a business as a volunteer without compensation;

15 (6) "employer" means the state, a municipality, a regional educational
16 attendance area, and a person or a business with one or more employees;

17 (7) "enclosed area" means space between a floor and a ceiling that is
18 bounded on two or more sides by a combination of walls, doorways, windows, or
19 other physical barriers that may be open, partially open, closed, retractable, temporary,
20 or permanent;

21 (8) "health care facility" means a private, municipal, or state hospital;
22 independent diagnostic testing facility; primary care outpatient facility; skilled nursing
23 facility; kidney disease treatment center, including freestanding hemodialysis units;
24 intermediate care facility; ambulatory surgical facility; Alaska Pioneers' Home or
25 Alaska Veterans' Home administered by the Department of Health and Social Services
26 under AS 47.55; long-term care facility; psychiatric hospital; residential psychiatric
27 treatment center, as defined in AS 18.07.111 or AS 47.32.900, and other facilities,
28 places of employment or offices operated for use by doctors, nurses, surgeons,
29 chiropractors, physical therapists, physicians, psychiatrists, or dentists or other
30 professional health care providers to provide health care;

31 (9) "place of employment" means work areas, private offices, hotel and

1 motel rooms, employee lounges, restrooms, conference rooms, classrooms, cafeterias,
2 hallways, vehicles, and other employee work areas that are under the control of an
3 employer;

4 (10) "private club" means a building or portion of a building used only
5 for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose
6 by one organization that has been granted an exemption from the payment of federal
7 income tax as a club under 26 U.S.C. 501 (Internal Revenue Code);

8 (11) "public place" means an area to which the public is invited or into
9 which the public is permitted, including but not limited to, educational facilities,
10 entertainment venues, food and beverage service establishments, offices, retail stores,
11 and transportation facilities and vehicles accessible to the public; and

12 (12) "smoking" means using or operating an e-cigarette or other oral
13 smoking device or inhaling, exhaling, or burning, a lighted or heated cigar, cigarette,
14 or pipe or other lighted or heated tobacco or plant product intended for inhalation.

15 * **Sec. 2.** AS 29.10.200 is amended by adding a new paragraph to read:

16 (63) AS 29.35.082 (smoking).

17 * **Sec. 3.** AS 29.35 is amended by adding a new section to read:

18 **Sec. 29.35.082. Smoking.** (a) A municipality may regulate smoking to the
19 extent permitted by AS 18.35.359 - 18.35.363.

20 (b) This section applies to home rule and general law municipalities.

21 * **Sec. 4.** AS 18.35.300, 18.35.305, 18.35.310, 18.35.320, 18.35.330, 18.35.340, 18.35.341,
22 18.35.342, 18.35.343, 18.35.350, 18.35.355, and 18.35.365 are repealed.

23 * **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to
24 read:

25 **APPLICABILITY.** AS 18.35.301 - 18.35.366, added by sec. 1 of this Act, apply to
26 violations or failures to comply that occur on or after the effective date of sec. 1 of this Act.

27 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
28 read:

29 **TRANSITION; REGULATIONS.** The Department of Health and Social Services may
30 adopt regulations necessary to implement AS 18.35.301 - 18.35.366, added by sec. 1 of this
31 Act. The regulations take effect under AS 44.62 (Administrative Procedure Act), but not

1 before the effective date of sec. 1 of this Act.

2 * **Sec. 7.** Section 6 of this Act takes effect immediately under AS 01.10.070(c).

3 * **Sec. 8.** AS 18.35.361 and 18.35.362, enacted by sec. 1 of this Act, take effect October 1,
4 2016.

5 * **Sec. 9.** Except as provided in secs. 7 and 8 of this Act, this Act takes effect October 1,
6 2014.

SENATE COMMITTEE REPORT

DATE: 4/4/14

FURTHER: Finance

DATE TURNED
IN TO OFFICE: 4/9/14

Health and Social Services Committee considered SENATE BILL NO. 209

SB 209-REGULATION OF SMOKING

"An Act prohibiting smoking in certain locations; and providing for an effective date."

and recommends:

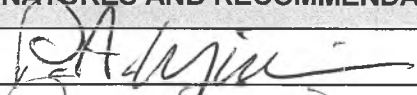

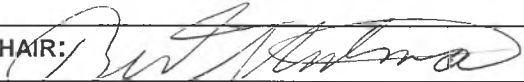
- be replaced with CS _____ (_____) Same Title New Title
- adopt previous CS _____ SCS/CS- Forthcoming _____) Same Title New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DOT	✓			1
DOT	✓			2
DOT	✓			3
DOT	✓			4
ADM			✓	5
DNS			✓	6
DEC			✓	7

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	Micciche	✓			
	Ellis	✓			
CHAIR: 	Stedman			✓	

CSSB 209 (): Smoke-Free Work Places & Enclosed Public Places

SECTIONAL ANALYSIS (Version "P")

Page 1, line 5: Section 1 creates new Article 4 within AS 18.35 describing where smoking is prohibited or regulated.

- **Page 1, lines 7-14 & page 2, lines 1-16: Sec. 18.35.301(a)(1)** prohibits smoking in enclosed areas within or at places of employment, public places, transportation facilities, schools, health care facilities, restaurants, bars, hotels, motels, child care locations, marine vessels operating as a shore-based fisheries business, and public meeting rooms.
- **Page 2, lines 17-27: Sec. 18.35.301(a)(2)** describes other areas where smoking is prohibited including outdoor arenas, stadiums or amphitheatres, areas at a public school or playgrounds, and within a certain distance of health care facilities, bars and other buildings.
- **Page 2, lines 28-31 & page 3, lines 1-29: Sec. 18.35.301(b)** lists five exceptions to the prohibitions in (a) of this section. Exceptions are provided for certain private clubs, most private residences unless used for adult or child care, or if located within a health care facility or within a hotel or motel, marine vessels when the vessel is operating as a work place for commercial or sport charter fishing, vehicles used exclusively by one employee, and stand-alone retail tobacco stores and electronic cigarette stores.
- **Page 3, lines 30-31 & Page 4, lines 1-17: Sec. 18.35.331** describes the obligations of employers, owners and operators to post no smoking signs within places or vehicles where smoking is prohibited. Signs are also required at or near the entrance of buildings at which smoking is prohibited within a specific distance from the entrance to the building. Ashtrays or other smoking accessories cannot be provided at a building or place where smoking is prohibited. This section also requires the Department of Health & Social Services to furnish signs upon request.
- **Page 4, lines 18-25: Secs. 18.35.344(a) & (b)** re-enacts existing law to require the commissioner of health and social services to develop and maintain a procedure for processing and investigating reports of violations of the subsections above. This section allows the commissioner considerable flexibility to establish an implementation system that includes filing civil complaints or issuing citations. The expectation is this law will be largely self-enforcing, which is the experience around the state with local smoke-free work place ordinances.

SECTIONAL ANALYSIS (Version "P")

- **Pages 4, lines 26-31 & page 5, lines 1-8: Secs. 18.35.344(c) through (e)** establishes fine amounts for violations of different sections of the law. Under subsection (c), a person who smokes where smoking is prohibited will be subject to a fine of \$100. Under subsection (d), a person who fails to comply the duties under Sec. 18.35.331 is subject to a fine of \$100 for the first failure to comply, \$200 for a second failure that occurs within 24 months of the first violation, and \$500 for the third and each consecutive failure to comply within 24 months of the second violations. A person who violates the nonretaliation provision in Sec. 18.35.357 is subject to a fine not to exceed \$1,000.
- **Page 5, lines 9-10: Sec. 18.35.344(f)** allows the department to accept fine payments by mail.
- **Page 5, lines 11-31 & page 6, lines 1-4: Secs. 18.35.345(a) through (e)** re-enacts existing law to allow a peace officer or an employee designated by the commissioner to issue citations for violations of the new law. Violations by a person who smokes where smoking is prohibited must occur in the presence of a peace officer, but this is not the case for any employee designated by the department to issue a citation. Fines for any violations alleged in a citation are subject to the same fine schedule described in Sec. 18.35.344.
- **Page 6, lines 5-21: Secs. 18.35.345(f) through (i)** re-enacts existing law to allow courts to implement ticketing and bail procedures for violations.
- **Page 6, lines 22-24: Sec. 18.35.346** re-enacts existing law to permit the commissioner or another affected party to bring a civil action to enjoin a violation of the law. It is unlikely that this section will be needed except in unusual cases.
- **Page 6, lines 25-31 & page 7, lines 1-4: Sec. 18.35.351** requires the commissioner of health and social services to administer and implement the provisions of the new law and adopt regulations as needed. Authority is provided for the commissioner to delegate to another agency the authority to implement one or more provisions of the law.
- **Page 7, lines 5-14: Sec. 18.35.356** requires the commissioner to provide ongoing access to public education about the law, including an electronically published brochure explaining the new requirements for employers, property owners, property operators and the public.

CSSB 209 (): Smoke-Free Work Places & Enclosed Public Places

SECTIONAL ANALYSIS (Version "P")

- **Page 7, lines 15-22: Sec. 18.35.357** prohibits an employer to discharge, refuse to hire, or to retaliate against an employee or applicant for employment because the employee or applicant cooperates with or initiates enforcement of a requirement in the law.
- **Page 7, lines 23-27: Sec. 18.35.359** establishes a municipality may adopt and enforce local laws with additional prohibitions on smoking or additional duties for employers, owners, operators, and other persons related to enforcement of such provisions.
- **Page 7, lines 28-31 & page 8, lines 1-4: Sec. 18.35.361** establishes a local option to permit smoking in public places.
- **Page 8, lines 5-29: Sec. 18.35.362** provides the procedure to allow a local municipality to opt out of these requirements through an initiative process. Approval requires a majority vote of the persons voting. This option may not be used more than once every 12 months.
- **Page 8, lines 30-31 & page 9, line 1: Sec. 18.35.363** permits property owners and government agencies to establish restrictions within a municipality that elects to opt out of this law.
- **Page 9, lines 2-31 & page 10, lines 1-14: Sec. 18.35.366** is the definitions section. Definitions are provided for business, commissioner, department, e-cigarette, employee, employer, enclosed area, health care facility, place of employment, private club, public place, and smoking.

Page 10, lines 15-20: Sections 2 & 3 are conforming changes adding sections into Title 29 to reflect the local opt out option.

Page 10, lines 21-22: Section 4 repeals the state's existing statutes (AS 18.35.300, 18.35.305, 18.35.310, 18.35.320, 18.35.330, 18.35.340, 18.35.341-343, 18.35.350, 18.35.355, and 18.35.365) that regulate smoking in enclosed and public places.

Page 10, lines 23-26: Section 5 is uncodified law and clarifies that the new provisions of this bill apply to violations or failures to comply that occur on or after the effective date of Section 1 of the bill.

CSSB 209 (): Smoke-Free Work Places & Enclosed Public Places

SECTIONAL ANALYSIS (Version "P")

Page 10, lines 27-31 & page 11, line 1: Section 6 is uncodified law and permits the Department of Health and Social Services to adopt regulations to implement Section 1 of the bill. Regulations cannot take effect before the effective date of Section 1 of the bill.

Page 10, lines 2-6: Sections 7, 8 & 9 set effective dates for different sections. Section 4 takes effect immediately. The local opt-out provisions take effect October 1, 2016. The rest of the bill will be effective on October 1, 2014.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209CS(STA)-DHSS-CO-04-06-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate State Affairs Committee

Department: Department of Health and Social Services
Appropriation: Departmental Support Services
Allocation: Commissioner's Office
OMB Component Number: 317

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 10/01/15

Why this fiscal note differs from previous version:

SB 209 version C adds retail tobacco stores to the places smoking is allowed; adds a new section establishing a local option to permit smoking in public places or opt out of the smoking limitations through an initiative process; permits property owners and government agencies to establish restrictions within a municipality that opts out; and requires the department to furnish signs upon request. The fiscal note is still indeterminate.

Prepared By: Kerre L. Shelton, Director	Phone: (907)269-2042
Division: Division of Public Health	Date: 04/04/2014 12:00 PM
Approved By: Sarah Woods, Deputy Director, Finance & Management Services	Date: 04/06/14
Agency: Health & Social Services	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB209(STA)

Analysis

This bill repeals Article 3 and adds a new Article 4 (Regulation of Smoking in Public), which designates the Department of Health and Social Services as responsible for enforcement. The new Article 4 prohibits smoking statewide in public enclosed areas, public transportation vehicles and facilities, places of employment, government owned or operated places, buildings or residences used to provide paid child care or care of adults, health care facilities, school grounds or public parks for children, outdoor arena seating, and shore-based fishery marine vessels. Smoking is prohibited within certain distances from entrances, open windows, and air intake vents of places where smoking is prohibited. The Department of Environmental Conservation is currently responsible for enforcement of Article 3 of Chapter 18.35 (Regulation of Smoking in Public Facilities), but would cease to be.

If DHSS becomes the regulatory agency, a new smoking regulation and enforcement unit will have to be established, perhaps as part of the Commissioner's Office. Currently, enforcement is not a core function of any of the DHSS Divisions. Costs are indeterminate as the department does not currently have the infrastructure, expertise or internal capacity for enforcing compliance, and will need further clarification and research into what elements would be necessary. Staff would likely be needed to investigate complaints, issue citations, and follow up on all violations and penalties. The department would need to hold several public hearings around the state and extensive regulations would need to be developed during the first year.

The Division of Behavioral Health has limited responsibility for tobacco compliance through the Prevention and Early Intervention Section for the purpose of monitoring retail tobacco sales to minors. Three staff work with minors to conduct compliance operations to assure that tobacco retailers are not selling to minors. DBH engages in this activity to assure compliance with federal Substance Abuse Prevention and Treatment block grant regulations that require states to assure no more than 20% of tobacco sales involve minors. At one time Alaska's rate was over 30%, and now it is 3%. This is a very targeted and specific compliance project required by federal Synar legislation.

Under section 18.36.356, the Division of Public Health's Tobacco Prevention and Control Program would be responsible for developing public education materials and educating business owners and the public on the specifics of the law. The department is required to provide signage upon request. Signage for all state owned or operated buildings would be produced and distributed. Sample signage and information would also be provided to business owners online and distributed prior to the October 1, 2014 effective date. The public education work could be done with existing resources through an existing grant program in combination with ongoing comprehensive tobacco prevention and control efforts across the state. The cost for signage is indeterminate. It could require additional funds, depending on the number of signs requested, especially those for outdoor use.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209CS(HSS)-DOT-TMS-04-04-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate Health & Social Services

Department: Department of Transportation and Public Facilities
Appropriation: Administration and Support
Allocation: Transportation Management and Security
OMB Component Number: 2607

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services	1.8		0.2	0.2	0.2	0.2	0.2
Commodities	8.8		0.9	0.9	0.9	0.9	0.9
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	10.6	0.0	1.1	1.1	1.1	1.1	1.1

Fund Source (Operating Only)

1004 Gen Fund	10.6		1.1	1.1	1.1	1.1	1.1
Total	10.6	0.0	1.1	1.1	1.1	1.1	1.1

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Update for committee substitute bill 28-LS1539C.
--

Prepared By: <u>Connie McKenzie, Legislative Liaison</u>	Phone: <u>(907)465-4772</u>
Division: <u>Office of the Commissioner</u>	Date: <u>04/04/2014 01:30 PM</u>
Approved By: <u>Mary P. Siroky, Director, Administrative Services</u>	Date: <u>04/04/14</u>
Agency: <u>Department of Transportation and Public Facilities</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB209CS(HSS)

Analysis

This legislation would ban smoking in enclosed areas at all 252 State of Alaska rural airports including state-owned airport terminals, fuel facilities and other enclosed areas in a place of employment (sand storage sheds, equipment storage/maintenance facilities, airport rescue/firefighting facilities). The department would provide durable signs at these locations.

Total 6" x 20" building signs (\$30/sign, shipping, and installation)

Northern Region Highways & Aviation	125 signs	\$3.8
Central Region Highways & Aviation	160 signs	\$4.8
Southeast Region Highways & Aviation	65 signs	\$2.0
Total one time cost	350 signs	\$10.6
Cost per year to replace stolen/damage/worn signs	35 signs	\$1.1

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209CS(HSS)-DOT-MVO-04-04-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate Health & Social Services

Department: Department of Transportation and Public Facilities
Appropriation: Marine Highway System
Allocation: Marine Vessel Operations
OMB Component Number: 2604

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities	2.4		1.0	1.0	1.0	1.0	1.0	1.0
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	2.4	0.0	1.0	1.0	1.0	1.0	1.0	1.0

Fund Source (Operating Only)

1004 Gen Fund	2.4		1.0	1.0	1.0	1.0	1.0	1.0
Total	2.4	0.0	1.0	1.0	1.0	1.0	1.0	1.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No.
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for committee substitute 28-LS1539C.
--

Prepared By:	Connie McKenzie, Legislative Liaison	Phone:	(907)465-4772
Division:	Office of the Commissioner	Date:	04/04/2014 01:30 PM
Approved By:	Mary P. Siroky, Director, Administrative Services	Date:	04/04/14
Agency:	Department of Transportation and Public Facilities		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB209CS(HSS)

Analysis

This legislation would ban smoking in enclosed areas onboard the Alaska Marine Highway System (AMHS) ferries, inside of AMHS terminals and other buildings belonging to the AMHS.

With the passage of this legislation, current no-smoking signs at terminals as well as onboard the 11 vessels of the fleet will have to be replaced with new signs citing the increased fine.

26 12" x 12" building signs at terminals @ \$25/signs	\$.7
66 (6 per vessel) 12" x 12" signs onboard @ \$25/sign	\$1.7
Total one time cost	\$2.4
Cost per year to replace stolen/damage/worn signs	\$1.0

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209CS(HSS)-DOT-IASO-04-04-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate Health & Social Services

Department: Department of Transportation and Public Facilities
Appropriation: International Airports
Allocation: International Airport Systems Office
OMB Component Number: 1649

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015					
Personal Services							
Travel							
Services							
Commodities	8.5		0.9	0.9	0.9	0.9	0.9
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	8.5	0.0	0.9	0.9	0.9	0.9	0.9

Fund Source (Operating Only)

1027 IntAirport	8.5		0.9	0.9	0.9	0.9	0.9
Total	8.5	0.0	0.9	0.9	0.9	0.9	0.9

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for committee substitute 28-LS1539C.
--

Prepared By: Connie McKenzie, Legislative Liaison	Phone: (907)465-4772
Division: Office of the Commissioner	Date: 04/04/2014 01:30 PM
Approved By: Mary P. Siroky, Director, Administrative Services	Date: 04/04/14
Agency: Department of Transportation and Public Facilities	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB209CS(HSS)

Analysis

This legislation would ban smoking in enclosed areas of the Fairbanks International Airport terminal and the Ted Stevens Anchorage International Airport terminal as well as within airport fuel facilities. It also prohibits smoking in other enclosed areas in a place of employment at these airports.

Title 17 currently prohibits smoking within 50 ft of an aircraft on airport property. The international airports follow municipal codes prohibiting smoking in public buildings and displays signage and have periodic public address system announcements in the terminals.

Currently smokers are provided with a designated outside smoking area adjacent to the terminals but away from any building entrances. A smoking room equipped with ventilation is provided in the North Terminal of the Ted Stevens Anchorage International Airport for passengers that deplane and cannot leave the terminal secure area before re-boarding their through-flight (some international flights and military charters).

With the passage of this legislation, the airport will be required to discontinue the use of the North Terminal smoking room, remove current no-smoking signage and replace with new signs in highly visible locations at the terminal and numerous other state managed buildings.

Total 340 12" x 12" signs (\$25/sign)

Ted Stevens Anchorage International Airport	300 signs	\$7.5
Fairbanks International Airport	40 signs	\$1.0
Total one time cost	340 signs	\$8.5
Cost per year to replace stolen/damage/worn signs	34 signs	\$.9

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209-DOT-TMS-3-28-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate State Affairs Committee

Department: Department of Transportation and Public Facilities
Appropriation: Administration and Support
Allocation: Transportation Management and Security
OMB Component Number: 2607

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	92.5		9.3	9.3	9.3	9.3	9.3	9.3
Commodities	29.3		2.9	2.9	2.9	2.9	2.9	2.9
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	121.8	0.0	12.2	12.2	12.2	12.2	12.2	12.2

Fund Source (Operating Only)

1004 Gen Fund	121.8		12.2	12.2	12.2	12.2	12.2	12.2
Total	121.8	0.0	12.2	12.2	12.2	12.2	12.2	12.2

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By:	Connie McKenzie, Legislative Liaison	Phone:	(907)465-4772
Division:	Office of the Commissioner	Date:	03/28/2014 05:00 PM
Approved By:	Mary P. Siroky, Director, Administrative Services	Date:	03/28/14
Agency:	Department of Transportation and Public Facilities		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB209

Analysis

This legislation would ban smoking on all State of Alaska rural airport property. The bill specifies no smoking at "airports" and does not distinguish between airport terminals and outdoor areas. Signage would be necessary at all 254 state-owned airports to notify anyone entering airport property that smoking is not allowed.

Total 349 stand-alone 6" x 20" signs (\$349/sign, includes post, installation & shipping)

Northern Region Highways & Aviation	159 signs	\$55.5
Central Region Highways & Aviation	140 signs	\$48.9
Southeast Region Highways & Aviation	50 signs	\$17.4
Total one time cost	349 signs	\$121.8
Cost per year to replace stolen/damage/worn signs	35 signs	\$12.2

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209-DOT-SEF-3-27-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate State Affairs Committee

Department: Department of Transportation and Public Facilities
Appropriation: State Equipment Fleet
Allocation: State Equipment Fleet
OMB Component Number: 2791

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015					
Personal Services							
Travel							
Services							
Commodities	1.5		1.5	1.5	1.5	1.5	1.5
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	1.5	0.0	1.5	1.5	1.5	1.5	1.5

Fund Source (Operating Only)

1026 HwyCapital	1.5		1.5	1.5	1.5	1.5	1.5
Total	1.5	0.0	1.5	1.5	1.5	1.5	1.5

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By: <u>Connie McKenzie, Legislative Liaison</u>	Phone: <u>(907)465-4772</u>
Division: <u>Office of the Commissioner</u>	Date: <u>03/27/2014 05:00 PM</u>
Approved By: <u>Mary P. Siroky, Director, Administrative Services</u>	Date: <u>03/28/14</u>
Agency: <u>Department of Transportation and Public Facilities</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB209

Analysis

This legislation would ban smoking in state-owned vehicles under (a)(4) - other enclosed area in a place of employment.

5653 vehicles in the state equipment fleet
\$1.5 for decals for entire state equipment fleet vehicles

This fiscal note assumes that the decals would need to be replaced annually.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209-DOT-MVO-3-27-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate State Affairs Committee

Department: Department of Transportation and Public Facilities
Appropriation: Marine Highway System
Allocation: Marine Vessel Operations
OMB Component Number: 2604

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities	7.3		1.0	1.0	1.0	1.0	1.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	7.3	0.0	1.0	1.0	1.0	1.0	1.0

Fund Source (Operating Only)

1004 Gen Fund	7.3		1.0	1.0	1.0	1.0	1.0
Total	7.3	0.0	1.0	1.0	1.0	1.0	1.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No.
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By: <u>Connie McKenzie, Legislative Liaison</u>	Phone: <u>(907)465-4772</u>
Division: <u>Office of the Commissioner</u>	Date: <u>03/27/2014 05:00 PM</u>
Approved By: <u>Mary P. Siroky, Director, Administrative Services</u>	Date: <u>03/28/14</u>
Agency: <u>Department of Transportation and Public Facilities</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB209

Analysis

This bill would ban smoking onboard the Alaska Marine Highway System (AMHS) ferries. The legislation does not distinguish between indoor and outdoor spaces on the vessels, however the AMHS currently prohibits smoking inside of the vessel.

Currently outdoor smoking is prohibited in certain proximity to places such as doorways, windows and vents, but with the passage of this legislation even outdoor smoking will be prohibited.

With the passage of this legislation, the AMHS will be required to post signs at terminals and loading ramps as well as onboard the 11 vessels of the fleet. Current no-smoking signs will have to be replaced with new signs citing the increased fine.

26 stand-alone 18" x 24" signs at terminals and loading ramps	\$5.6
66 (6 per vessel) 12" x 12" signs onboard	\$1.7
Total one time cost	\$7.3
Cost per year to replace stolen/damage/worn signs	\$1.0

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209-DOT-IASO-3-27-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate State Affairs

Department: Department of Transportation and Public Facilities
Appropriation: International Airports
Allocation: International Airport Systems Office
OMB Component Number: 1649

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities	32.3		3.2	3.2	3.2	3.2	3.2	3.2
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	32.3	0.0	3.2	3.2	3.2	3.2	3.2	3.2

Fund Source (Operating Only)

1027 IntAirport	32.3		3.2	3.2	3.2	3.2	3.2	3.2
Total	32.3	0.0	3.2	3.2	3.2	3.2	3.2	3.2

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By: <u>Connie McKenzie, Legislative Liaison</u>	Phone: <u>(907)465-4772</u>
Division: <u>Office of the Commissioner</u>	Date: <u>03/27/2014 05:00 PM</u>
Approved By: <u>Mary P. Siroky, Director, Administrative Services</u>	Date: <u>03/28/14</u>
Agency: <u>Department of Transportation and Public Facilities</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB209

Analysis

This legislation would ban smoking on Fairbanks International Airport and on Ted Stevens Anchorage International Airport property to include buildings and outdoor spaces. The legislation specifically states "airports" which does not distinguish between the airport terminal and outdoor space.

Title 17 currently prohibits smoking within 50 ft of an aircraft on airport property. The international airports follow municipal codes prohibiting smoking in public buildings and displays signage and has periodic public address system announcements in the terminals.

Currently smokers are provided with a designated outside smoking area adjacent to the terminals but away from any building entrances. A smoking room equipped with ventilation is provided in the North Terminal of the Ted Stevens Anchorage International Airport for passengers that deplane and cannot leave the terminal secure area before re-boarding their through-flight (some international flights and military charters).

With the passage of this legislation, the airport will be required to discontinue providing smokers a designated outdoor smoking area, discontinue the use of the North Terminal smoking room, remove current no-smoking signage and replace with new signs at the terminal and numerous other state managed buildings and display signs outdoors in highly visible locations.

Total 150 stand-alone 18" x 24" signs (\$215/sign and post)

Ted Stevens Anchorage International Airport	100 signs	\$21.5
Fairbanks International Airport	50 signs	\$10.8
Total one time cost	150 signs	\$32.3
Cost per year to replace stolen/damage/worn signs	15 signs	\$3.2

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209-DOA-PUR-03-21-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate State Affairs

Department: Department of Administration
Appropriation: General Services
Allocation: Purchasing
OMB Component Number: 60

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2015 Request	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? no
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version

Prepared By: <u>Tom Mayer, Director</u>	Phone: <u>(907)465-5677</u>
Division: <u>Division of General Services</u>	Date: <u>03/21/2014 04:17 PM</u>
Approved By: <u>Curtis Thayer, Commissioner</u>	Date: <u>03/21/14</u>
Agency: <u>Division of General Services</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. SB 209

Analysis

HB360 requires no smoking signs be posted in public buildings and public transportation vehicles.

The impact to the Division of General Services will be minimal and therefore submits a zero fiscal note.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209-DHSS-CO-03-28-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate State Affairs Committee

Department: Department of Health and Social Services
Appropriation: Departmental Support Services
Allocation: Commissioner's Office
OMB Component Number: 317

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates				
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES	FY 2015	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
Personal Services	***		***	***	***	***	***
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	***	0.0	***	***	***	***	***

Fund Source (Operating Only)

None							
Total	***	0.0	***	***	***	***	***

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
If yes, by what date are the regulations to be adopted, amended or repealed? 10/01/15

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By: Kerre L. Shelton, Director	Phone: (907)269-2042
Division: Division of Public Health	Date: 03/25/2014 12:00 AM
Approved By: Sarah Woods, Deputy Director, Finance & Management Services	Date: 03/27/14
Agency: Department of Health and Social Services	

Analysis

This bill repeals Article 3 and adds a new Article 4 (Regulation of Smoking in Public), which designates the Department of Health and Social Services as responsible for enforcement. The new Article 4 prohibits smoking statewide in public enclosed areas, public transportation vehicles and facilities, places of employment, government owned or operated places, buildings or residences used to provide paid child care, health care facilities, school grounds or public parks for children, outdoor arena seating, and shore-based fishery marine vessels. Smoking is prohibited within certain distances from entrances, open windows, and air intake vents of places where smoking is prohibited. The Department of Environmental Conservation is currently responsible for enforcement of Article 3 of Chapter 18.35 (Regulation of Smoking in Public Facilities), but would cease to be.

If DHSS becomes the regulatory agency, a new smoking regulation and enforcement unit will have to be established, perhaps as part of the Commissioner's Office. Currently, enforcement is not a core function of any of the DHSS Divisions. Costs are indeterminate as the department does not currently have the infrastructure, expertise or internal capacity for enforcing compliance, and will need further clarification and research into what elements would be necessary. Staff would likely be needed to investigate complaints, issue citations, and follow up on all violations and penalties. The department would need to hold several public hearings around the state and extensive regulations would need to be developed during the first year.

The Division of Behavioral Health has limited responsibility for tobacco compliance through the Prevention and Early Intervention Section for the purpose of monitoring retail tobacco sales to minors. Three staff work with minors to conduct compliance operations to assure that tobacco retailers are not selling to minors. DBH engages in this activity to assure compliance with federal Substance Abuse Prevention and Treatment block grant regulations that require states to assure no more than 20% of tobacco sales involve minors. At one time Alaska's rate was over 30%, now it is 3%. This is a very targeted and specific compliance project required by federal Synar legislation.

Under section 18.36.356, the Division of Public Health's Tobacco Prevention and Control Program would be responsible for developing public education materials and educating business owners and the public on the specifics of the law. Signage for all state owned or operated buildings would be produced and distributed. Sample signage and information would also be provided to business owners online and distributed prior to the October 1, 2014 effective date. The public education work could be done with existing resources through an existing grant program in combination with ongoing comprehensive tobacco prevention and control efforts across the state.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: SB 209
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB209-DEC-FSS-03-28-14
Title: REGULATION OF SMOKING
Sponsor: MICCICHE
Requester: Senate State Affairs Committee

Department: Department of Environmental Conservation
Appropriation: Environmental Health
Allocation: Food Safety & Sanitation
OMB Component Number: 2343

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues								
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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not applicable, initial version.

Prepared By:	Elaine Busse Floyd, Director	Phone:	(907)269-7645
Division:	Environmental Health	Date:	03/28/2014 10:30 AM
Approved By:	Lynn Kent, Deputy Commissioner	Date:	03/28/14
Agency:	Department of Environmental Conservation		

FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2014 LEGISLATIVE SESSION**

BILL NO. SB 209

Analysis

Analysis/Assumptions:

This legislation transfers the administration and enforcement authority out of the Department of Environmental Conservation (DEC) and into the Department of Health & Social Services (HSS). Current enforcement activities are limited to ensuring that facilities are compliant during routine inspections, so there are no cost savings to DEC by transferring enforcement authority to HSS.

Cliff Kraemer
V.P. of Sales
5520 Lake Otis Pkwy
Anchorage, AK 99507



ckraemer@nsales.com – E-mail
907-334-5720 – Direct Line
907-334-5730 – Direct Fax

Dear Senator Stedman:

Please consider holding SB 209 from any further progress through the legislative process. As a wholesale company started in Ketchikan, Northern Sales employs Alaskans all over the state.

We oppose SB 209 as an unnecessary intrusion into the autonomy of Alaska communities. Ketchikan, for example, has enjoyed the ability to determine for itself--without a State-ordered mandate--whether to allow smoking in workplace buildings. The communities you represent should continue to exercise local control over issues that affect them, wherever possible. This bill constitutes a direct affront to this idea.

In addition, the inclusion of electronic cigarettes as exactly the same thing as a real cigarette is disingenuous and inappropriate. If this bill moves from your committee, it should be amended to remove the inclusion of e-cigarettes from the ban.

E-cigarettes are not cigarettes at all; they contain no tobacco. The notion that they are placed on exactly the same level as tobacco cigarettes, and pose the same risks, is absurd. To the contrary, there is growing scientific and anecdotal evidence that e-cigarettes are very effective substitutes for many addicted, chronic cigarette smokers. They should be encouraged, not forbidden. If the public health community really wants to save lives in Alaska, they should be thrilled that people have started to explore alternatives to real cigarettes. Instead, dogmatic thought, hatred of Big Tobacco, and emotional hysteria have replaced good science and rational thought. Anyone who believes in saving lives should be the first in line to promote these new alternatives to smoking.

In addition, Alaska and 40 other states have asked the FDA to issue findings and regulations on e-cigarettes, which is expected any time now. Alaska is acting prematurely and will surely create complications and confusing regulations by jumping into this arena too soon. Let the science come out and act accordingly at that time. That is the proper role of government. Less is more. Alaska would be only the 4th state to include e-cigarettes in the smoking ban. We should be among the last to act in this area, not the first. Government should intrude as little as possible into people's lives. Please amend the bill to remove any reference to e-cigarettes if you must move the bill from your Committee.

Sincerely,

Cliff Kraemer
V.P. of Sales – Northern Sales Co.



Alaska Tobacco Control Alliance

Our Vision: A Tobacco-Free Alaska

Elected Members

Jennifer Adzima
Anchorage Region

Henry George
Western Region, Bethel

Mele Havea
Northern Region, Barrow

Betty MacTavish *co-chair*
Southwest Region, Kodiak

Jenny Olendorff *co-chair*
Southcentral Region, Soldotna

Andrea Thomas
Southeast Region, Sitka

Jeffrey Beck
At Large

Becky Stoppa
At Large

Native Appointees

Gary Ferguson
Anchorage

Brian James
Nome

Caroline Nevak
Anchorage

Tiffany Tutiakoff
Anchorage

Core Agencies

Lincoln Bean Sr.
Alaska Native Health Board

Ken Helander
AARP

Jamie Morgan
American Heart Association

Emily Nenon
American Cancer Society
Cancer Action Network

Marge Stoneking
American Lung Association

March 24, 2014

Members of the House Health and Social Services Committee
Attn: Rep. Higgins, Chair
Alaska State Legislature

Dear Rep. Higgins and members of the committee:

Since 1991, the Alaska Tobacco Control Alliance (ATCA) has advocated for policies protecting people from the harmful effects of tobacco use and secondhand smoke. As such, we are excited to see that our legislators recognize that **all workers deserve the right to breathe smokefree air.**

We are relieved that e-cigarettes are included in this discussion, as research shows that e-cigarettes do not just emit “harmless water vapor”. Specifically, we know that exhaled secondhand aerosol is made up of ultrafine particles with levels higher than in conventional tobacco cigarette smoke and that exposure to these particles are risk factors for asthma and artery constriction leading to heart attacks. For these reasons, national health advocates including the Centers for Disease Control and Prevention consider it a best practice to include e-cigarettes in all comprehensive smokefree workplace policies.

For these reasons, across the country, municipalities and states are including e-cigarettes in policies that prohibit their use in smokefree environments. In addition, one cannot tell by looking at an e-cigarette what the e-cartridge contains. There are known instances where e-cigarettes are used as illegal drug delivery devices containing liquid marijuana and heroin.

Thank you for your commitment to the health of all Alaskans.

Sincerely,

Betty MacTavish, co-chair
Southwest Region

Jenny Olendorff, co-chair
Southcentral Region



Alaska Smoke-Free Indoor Workplaces

Only half of Alaska's population is covered by a current smoke-free workplace law. A statewide smoke-free indoor workplaces law would update existing Alaska state law to provide comprehensive protection from secondhand smoke for employees and customers in all enclosed workplaces and places of public accommodation.

This law would prohibit smoking in all indoor workplaces, businesses and public spaces. It would require that those who choose to smoke "take it outside" in order to better protect the health and safety of all workers, patrons and visitors from the disease and premature death caused by secondhand smoke. No one should have to choose between their health and a good job. Due to limitations in local authority, it is time for a statewide law.

A statewide law would create a standard with regard to secondhand smoke that puts all businesses and workplaces across Alaska on a level playing field.

Everyone has the right to breathe smoke-free air.

Smoke-Free Laws Save Lives

There is conclusive scientific evidence that secondhand smoke causes heart disease.

- Studies of at least 10 communities published in peer-reviewed journals have proven a decrease in heart attack incidence after the implementation of smoke-free laws.²
- Helena, MT enjoyed a 40% decrease in heart attacks among Helena residents while smoke-free laws were in place.²
- Heart attack hospitalizations fell by 41% in Pueblo, CO after a comprehensive smoke-free law was enacted. This decrease was sustained over a three-year-period.²

Anchorage Experiences

Smoke-Free Laws Benefit Businesses

Using employment data on Anchorage bars from 2001 to 2010, a report commissioned by the Alaska Department of Health and Social Services Tobacco Prevention and Control Program (2011) found:

Bar employment within the Municipality was 10% higher than it would have been if the smoke-free law had not been implemented.

The Institute of Social and Economic Research interviewed representatives of 50 full-service restaurants and bars in Anchorage on their perceptions of the impact of the smoke free indoor ordinance.

- 76% of restaurant and bars reported very positive or somewhat positive feedback from customers and employees.
- A total of 96% (48/50) of surveyed full-service restaurant and bar representatives identified at least one benefit from the passage of the smoke-free ordinances in Anchorage.
- Most respondents identified a cleaner environment, increased customer and employee satisfaction, improved employee health, more new customers, and lower maintenance costs as benefits of a smoke-free Anchorage.



Alaskans strongly support smoke-free indoor workplaces.

- 4 in 5 Alaska adults support smoke-free workplaces.⁴
- Support for smoke-free indoor workplaces includes a strong majority of current smokers (59%) as well as former smokers (80%).⁴
- Alaskan support for smoke-free indoor workplaces is high throughout all regions of the state, ranging from 75% to 84%.⁴



The Need for Legislation

- Secondhand smoke is a major cause of needless, preventable death, causing or worsening a wide range of adverse health effects, including lung cancer, heart disease, respiratory infections, and asthma. Most significantly, it has been shown that even brief exposure can be dangerous.¹
- Non-smokers exposed to secondhand smoke increase their risk of heart disease and lung cancer by up to 30 percent.¹
- The U.S. Surgeon General's Report, "The Health Consequences of Involuntary Exposure to Tobacco Smoke," (2006) concluded that there is no risk-free level of exposure to secondhand smoke; ventilation and other air cleaning technologies cannot eliminate exposure of nonsmokers to secondhand smoke; and that comprehensive smoke-free workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace¹
- Published research in communities before and after adoption of comprehensive smoke-free workplace laws has documented a significant decline in heart disease-related hospital admissions.²

Sources:

1. U.S. Department of Health and Human Services, *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General*, HHS, CDC, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006.
2. Institute of Medicine (IOM), *Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence*, Washington, DC: The National Academies Press, 2009
3. Institute of Social and Economic Research, University of Alaska Anchorage, *The Impact of Anchorage's 2000 and 2007 Smoke-free Policies on Select Restaurants and Bars*, 2014.
4. Alaska Tobacco Facts, Update 2013 http://dhss.alaska.gov/dph/Chronic/Documents/Tobacco/PDF/2013_alaska_tobacco_facts.pdf

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Twitter: @smokefreealaska



The Health and Economic Benefits of Making Alaska Smoke-Free

Making all Alaska workplaces, restaurants, and bars 100% smoke-free would prevent about 1,900 youth from becoming smokers, and within five years, save an estimated \$5.04 million in lung cancer, heart attack, and stroke costs.

According to the Surgeon General, the science is clear: There is no safe level of exposure to second-hand smoke. Just as tobacco smoke causes lung cancer, heart attacks, strokes, and other preventable diseases in smokers, secondhand smoke causes disease and death in non-smokers, as well. Smoke-free laws not only decrease exposure to tobacco smoke and the resulting disease and death, they also decrease the number of youth who start smoking, increase the number of smokers who quit, and cut health care costs for smokers and non-smokers alike.

Alaska is one of only 15 states that currently has no law prohibiting smoking in all workplaces or restaurants or bars. Making all workplaces, restaurants, and bars in the state 100% smoke-free is the **only** way to protect all Alaska residents from the dangers of secondhand smoke.

SAVING LIVES

Making all Alaska workplaces, restaurants, and bars 100% smoke-free would be expected to provide the following reductions in the number of smokers and the number of deaths caused by smoking or exposure to tobacco smoke:*

Adults Who Would Quit Smoking	Youth Who Would Never Start Smoking	Reduction in Smoking-Related Deaths	Reduction in Deaths of Non-Smokers
4,500	1,900	2,800	300

SAVING MONEY

In addition to saving lives, making Alaska smoke-free would cut health care costs for both smokers and non-smokers. Over five years, a comprehensive smoke-free law covering all Alaska workplaces, restaurants, and bars would be expected to produce the following economic benefits:*

Lung Cancer Treatment Savings	Heart Attack and Stroke Treatment Savings	State's Medicaid Program Savings	Smoking-Related Pregnancy Treatment Savings
\$1.35M	\$3.69M	\$520,000	\$980,000

*Estimates are based on analysis performed on behalf of the American Cancer Society Cancer Action Network. Totals in charts have been rounded.



Commonly Asked Questions about Electronic Cigarettes

What are electronic cigarettes or e-cigarettes?

Electronic cigarettes, also known as e-cigarettes, are typically battery-operated products designed to deliver a heated solution, or vapor, of nicotine and other chemicals to the user. E-cigarettes can be disposable or consist of a rechargeable battery-operated heating element; a replaceable or refillable cartridge that may contain nicotine, flavoring agents, and other chemicals (sometimes called “e-juices”); and an atomizer that uses heat to convert the contents of the cartridge into a vapor that is inhaled by the user.ⁱ Some e-cigarettes are designed to look like cigarettes, cigars, pipes, or hookahs.

This factsheet will review:

- What is an e-cigarette
- Are they safe
- Is nicotine safe
- Use (initiation & quitting)
- Marketing
- Regulation
- Where ACS CAN stands

Are e-cigarettes safe, as manufacturers claim?

There are more than 250 types of e-cigarettes on the market today and the products vary considerably by ingredients, quality control and assurance, and ability to reliably deliver nicotine to users. E-cigarette manufacturers claim the ingredients are “safe,” but without federal regulation, there is no sure way for e-cigarette users to know what they are consuming and the extent of potential risk.

Currently, only a limited number of studies have examined the contents of e-cigarette vapor. Some of the studies have found the vapor to contain only propylene glycol, nicotine, and flavorings, and other studies found them to contain heavy metals, volatile organic compounds and tobacco-specific nitrosamines, among other ingredients. A 2009 study done by the FDA found cancer-causing substances in several of the e-cigarette samples tested.ⁱⁱ Additionally, Food and Drug Administration (FDA) tests found nicotine in some e-cigarettes that claimed to contain no nicotine. Propylene glycol is used for food preservation among other uses, and while generally recognized as safe by the FDA for those uses, there is no evidence to date on the safety of inhaling propylene glycol in e-cigarettes, especially in a heated solution and over a long period of time.

The health effects of e-cigarettes are scientifically uncertain, especially their long-term effects. There is general agreement among scientists in the field that, in the short run, at least, e-cigarettes are almost certainly less harmful than combusted cigarettes. But there are still serious questions about the safety of inhaling the substances in some e-cigarette vapor. E-cigarettes have not been subject to thorough, independent testing, so users cannot be sure of what they are actually inhaling. Some studies have shown that some e-cigarettes can cause short-term lung changes and irritations and the long-term health effects, as noted above, are unknown.

Additionally, the effects of secondhand vapor from e-cigarettes require further study, especially to determine differences among the many brands and types of e-cigarettes. Finally, the health impact on individuals using e-cigarettes while also using other tobacco products, such as cigarettes, is not documented in the scientific literature. This is a particularly important area of study because initial reports

of e-cigarette use indicate that e-cigarettes are used by some cigarette smokers in addition to smoking cigarettes, rather than as a replacement for cigarettes. More research is needed to determine if continuing to smoke cigarettes, even fewer, along with e-cigarette use poses a risk for premature death and disease.

Is the nicotine used in e-cigarettes safe?

Nicotine is a drug found naturally in tobacco. Its dependence-producing properties are similar to those of heroin or cocaine.ⁱⁱⁱ The risk for addiction depends on the dose of nicotine delivered, the way it is delivered, and the length of time over which it is used. Nicotine addiction can cause withdrawal symptoms when an individual tries to quit. Several nicotine replacement therapies – such as gum, patches, sprays, inhalers, or lozenges – have been approved by the FDA as safe and effective for use to help relieve withdrawal symptoms, without providing the cancer-causing chemicals found in tobacco products. However, exposure to nicotine can still have harmful consequences for some users. Scientific evidence has shown that nicotine affects maternal and fetal health during pregnancy, potentially leading to preterm delivery or stillbirth and adverse consequences to brain development of the fetus.^{iv} Additionally, scientific evidence suggests that nicotine can have long-term adverse effects on brain development among adolescents. Therefore, pregnant women and adolescents are cautioned from using any nicotine containing products, including e-cigarettes.

Who is using e-cigarettes, and how are they used?

There is very little surveillance of e-cigarette use in the United States to date. A study from the Centers for Disease Control and Prevention (CDC) found that e-cigarette experimentation increased among middle and high school students between 2011 and 2012 (from 3.3 percent to 6.8 percent), resulting in an estimated 1.78 million youth who have tried e-cigarettes.^v Current e-cigarette use increased for this population of youth from 1.1 percent to 2.1 percent. These increases were greater among high school students.

A study of 2010-11 data found the number of adults who have ever used e-cigarettes increased from 3.3 percent to 6.2 percent.^{vi} In 2011, 21.2 percent of current smokers had ever tried e-cigarettes, as compared to 7.4 percent of former smokers and 1.3 percent of never smokers, suggesting that, at the present, e-cigarette use among adults is largely confined to current and former cigarette smokers. Another study found that the majority of e-cigarette users across four countries reported using e-cigarettes to help them quit cigarettes and because they thought they were less harmful than cigarettes.^{vii}

Will e-cigarettes help people stop using tobacco products entirely?

There have been only a few randomized controlled trials of e-cigarettes as a smoking cessation aid.^{viii} Only one of these compared the effectiveness of e-cigarettes as a quitting aid to an already- tested, approved quitting medication. The study compared the use of nicotine-replacement therapy patches and e-cigarettes with the outcome of abstinence from cigarettes at 6 months. It concluded that e-cigarettes may be at least as effective as nicotine patches aiding in quitting cigarettes (7.3 percent and 5.8 percent 6 months abstinence, respectively). Other studies that have attempted to look at the potential of e-cigarettes as a cessation aid have found that, while e-cigarettes may aid in reducing the number of

cigarettes smoked, there was not a significant difference between smokers who used e-cigarettes and smokers who did not use e-cigarettes in terms of quitting cigarette use entirely.^{ix}

Therefore the question still remains whether, and to what degree, e-cigarettes are an effective smoking cessation aid, and whether reducing the number of cigarettes smoked by using both e-cigarettes and cigarettes at the same time reduces an individual's risk for premature death and disease. The answers to these questions and others must come from a wide-ranging, independent research agenda.

In the absence of FDA guidance and sufficient research evidence establishing e-cigarettes as an effective method to help smokers quit, **ACS CAN does not at this time recommend e-cigarettes for smoking cessation.** Instead, for those smokers for whom it is appropriate to use a cessation medication, ACS CAN recommends use of one FDA-approved and thoroughly tested smoking cessation medications (i.e. nicotine replacements – gum, patch, lozenge, inhaler, nasal spray - or bupropion or varenicline).

Will youth use e-cigarettes as an introduction to regular cigarettes?

The rapid increase in youth trying e-cigarettes in recent years raises questions as to whether these youth will be drawn into long-term nicotine addiction and whether they will supplement or replace e-cigarette use with cigarettes or other tobacco products. The lack of surveillance of e-cigarette use makes this question hard to answer at this time, but there are several key factors, based on past experience with tobacco industry products and marketing, that raises the concern of some in the public health and health community.

First, more than 80 percent of adult smokers report starting before the age of 18 and adolescents who use smokeless tobacco are more likely to become adult smokers than adolescents who do not use smokeless tobacco.^x This suggests that nicotine experimentation in youth can lead some youth to a lifetime of nicotine addiction and use of tobacco products. Second, the widespread, unregulated use of e-cigarettes has the potential to result in smoking once again as a socially acceptable behavior which has potentially significant implications for youth initiation and adult continuation of cigarette smoking. Third, e-cigarettes are accessible to youth since they are not covered under all state and local youth access laws and are available for purchase through the internet. Finally, many of the makers of e-cigarettes are utilizing tobacco company product and marketing tactics that have been proven effective at targeting youth, including the use of candy flavoring and celebrity endorsements. The increase in youth trying e-cigarettes is not surprising given the increased access to, promotion of, and exposure to e-cigarettes; and raises serious questions on the potential for long-term nicotine addiction and use of cigarettes and other tobacco products.

How are e-cigarettes being marketed?

E-cigarettes are widely available to nearly anyone who wishes to purchase them, since they are often not subject to the same legal restrictions as cigarettes and other tobacco products. E-cigarettes are advertised on television, radio, online, in print magazines, including those with high youth readership, and at sports and music events. Some e-cigarette manufacturers are using the same marketing practices effectively used by the tobacco companies to target youth and mislead consumers about the potential safety and health impact of their products. Such practices include celebrity endorsements, sports and musical

sponsorships, and images of e-cigarettes as rebellious, sexy and cool, as well as the use of flavorings in their products.^{xi} Some e-cigarette manufacturers claim e-cigarettes are a safe, less harmful alternative to cigarettes despite the lack of regulation to ensure their safety or health impact. Additionally, e-cigarettes are advertised as a way to “legally smoke” or “take back your freedom” where smoke-free laws exist in states and localities. As part of its request for FDA to regulate e-cigarettes, several leading members of Congress have developed a side-by-side presentation of e-cigarette and cigarette marketing practices (democrats.energycommerce.house.gov).

Why the controversy?

The potential benefits of e-cigarettes are the ability to deliver nicotine to the user without many of the other harmful chemicals in cigarettes, the absence of secondhand cigarette smoke, and the potential to aid smokers in quitting cigarettes.

There are concerns, however, that because these products are unregulated and current research provides mixed views of whether the potential benefits will be borne out in the long run, the safety claims made by manufacturers are unsubstantiated by objective scientific evidence and may be misleading the public. FDA regulation of e-cigarettes and sufficient science-based, independent research is essential in order for the public health and health community, cigarette smokers, and the public at-large to be accurately informed about e-cigarettes, including the ingredients and the potential benefits or harms of use. Research is also needed to assess whether youth can be drawn into long-term nicotine use through e-cigarettes, whether wide use of e-cigarettes can re-normalize cigarette use, and whether e-cigarette use will be a net harm or benefit for population-based public health. There is a growing scientific literature surrounding e-cigarettes and considerable research is underway. The controversy surrounding e-cigarettes and harm reduction more broadly will not go away, but as these results become available and FDA asserts its authority to regulate these products, more accurate, science-based policies and public education can be developed.

Are e-cigarettes regulated?

When e-cigarettes were first introduced on the market, the FDA tried to regulate e-cigarettes as a drug-delivery device, like other tobacco cessation aids such as nicotine gum or patches. NJOY, one e-cigarette maker, presented a legal challenge and a federal court ruled e-cigarettes can only be regulated as a drug-delivery device when a therapeutic claim is made (ex. aids in cessation); without such claim, the only way the FDA can assert its regulatory authority over e-cigarettes is to regulate them as tobacco products. Currently, however, e-cigarettes remain unregulated. FDA has stated its intent to assert the authority of the Center for Tobacco Products to regulate all tobacco products, but a rule has yet to be issued. FDA assertion would allow the agency to require e-cigarette manufacturers to register their products with the FDA, provide FDA with their ingredients, establish good manufacturing practices, address impure/untested product additions and misbranding issues, and restrict marketing and sales only to those 18 years and older, among other potential regulations.

What are ACS CAN's views on e-cigarettes?

In the absence of FDA guidance and sufficient research evidence establishing e-cigarettes as an effective method to help smokers quit, ACS CAN does not at this time recommend e-cigarettes for smoking

cessation. Instead, for those smokers for whom it is appropriate to use a cessation medication, ACS CAN recommends use of one or more of the seven FDA-approved and thoroughly tested smoking cessation medications (i.e. nicotine replacements – gum, patch, lozenge, inhaler, nasal spray - or bupropion or varenicline).

ACS CAN agrees there is a need for a wide-ranging, independent research agenda on e-cigarettes, but we recognize that even without sufficient scientific evidence of the safety or health impact of e-cigarettes, inaction on e-cigarettes is not in the best interest of protection of the public's health. Therefore, ACS CAN supports the FDA asserting its authority to regulate e-cigarettes and other tobacco products and the inclusion of e-cigarettes in state and local evidence-based tobacco prevention and control measures, including prohibiting the use of e-cigarettes wherever smoking is prohibited.

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Green = Comprehensive smoke-free workplaces ordinances in place




Yellow = Sitka has an exemption for bars in stand-alone buildings, but all other workplaces are covered

Orange = Boroughs without the authority to pass smoke-free workplace ordinances on the local level due to lack of health powers

Gray = Legal analysis not conducted, but likely in the same category as the orange-shaded boroughs with inadequate health powers to enact smoke-free

<u>Borough</u>	<u>Borough seat</u>	<u>Class</u>	<u>Population</u>	<u>Area</u>	<u>Map</u>
<u>Aleutians East Borough</u>	<u>Sand Point</u>	Second	3,141	6,988 sq mi (18,099 km ²)	
<u>Anchorage</u>	<i>(Consolidated city-borough)</i>	Unified Home Rule	291,826	1,697 sq mi (4,395 km ²)	
<u>Bristol Bay Borough</u>	<u>Naknek</u>	Second	997	505 sq mi (1,308 km ²)	
<u>Denali Borough</u>	<u>Healy</u>	Home Rule	1,826	12,750 sq mi (33,022 km ²)	
<u>Fairbanks North Star Borough</u>	<u>Fairbanks</u>	Second	97,581	7,366 sq mi (19,078 km ²)	
<u>Haines Borough</u>	<i>(Consolidated city-borough)</i>	Home Rule	2,508	2,344 sq mi (6,071 km ²)	
<u>Juneau</u>	<i>(Consolidated city-borough)</i>	Unified Home Rule	31,275	2,716 sq mi (7,034 km ²)	

<u>Borough</u>	<u>Borough seat</u>	Class	Population	Area	Map
<u>Kenai Peninsula Borough</u>	<u>Soldotna</u>	Second	55,400	16,013 sq mi (41,473 km ²)	
<u>Ketchikan Gateway Borough</u>	<u>Ketchikan</u>	Second	13,477	4,840 sq mi (12,536 km ²)	
<u>Kodiak Island Borough</u>	<u>Kodiak</u>	Second	13,592	6,560 sq mi (16,990 km ²)	
<u>Lake and Peninsula Borough</u>	<u>King Salmon</u>	Home Rule	1,631	23,782 sq mi (61,595 km ²)	
<u>Matanuska-Susitna Borough</u>	<u>Palmer</u>	Second	88,995	24,682 sq mi (63,926 km ²)	
<u>North Slope Borough</u>	<u>Barrow</u>	Home Rule	9,430	88,817 sq mi (230,035 km ²)	
<u>Northwest Arctic Borough</u>	<u>Kotzebue</u>	Home Rule	7,523	35,898 sq mi (92,975 km ²)	
<u>Sitka</u>	<i>(Consolidated city-borough)</i>	Unified Home Rule	8,881	2,874 sq mi (7,444 km ²)	
<u>Skagway</u>	-	First	968	452 sq mi (1,171 km ²)	

<u>Borough</u>	<u>Borough seat</u>	Class	Population	Area	Map
<u>Unorganized Borough</u>	-	-	78,149	323,440 sq mi (837,706 km ²)	
<u>Wrangell</u>	<i>(Consolidated city-borough)</i>	Unified Home Rule	2,369	2,570 sq mi (6,656 km ²)	
<u>Yakutat</u>	<i>(Consolidated city-borough)</i>	Home Rule	662	7,650 sq mi (19,813 km ²)	

Electronic (e-) Cigarettes and Secondhand Aerosol

"If you are around somebody who is using e-cigarettes, you are breathing an aerosol of exhaled nicotine, ultra-fine particles, volatile organic compounds, and other toxins," Dr. Stanton Glantz, Director for the Center for Tobacco Control Research and Education at the University of California, San Francisco.

Current Legislative Landscape

- As of January 2, 2014, **108 municipalities and three states include e-cigarettes** as products that are prohibited from use in smokefree environments.

Constituents of Secondhand Aerosol

E-cigarettes do not just emit "harmless water vapor." **Secondhand e-cigarette aerosol (incorrectly called vapor by the industry) contains nicotine, ultrafine particles and low levels of toxins** that are known to cause cancer.

- E-cigarette aerosol is made up of a high concentration of ultrafine particles, and the particle concentration is higher than in conventional tobacco cigarette smoke.¹
- Exposure to fine and ultrafine particles may exacerbate respiratory ailments like asthma, and constrict arteries which could trigger a heart attack.²
- At least 10 chemicals identified in e-cigarette aerosol are on California's Proposition 65 list of carcinogens and reproductive toxins, also known as the Safe Drinking Water and Toxic Enforcement Act of 1986. The compounds that have already been identified in mainstream (MS) or secondhand (SS) e-cigarette aerosol include: **Acetaldehyde (MS), Benzene (SS), Cadmium (MS), Formaldehyde (MS,SS), Isoprene (SS), Lead (MS), Nickel (MS), Nicotine (MS, SS), N-Nitrosornicotine (MS, SS), Toluene (MS, SS)**.^{3,4}
- **E-cigarettes contain and emit propylene glycol**, a chemical that is used as a base in e-cigarette solution and is one of the primary components in the aerosol emitted by e-cigarettes.
 - Short term exposure causes eye, throat, and airway irritation.⁵
 - Long term inhalation exposure can result in children developing asthma.⁶
- Even though propylene glycol is FDA approved for use in some products, the inhalation of vaporized nicotine in propylene glycol is not. Some studies show that heating propylene glycol changes its chemical composition, producing small amounts of propylene oxide, a known carcinogen.⁷
- There are **metals in e-cigarette aerosol, including chromium, nickel, and tin nanoparticles**.⁸
- FDA scientists found detectable levels of carcinogenic tobacco-specific nitrosamines in e-cigarette aerosol.⁹

- People exposed to e-cigarette aerosol absorb nicotine (measured as cotinine), with one study showing levels comparable to passive smokers.¹⁰
- **Diethylene Glycol**, a poisonous organic compound, was also detected in e-cigarette aerosol.¹¹
- **Exhaled e-cigarette aerosol contained propylene glycol, glycerol, flavorings, and nicotine, along with acetone, formaldehyde, acetaldehyde, propanal, diacetyl, and triacetyl.**¹²
- Many of the elements identified in the aerosol are known to **cause respiratory distress and disease**. The aerosol contained particles >1 µm comprised of tin, silver, iron, nickel, aluminum, and silicate and nanoparticles (<100 nm) of tin, chromium and nickel. The concentrations of nine of eleven elements in e-cigarette aerosol were higher than or equal to the corresponding concentrations in conventional cigarette smoke.¹³
- E-cigarettes cause exposure to different chemicals than found in conventional cigarettes and there is a need for risk evaluation for both primary and passive exposure to the aerosol in smokers and nonsmokers.¹⁴
- Short term use of e-cigarettes has been shown to increase respiratory resistance and impair lung function, which may result in difficulty breathing.¹⁵
- Overall, e-cigarettes are a new source of **Volatile Organic Compounds (VOCs) and ultrafine/fine particles in the indoor environment**, thus resulting in "passive vaping."¹⁶

E-cigarette aerosol is a new source of pollution and toxins being emitted into the environment. We do not know the long-term health effects of e-cigarette use and although the industry marketing of the product implies that these products are harmless, the aerosol that e-cigarettes emit is not purely water vapor.

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Alaska Dispatch

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[Home](#) > Statewide workplace smoking ban looks to drum up support in Alaska

[Suzanna Caldwell](#) ^[1]

February 3, 2014

Main Image:

[Cigarette butts](#) ^[2]

Main Image Caption:

About half of Alaska residents are protected by workplace smoking bans, but a new movement hopes to get that up to 100 percent by increasing education efforts.

About half of Alaska's population lives in a community with a workplace smoking ban, but the other half doesn't. While that's a good sign for supporters of smoke-free workplaces in Alaska, there's been a push in recent years to make things even better for them.

That's why organizations like the American Lung Association and American Cancer Society are pushing for a statewide smoke-free workplace law in the 49th state.

Nationally, 30 states and the District of Columbia have statewide workplace smoking bans. In Alaska, roughly a dozen communities have bans of their own. The Municipality of Anchorage, home to about 300,000 people -- a little less than half of the state's population -- has a smoking ban. There's also one covering the 30,000 people who live in Juneau, the state capital. Even smaller communities like Bethel, Valdez, Unalakleet, Dillingham, Haines and Palmer have instituted bans ^[3] in recent years.

Those have been good first steps, but Emily Nenon, Alaska government relations director with the American Cancer Society's Cancer Action Network, said that's about all most Alaska communities can do when it comes to smoking bans. While some smaller cities could institute bans under their city's charters, some of the state's most populated boroughs -- including the Fairbanks North Star, Matanuska-Susitna and Kenai Peninsula -- do not have the power to manage public health. Without health powers, a borough cannot implement a ban.

"We've gotten about as far as we can get with the powers that they have," Nenon said.

That's creating a disparity. In the Mat-Su, for example, the city of Palmer has a ban, but the city only encompasses five square miles of the borough's 25,000 square miles. Businesses outside the city are welcome to allow to smoking under the current law, meaning customers don't have to travel far if they want to smoke.

But instituting health powers are a bit of a Catch-22 for borough assemblies. While they could decide to have health powers -- usually through voter referendum -- those can come with more responsibilities than simply a smoking ban, Nenon said.

"(Boroughs) are more interested in the state creating that level playing field," she said.

Plus, there's the entire unorganized borough, which consists of about 70,000 of the state's residents. While many communities in that borough have signed on as having smoke-free workplaces, most of the smaller ones have not.

So in an effort to get the law moving, the smoke-free Alaska campaign is looking to increase public awareness and drum up support.

At an Anchorage Chamber of Commerce Make It Monday luncheon in an effort to court support from Anchorage businesses, Nenon pointed out that American Cancer Society study found that Alaska would save \$5.04 million in treatment for lung cancer and heart illnesses due to smoking in the first five years of a statewide ban. Of that, half a million would be Medicaid savings.

Marge Stoneking, Alaska director of the American Lung Association in Anchorage, said studies show that when smoking bans are put in place, business either remains flat or increases. An Alaska Department of Health and Social Services study in 2012 ^[4] found that one in five bar patrons in Anchorage and Juneau found themselves visiting bars more often once smoking bans were in place.

"It shows that businesses can be smoke-free without hurting the bottom line," she said.

So far, 350 businesses and community groups in Alaska have come out in support of the smoking ban.

While buzz is still building for the statewide effort -- and has been building for years -- no legislation has been introduced yet that would create a state ban.

Nenon thinks the reason may be that so many people live in communities with smoking bans is that they forget other places lack them. She encouraged people to contact their legislators or to sign a resolution of support for a smoke-free Alaska.

With all the studies noting the benefits of smoke-free workplaces, Nenon said the biggest issue moving forward will be making sure people understand the benefits of the law. Since Anchorage passed its smoking ban in 2007, she said, no tickets have been issued to violators. Incidents have been handled with simple phone calls or letters reminding people about how the law works.

"If the laws are well understood, enforcement is easy," she said.

Source URL: <https://www.alaskadispatch.com/article/20140203/statewide-workplace-smoking-ban-looks-drum-support-alaska>

Links:

[1] <https://www.alaskadispatch.com/authors/678505>

[2] <https://www.alaskadispatch.com/image/cigarette-butts>

[3] <http://www.alaskadispatch.com/article/palmer-goes-smoke-free-615-percent-voting-ban>

[4] http://dhss.alaska.gov/dph/Chronic/Documents/Tobacco/PDF/2012_alaska_tobacco_facts.pdf



Hospital CEO supports 'take it outside' legislation

Posted: March 6, 2014 - 9:40am

By Rick Davis

CEO, Central Peninsula Hospital

I have watched the smoke-free campaign make significant ground over the last several years. As a healthcare professional, I would be remiss if I didn't support a proposed law that would prohibit smoking in all indoor workplaces, businesses and public places. Of course the reason this legislation is being proposed is to prevent non-smokers from being exposed to second hand smoke. We now have plenty of science to support the fact that second hand smoke is dangerous. Just look up The Health Consequences of Smoking report. It's all there; I don't need to recite facts and figures as we all now know that smoking is a major threat to our public health.

I know we do things differently up here in Alaska and don't want or need anyone telling us what to do. Asking people to "take it outside" is a reasonable compromise to protect other people's health from the effects of second hand smoke. Much of Alaska has already adopted similar smoke-free laws but many areas remain in Alaska where they do not have health powers to enact such a law. The legislation introduced doesn't prohibit smokers from being hired or anything like that. They will just have to "take it outside" and away from an entrance or air intake.

We have enacted a smoke-free campus policy at our hospital and it was received well upon implementation. I suspect businesses that will be required to go smoke-free under the proposed legislation will enjoy the same results. People will thank you, just as they did at our hospital. This is not a Republican or Democrat issue, it's a health issue. Please support House Bill 360 and Senate Bill 209.

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CLOSE X

We have the best fresh air in the nation

Posted: Sunday, March 23, 2014 12:00 am

To the editor:

I can't express enough how nice it is to be able to breathe clean, smoke-free air in my town, thanks to our local smoke-free ordinance.

For the first time in 40 years we are now dining out in a couple of the local bars that have good food and clean air. I know they appreciate the extra business and I am spreading the word to my friends and customers about their new opportunities here in their own town. If you don't have to drive to the next town or all the way to the city for dinner, you just cut your carbon emissions — good for your health and the planet — and you just beefed up your local economy and saved time. Smoke-free is exponentially good for a healthy body and a healthy economy!

But what about e-cigarettes? They might seem innocuous as they are odorless and don't fill up ashtrays, but they do pollute the air for nonsmokers. If you sprayed fragrance-free hair spray in a public space you would be polluting the air around you with a barrage of chemicals that could cause an allergic reaction in some folks. E-cigarettes are much the same with the exception that studies have shown some to contain carcinogens and nicotine in their emissions. Without some form of regulation we have no way of knowing if the brand used by a patron is polluting our breathing space with these emissions. That kind of regulation is a federal issue.

We can help prevent this problem by establishing smoke-free regulations at the state level and set a standard for local legislation to follow.

No one wants to breathe in carcinogens. Nicotine? It's an addictive substance that people have a choice to burden themselves with. But the public air space belongs to people who have a choice not to breathe their pollution. Please consider regulations to treat e-cigarettes as we do tobacco-based cigarettes. If the state buildings are smoke-free, why shouldn't the state provide comprehensive regulations for a smoke-free Alaska? We have the best fresh air in the nation.

Brooke G. Heppinstall

Palmer

Lung health groups hoping to breathe fresh air into Alaska

By Weston Morrow wmorrow@newsminer.com | Posted: Monday, March 24, 2014 12:00 am

An earlier version of this article stated the American Nonsmokers' Rights Foundation was lobbying for the legislation when it is actually the organization's lobbying arm, Americans for Nonsmoker's Rights.

FAIRBANKS — The American Lung Association and Americans for Nonsmokers' Rights are teaming up in an effort to bring an end to second-hand smoke deaths.

The two organizations are cooperating to help push legislation through the state legislature that would ban smoking in commercial establishments throughout the state. Such prohibitions exist in certain municipalities already, such as Anchorage, but for the vast majority of the state, including Fairbanks, there is no sweeping ban.

Smoking is prohibited statewide in certain areas already, such as school grounds and in many workplaces, but not in restaurants and bars. The Lung Association and American's for Nonsmoker's Rights feel restaurants and bars should not be treated as exceptions to the workplace bans.

“We want to protect the health of everyone and think that everyone has the right to breathe smoke-free air, especially if you’re working indoors,” said Octavia Harris, health education manager for the Lung Association’s Fairbanks office.

The state legislation, HB 360 and SB 209, were both filed in their respective houses Feb. 26. The bills have support from both sides of the aisle, with cosponsors from each party, a positive sign for the legislation’s supporters.

The bill’s supporters claim to have the backing of more than 400 Alaska businesses and more than 75 Alaska Native groups.

Time is running short for the bill, however. The 28th legislature ends midway through April, and any bills not passed by then will have to be reintroduced and run through the legislative process in the 29th legislature. In the Senate, the bill sits in the state affairs committee awaiting a hearing. In the House, it was referred to the health and social services committee, where it is scheduled for a hearing at 3 p.m. Tuesday.

The Lung Association just recently opened a branch in Fairbanks in the fall. The organization has had a presence in Alaska for several years but previously only had its office in Anchorage.

Harris said that, for an area like Fairbanks North Star Borough, which doesn't have the authority to enact health requirements such as a smoking ban, the statewide law is especially important.

"A lot of people thought that we were already smoke-free in a lot of places and were surprised to find that there were a number of places that were not," Harris said.

Char Day, program manager for the American Nonsmokers' Rights Foundation, said that she has to limit the places she can go in places like Fairbanks so as not to trigger her asthma.

"Normally, I don't have to worry about where I go, but here I have to be aware so much of where I go," Day said, "and it would just be wonderful to be able to go anywhere indoors in the state of Alaska and not worry about having an asthma attack."

Harris and Day said they don't believe the ban would be an intrusion on people's rights. They don't want to force anyone to stop smoking, they said, but to do so outside if they must smoke.

"It's about making a choice that is going to be best for everyone, not just one or two individuals," Harris said when asked if they felt it was reasonable to expect smokers to go outside in places like the Interior during winter.

"It's not about the smoker. It's about the smoke, and it's about simply asking them to take it outside."

Contact staff writer Weston Morrow at 459-7520. Follow him on Twitter:

@FDNMschools.

Supports statewide smoke-free workplace

Posted: Monday, March 24, 2014 11:59 pm

To the editor:

As a health practitioner in the Valley, I am in support of passage of a statewide smoke-free workplace law to protect all Alaskans from the dangers of secondhand smoke. This proposed bill is part of the current legislative session. According to the 2014 Surgeon General's report "The Health Consequences of Smoking," the science is clear. There is no safe level of exposure to secondhand smoke.

Those who choose to smoke do so freely and willingly. Most smokers understand the risks associated with that choice. But those who are exposed to secondhand smoke in the workplace, many of whom have limited employment options, can suffer from the same consequences as the smoker.

The inclusion of e-cigarettes in this law is an important element. There is no scientific evidence showing that they are safe or that they can help smokers quit. A 2009 study done by the FDA found cancer-causing substances in several of the e-cigarette samples tested. Additionally, Food and Drug Administration tests found nicotine in some e-cigarettes that claimed to contain no nicotine. Extensive study is needed on these relatively new products before they should be considered safe. At this point, much of the research suggests that they are not safe at all.

Unfortunately, I see the long-term effects of smoking and secondhand smoke in people of all ages. These are preventable conditions that increase health care costs to non-smokers and smokers. In fact, many of the chronic diseases in my practice that I see today are the result of lifestyle choices we make each and every day. The elimination of smoke in our workplaces and public spaces is one way we can make a very large positive impact on health and healthcare for our future.

Please join me in urging our Valley legislative delegation to pass a statewide smoke-free workplace law this year.

Jill K. Valerius, MD

Palmer

KENAI LEGISLATIVE INFORMATION OFFICE

Email: Kenai_LIO@akleg.gov

Phone: 907-283-2030 / Fax: 907-283-3075

WRITTEN TESTIMONY

NAME:

CRYSTAL SCHOENROCK

REPRESENTING:

SELF (4-LANDS BAR - ST CHARL MEMBERSHIP - KPC HARB - SEC

BILL # or SUBJECT:

209 SMOKING

COMMITTEE:

SSTA

DATE:

4-3-14

I pay my licenses, permits, taxes & insurance. I feel my patrons has the final say on whether I'm smoke free or smoking. In a neighborhood bar & only have so many people that keep me alive in my business. These people don't know where my business is. I've never been in my business nor will never be in my business. Again they are taking away some of our rights by telling us how to live. The Doc talk about smoking & second hand smoke - Lets talk about the medicine that has been prescribed only to find out it don't work or only to find out it has caused more problems than it not.

I have talked to my bartender who doesn't smoke. She says she knows what is involved & chooses to work there. I have 2 section fans & circulating fans to blow smoke out & I have non-smoking customers as well. But they choose to come in anyway. I feel if smoke shops & VAP shops are exempt should be. I feel there is plenty of smoke free places to go. I am against this bill & want to thank those who hold their breath while I smoke.

Thank you

Crystal Schoenrock
4 Lands Bar & Liquor
Nikiski, Alaska

907-776-4097
FRISKEY4@acs.alaska.net

Mindy Rowland

From: pburns@humpys.com
Sent: Tuesday, April 08, 2014 10:20 AM
To: Sen. Bert Stedman; Sen. Peter Micciche; SEN.KEVIN.MEYER@AKLEG.COV; Sen. Pete Kelly;
Sen. Johnny Ellis
Subject: Smoking Ban Proposal
Attachments: Smoking ban legi.docx

Please push through the smoking ban.... Whether or not people want to argue over if it is good or bad for businesses the ultimate goal is the health of Alaskans. We need your leadership on this.

Please read my attached letter and consider it

Regards,

Pete Burns
General Manager
"Head Dishwasher"
Humpy's Great Alaskan Alehouse
SubZero Bistro & Microlounge
Flattop Pizza + Pool
907-830-2995
pburns@humpys.com

610 W. 6th Ave

Anchorage, Ak 99501

907-830-2995

Esteemed Legislators,

I have thought long and hard about the proposal before you that concerns the banning of smoking within all places of work in the state of Alaska. In doing so I realized that my beliefs may be somewhat contrary to others in our industry. My perspective on the proposal is unique in the sense that I have seen the effects of second hand smoke as well as smoking related illnesses on families firsthand.

Hopefully my story doesn't bore you and you can stay with me to the end.....I was born in 1971, for 27 years of my adult life my father smoked cigarettes, sometimes 2 packs a day in the presence of all of our family including my two older brothers. During that time the effects of smoking weren't as known as they currently are. When I was 27 my father ceased smoking, he finally realized the damage that it was doing to him and those around him. To this day I believe that his intent was to hopefully somehow reverse the effects of his many years of smoking, even if just minimally, he wanted to improve his quality of life.

In September of 2002 I went to the doctor for a checkup complaining of numbness in my leg. I arrived at the office early in the morning, within 4 hours I had received an x-ray, cat scan, and MRI. After another additional hour I was finally called into the office by my Dr., the words that he uttered to me seemingly paralyzed me. Pete, I have bad news and worse news. Shocked I asked "What?". His response was " I believe you have cancer and we do not have the facilities here to treat you." Over the next 30 minutes he proceeded to show me images of growths in my body that had been located. He then stated that Alaska currently does not have an Orthopedic Oncologist which meant my treatment would have to take place somewhere else. As he proceeded to arrange treatments for me in Seattle at the Fred Hutchison Cancer Center and Seattle Cancer Care Alliance I composed myself for the hardest phone call that I had ever made at that point in my life. I remember attempting to compose myself prior to making the call, it was hard. I proceeded to get my parents on the phone. Upon stating to them that my doctor believed I had cancer my father uttered one phrase, "I'm sorry". My mother and my wheelchair bound father drove nonstop from Memphis to Seattle to be there when I arrived. Over the next 4 months I underwent many tests, treatments and prodding from the team at the hospitals in Seattle. On Nov 24, which happened to be my father's birthday my cancer was determined to be in remission in by medical team after rounds of treatments and surgeries. Talk about a humbling experience, I spent all of my time in a hotel in Seattle specifically set up for people undergoing treatments. Shuttles left every 15 minutes to take residents to treatments at the hospitals. After that experience you never seem to complain about the normal aches and pains of living.....I continue to still go for checkups to ensure that everything is within good parameter with my body...Before you think it, I never smoked anything in my life.

On May 15th 2009 I received a call from my mom saying she had taken my father to the hospital in Knoxville due to him experiencing pain and difficulty breathing. She said she would call me after the doctor saw him. When she did she informed me that the doctor determined that he had COPD and advanced emphysema. She stated that they felt it was best for us(my brothers and I) to get back to Tennessee soon since they weren't sure how he would respond to treatment. It took approximately 18 hours for me to get back through a hodgepodge of flights. Upon arriving in Knoxville the next night my brothers stopped me prior to entering his room. They informed me that he had already been given his "last rites" and that I should not expect him to make it through the night. My father never did anything the easy way. He hung on til July 29th , 2009. Over that time I learned the cumulative effects of his smoking. His lung capacity decreased to less than 5%. He never breathed on his own after his admittance. Upon his admittance he weighed 175lbs, upon his death 85. I did not recognize my father at the end, that was hard, but knowing the suffering that he went through was the hardest. You never wish death on anyone, however, at the end, I just wanted my father to be at peace.

Fast forward to today, I have no family but I am lucky enough to work alongside over 120 employees here at Humpy's, Flattop, and Sub Zero. I can not ever imagine where it would ever be okay to subject them to an environment to where they might be impacted by the effects of smoking. I thoroughly understand the argument that government should not infringe on business owners rights. However, the rights of the employees and their immediate families should never be ignored. Smoking related illnesses will happen regardless of whether or not you pass the proposal, but doing your part to limit the exposure that workers have in their place of work is imperative. I implore you to keep it outside. Make no mistake, I do not have any issues with smokers unless they don't pick up their butts, I get it, it is an addiction like many things.

Ever since we have been smoke free we have noticed many things. First off we have noticed there are less employees with coughing related illnesses which in turn leads to less sick days and more productivity which makes the business better off financially. I can assure you our carpets and upholstery smell better as well. And being that we are known for great food and beer, I can assure you that our chefs are putting out a product that more people enjoy, great Alaskan seafood. I'm sure there will be dissenting opinions to mine, as I said, I have a unique perspective. Laws will never be perfect and they will be universally viewed as positive but they can be inherently for the betterment of the people. This is one of those times where making the tough decision is actually the easiest decision and smartest. In the end this law will not only protect people but save the State and its constituents millions on treatment for smoke related illnesses.

"KEEP IT OUTSIDE!"

Respectfully,

Pete Burns

"Head Dishwasher"

Humpy's Great Alaskan Alehouse

Flattop Pizza + Pool

SubZero Microlounge

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Supporters call for Alaska lawmakers to expand smoke-free workplace laws

April 07, 2014
Monday PM

(SitNews) Anchorage, Alaska - Supporters of the Alaska Smoke-Free Indoor Workplace bill (SB209) sent the message to lawmakers last Thursday that it's time for Alaska to have statewide smoke-free laws. The proposed law got a hearing yesterday with the Senate State Affairs Committee at the Capitol in Juneau.

If enacted SB209 will prohibit smoking in all indoor workplaces, businesses and public spaces. Individuals who choose to smoke will have to "take it outside" in order to protect others from the effects of secondhand smoke. The bill was introduced by Senator Peter Micciche in the Senate and Representative Lindsey Holmes in the House (HB360).

A coalition of Alaskan advocacy groups - American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, the Alaska Native Health Board, and AARP - are urging lawmakers to vote yes for the bill, to protect the health and safety of all workers and business patrons from secondhand smoke.

Though a self-described "man of small government," Sen. Micciche testified that, "... like vehicle safety and car seats, [secondhand smoke prevention] is a public health and safety issue that government has a role in."

"More than 400 businesses and organizations have stated their support of this bill, signing resolutions that they do want smoke-free workplaces as the statewide standard," stated Sen. Micciche in his testimony.

Dr. Bob Urata, a Juneau physician and American Heart Association volunteer, testified during the hearing that the dangers of secondhand smoke are well established. "Secondhand smoke kills nearly 50,000 people in the United States every year. The 2006 U.S. Surgeon General's report found that brief secondhand smoke exposure can have an immediate adverse effect on the cardiovascular system."

Breathing secondhand smoke interferes with the normal functioning of the heart, blood, and vascular systems in ways that increase the risk of having a heart attack. According to the Centers for Disease Control and Prevention, even brief exposure to secondhand smoke can damage the lining of blood vessels and cause your blood

platelets to become stickier. These changes can cause a deadly heart attack or stroke.

SB209 would also restrict the use of controversial electronic cigarettes in indoor spaces, asking users to take it outside for the health of others. Opponents of the bill, notably the Tobacco Industry, argue that e-cigarettes do not produce smoke like traditional cigarettes and emit "harmless water vapors" instead. However, Marge Stoneking, Alaska Director of the American Lung Association, testified that, "E-cigarette secondhand aerosol has been found to contain ultrafine particulates, heavy metals, and volatile organic compounds, which are risks for lung cancer, in addition to nicotine."

Currently only half of Alaska's population is covered by a local smoke-free workplace law. The bill passed out of committee and will be heard again on Monday in the Senate Health and Social Services Committee.

On the Web:

Learn more about the Alaska Smoke-Free Indoor Workplaces effort
www.SmokeFreeAlaska.com

Source of News:

American Lung Association

Cancer Action Network

American Heart Association

AARP

American Stroke Association

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Ketchikan, Alaska

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Mindy Rowland

From: Mike Gordon <gomntmike@gmail.com>
Sent: Monday, April 07, 2014 4:40 PM
To: Rep. Paul Seaton; Rep. Pete Higgins; Rep. Lance Pruitt; Rep. Wes Keller; Rep. Geran Tarr; Rep. Benjamin Nageak; Sen. Bert Stedman; Sen. Peter Micciche; Sen. Pete Kelly; Sen. Johnny Ellis; Sen. Kevin Meyer
Subject: HB360 and SB209

Dear Senators and Representatives:

Nobody should have to choose between their health and their job. We've successfully eliminated the problem in the bar and restaurant business and there's no reason why it shouldn't be eliminated elsewhere.

Please lend your support and keep HB360 and SB209 moving through committee. It's incumbent upon us, one and all, to do what we can to forestall the insidious, senseless scourge second-hand smoke from among our ranks.

I for one have been around long enough to see common sense through the fog of purported individual rights. Please do the right thing move these sensible measures.

Thank you,

Mike Gordon, President
Milkoot Charlie's



President Dick Ellsworth
Vice-president Gary Shirley
Secretary/Treasurer
Larry Hackenmiller

518 Farmers Loop Road
Fairbanks, Alaska 99712
388-4677 Fax 457-1328

icharrfbks@hotmail.com

April 8, 2014

TESTIMONY on CSSB 209 – Regulation of Smoking

OSHA, the Occupational Safety and Health Administration, you know, the guys that control the health and safety in the workplace, has done the research on the risks of environmental tobacco smoke, better known here as secondhand smoke, in the workplace.

Their findings show that under normal conditions the components in tobacco smoke are diluted **BELOW** existing Permissible Exposure Levels (PELS.) as referenced in the Air Contaminant Standard (29 CFR 1910. 1000) **AND** ***“It would be very rare to find a workplace with so much smoking that any individual PEL would be exceeded.”**

**Letter from Greg Watchman, Acting Secretary, OSHA, to Leroy J. Pletten, PHD, July 8, 1997*

Though repetition has little to do with “the truth” we’ve repeatedly been told that there’s “no save level of exposure to secondhand smoke”. OSHA begs to differ and by all existing standards used to date for all chemical emissions from all sources secondhand smoke in the workplace is not dangerous, unsafe or hazardous in a building and most certainly no where near hazardous outside in a open air baseball stadium this bill attempts to attach a public safety or health care to.

Knowing this I am reluctant to believe, correction, I purposely ignore the sponsors statement that this bill protects Alaskans from the “WELL KNOWN” health harms of secondhand smoke and the unfortunate statement that it does not prohibit outdoor smoking unless defined by statute. Statute here means an open air outdoor baseball stadium is not outside enough so smoking is prohibited because of the non-existent



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risks of secondhand smoke. Any reference for the need to “PROTECT EMPLOYEES” in the workplace is not founded in fact and it becomes increasingly clear that secondhand smoke is a political rather than a real science health issue.

The wording of this bill itself is in conflict with the unnecessary intent on public health and safety and implies rights already existing in law or in the constitution.

The amendment adding LOCAL OPTION to opt out of this state law defeats the fantasy intent of the law to protect the general public. First we give all organized or unorganized areas a state law to protect them from the fantasy hazards of secondhand smoke and then we give them the local option authority to recognize this as a fantasy hazard and disregard state law by locally voting no in their respective communities.

So secondhand smoke is declared hazardous but if you don't think it is in your borough, town or village you can legally vote out the public health and safety laws the state forced you to have through passage of this bill to begin with. Redundant or ridiculous.....

The bill seeks to supersede rights given in our constitution for private residences (*CCSB 209 Draft page 3 line 1 – (2)*) by stating that smoking is allowed in a private residence under certain conditions. Protection from government intrusion in a private residence guaranteed by our constitution is set aside here. In this law if you have a private residence and you smoke in it and you hire/pay a babysitter to care for your children while you go out to dinner you could be fined \$100 for smoking while the babysitter is present and then another \$100 for having ashtrays in the house by a Health and Social service employee armed



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with a citation book and responding to an OSHA non-existent secondhand smoke hazard violation.

This law will usurp the power given organized areas like the first class city of Fairbanks. Fairbanks turned down a non-smoking ordinance but now you wish to make us vote on it again because of some unsubstantiated non-existent fear that secondhand smoke is killing 50,000 people a year in our outdoor Goldpanner baseball stadium!

The solution to both sides of this non-existent issue to simply allow each business to use signage at the entrance to their location that NO SMOKING or SMOKING IS ALLOWED on their premises. Where smoking is allowed it gives the people who smoke the option to enter, the people who have respiratory problems the choice to enter at their own risk and the people who believe secondhand smoke is harmful to their health the choice to exercise their convictions. This simple act will allow the public health and safety for each concerned to find remedy to their own specific health choices.

As the owner of property the state may dictate their policy on the presence of secondhand smoke on their property. As the owner of property a private business must be allowed the same rights afforded any property owner. All property owners must provide a hazardous free work place for their employees. The presence of secondhand smoke in the workplace is not a hazard in any emissions standards applied to date and to imply otherwise borders ignorance based on fear alone.

And do we really want Health and Social Services to become enforcers instead of informers on health in our state?

Larry J. Hackenmiller

Mindy Rowland

From: Elizabeth Ripley <eripley@healthymatsu.org>
Sent: Monday, April 07, 2014 9:33 AM
To: Sen. Bert Stedman; Sen. Peter Micciche; Sen. Kevin Meyer; Sen. Pete Kelly; Sen. Johnny Ellis
Subject: Mat-Su Health Foundation support for SB 209
Attachments: House Bill 360_SB 209 Resolution of Support.pdf; Resolution of Support for Smokefree Alaska copy.pdf

Dear Chairman Stedman and Members of the Committee:

In 2013, the Mat-Su Health Foundation completed a Mat-Su Community Health Needs Assessment, where we documented the prevalence of chronic lower respiratory disease along with smoking. Smoking contributes to the occurrence of chronic lower respiratory disease. Almost 23% of Mat-Su adults reported smoking in 2011, nearly double the Healthy People 2020 Goal for adults of 12%. Nevertheless, the percentage of Mat-Su adults smoking in 2011 was significantly lower than the 29.7% reported in the years 2000-2001. Among Mat-Su adults aged 65 or older, 12.2% were active smokers in 2011. The Mat-Su chronic lower respiratory disease death rate was 48.7 per 100,000 people during 2007-2009. The chronic lower respiratory disease rate decreased 25% from 1999-2001 to 2007-2009. So we're making progress!

Nonetheless, we must be vigilant about applying environmental strategies to further reduce smoking rates and also the prevalence of preventable chronic lower respiratory diseases. Clean indoor air legislation is an environmental strategy. It changes the environment of public spaces and of businesses to improve air quality for business owners, employees and their clientele.

There has been a great deal of testimony in regard to e-cigarettes and many people are not quoting real studies or sources. Some people testified that e-cigarettes are a smoking cessation tool. To the contrary, this is what we know:

- Electronic cigarettes have not been shown to be effective for smoking cessation (Journal of the American Medical Association, March 24, 2014) and have not been approved by the FDA as smoking cessation aids.
- Most smokers who use them while they tried to quit either became hooked on "vaping" or reverted back to smoking cigarettes (Journal of the American Medical Association, 2013).
- Those who are looking to stop smoking can turn to many FDA-approved medications that have been shown to be safe and effective for this purpose.

Some people testified that e-cigarettes have no risk to non-smokers. Here's what we know:

E-cigarettes are a nicotine-delivery system, highly addictive and ultimately harmful because of their nicotine. While they do not produce secondhand smoke, e-cigarettes do produce secondhand vapor. Although manufacturers say it is water vapor and therefore harmless, they haven't conducted the research necessary to prove this. We have not identified everything that is in e-cigarette formulas. People should not be subjected to secondhand vapor smoke until manufacturers have proven it to be safe for everyone, including *children, pregnant women, the elderly, and people with certain medical conditions.*

One study found that vaping worsened indoor air quality, specifically by increasing the concentration of nicotine, particulate matter, PAHs and aluminum – compounds that have been linked to lung and cardiovascular disease and cancer (International Journal of Hygiene and Environmental Health, 2013)

Repeated exposure to nicotine could result in nicotine addiction or cardiovascular toxicity (Journal of Addiction Medicine, January 8 2014).

The idea that we should “trust” the tobacco companies to tell us the truth and protect us from harm is preposterous. They stand on a legacy of lies and equivocations. For decades, the tobacco industry marketed their products to kids until that became illegal through regulation. The majority of current smokers started smoking before the age of 18. These same companies are now marketing e-cigarettes to kids with fruit, cherry-cola, candy cane, chocolate and caramel-flavored brands through Facebook and Instagram—because e-cigarette use and marketing has not yet been regulated. Suggesting that e-cigarettes are effective for smoking cessation will potentially reintroduce the social norm that smoking/nicotine is safe and acceptable—*not the message we want our kids to hear.* Again, it pays these companies to hook kids on e-cigarettes, because once addicted, they will buy them for years and years unless they manage to kick the addiction.

Also due to current lack of regulation, manufacturers of e-cigarettes may not adequately disclose all the chemicals in them.

We need to protect the public now—not later—and ensure that SB209 passes and applies to e-cigarettes as well as other oral smoking devices as defined within the bill. The Mat-Su Health Foundation fully supports SB209 and encourages you to expedite its passage. Attached is a Resolution documenting this support. We appreciate your endorsement of this bill, which will have a profound impact on the health of Alaskans.

Elizabeth Ripley, Executive Director

Mat-Su Health Foundation

950 E. Bogard Road, Ste. 218

Wasilla, AK 99654

(907) 352-2863

(907) 352-2865 fax

eripley@healthymatsu.org



Resolution in Support of Eliminating Secondhand Smoke in Workplaces and Public Places

Whereas, the 2006 Surgeon General's Report Found overwhelming evidence that secondhand smoke exposure is a risk to anyoneⁱ and that the Surgeon General of the United States stated that "The scientific evidence is now indisputable: secondhand smoke is not a mere annoyance. It is a serious health hazard"ⁱⁱ; and

Whereas, secondhand smoke is a leading cause of preventable death in the United States, causing deaths of more than 50,000 Americans per yearⁱⁱⁱ and an estimated 120 Alaska adults^{iv}; and

Whereas, the Environmental Protection Agency classified secondhand tobacco smoke as a known human lung carcinogen, and therefore concludes that secondhand smoke is a health risk to nonsmokers^v; and

Whereas, the World Health Organization states that secondhand smoke is a human carcinogen for which there is no "safe" level of exposure^{vi}; and

Whereas, secondhand smoke has been proven to cause cancer, heart disease, and asthma in both smokers and non-smokers^{vii}; and

Whereas, the Center for Disease Control and Prevention (CDC) warn that all patients with or at increased risk of coronary heart disease should avoid all indoor environments that permit smoking^{viii}; and

Whereas, studies show that infants and children are especially vulnerable to secondhand smoke, suffering more respiratory problems, ear infections, asthma, and sudden infant death syndrome, as a result of exposure⁶, and pregnant women exposed to secondhand smoke are at increased risk to have low birth-weight babies^x; and

Whereas, no ventilation system can remove all the harmful elements in secondhand smoke from the air, according to the American Society of Heating, Refrigeration and Air Condition Engineers (ASHRAE)^x; and

Whereas, numerous studies have shown that smoke-free policies have either a neutral or positive impact on businesses^{xi}; and

Whereas, the majority of Alaskans and other Americans do not smoke^{xii}; and

Whereas, worksites and public places are locations where children, members of the community and employees are exposed to secondhand smoke; and

Whereas, smoke-free air policies have been shown to protect the public from exposure to secondhand smoke, and help smokers reduce the number of cigarettes consumed or quit entirely^{xiii}; and

Whereas, one of the goals of Healthy Alaskans 2020 is to “increase the proportion of Alaskans who are tobacco-free”^{xiv}; and

Whereas, all Alaskans have the right to breathe smokefree air;

Therefore Be It Resolved that Mat-Su Health Foundation supports House Bill 360 and Senate Bill 209 prohibiting smoking in certain locations, and providing for an effective date;

ATTEST:

Approved by the Mat-Su Health Foundations Board of Directors March 17, 2014



Linda Conover, Chair

ⁱ U.S. Department of Health and Human Services. *The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General-Executive Summary*. U.S. Department of Health and Human Services, Center for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006

ⁱⁱ U.S. Department of Health and Human Services Office of the Surgeon General news release “The Health Effects of Secondhand Smoke.” Downloaded February 23, 2011 from <http://www.surgeongeneral.gov/news/speeches/06272006a.html>

ⁱⁱⁱ Americans for Nonsmokers’ Rights (August 25, 2010). *Secondhand Smoke*. Downloaded November 11, 2010 from <http://www.no-smoke.org/getthefacts.php?id=13>.

^{iv} Campaign for Tobacco-Free Kids “The Toll of Tobacco in Alaska” Fact Sheet, downloaded February 23, 2011 at: http://www.tobaccofreekids.org/facts_issues/toll_us/alaska

^v U.S. Environmental Protection Agency. *Respiratory Health Effects of Passive Smoking: Lung Cancer and Other Disorders*. Washington, DC: U.S. Environmental Protection Agency; 1992. Pub. No. EPA/600/6-90/006F

^{vi} World Health Organization. *International Consultation on Environmental Tobacco Smoke (ETS) and Child Health*./January11-14, 1999(WHO/NCD/TFI/99.10)

^{vii} National Cancer Institute. Health Effects of Exposure to Environmental Tobacco Smoke. Smoking and Tobacco Control Monograph No. 10. Bethesda, MD: U.S. Department of Health and Human Services, National Institutes of Health, National Cancer Institute; 1999.

^{viii} Pechacek, TF and Babb, S, How acute and reversible are the cardiovascular risks of secondhand smoke" *BJM*. 2004 Apr 24;328(7446):980-3

^{ix} U.S. Department of Health and Human Services. Women and Smoking: a report of the Surgeon General. Washington, DC: US Government Printing Office, 2001.

^x Samet, J.; Bohanon, Jr., H.R.; Coultas, D.B.; Houston, T.P.; Persily, A.K.; Schoen, L.J.; Spengler, J.; Callaway, C.A., "ASHRAE position document on environmental tobacco smoke," American Society of Heating, Refrigeration and Air Conditioning Engineers, (ASHRAE), 2005.

^{xi} Scollo, M. Lal, A., Hyland, A., Glantz, S.A. Review of the quality of studies on the economic effects of smoke-free policies on the hospitality industry. *Tobacco Control*, 12: 13-20, 2003.

^{xii} Centers for Disease Prevention and Control: State-Specific Secondhand Smoke Exposure and Current Cigarette Smoking Among Adults-United States, 2008. *Morbidity and Mortality Weekly Report* November 13, 2009/58(44);1232-1235

^{xiii} Zaza, SI, Peter A Briss, PA, Harris, KW (eds), *The Guide to Community Preventative Services: What Works to Promote Health? Task Force on Community Prevention Services*, Oxford University Press, 2005.

^{xiv} State of Alaska Health and Social Services: "Healthy Alaskans 2020: 25 Leading Health Indicators, by Objective;" <http://hss.state.ak.us/ha2020/25LHI.htm>

Resolution of Support for Smokefree Alaska

Whereas, Secondhand smoke contains more than 4,000 chemicals, 69 of which are known to cause cancer, including formaldehyde, benzene, vinyl chloride, arsenic, ammonia and hydrogen cyanide, and people who are exposed to secondhand smoke are inhaling many of the same cancer-causing substances and poisons as smokers; and

Whereas, Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution and that breathing secondhand smoke is a cause of disease in healthy nonsmokers, including heart disease, stroke, respiratory disease and lung cancer; and

Whereas, The 2006 U.S. Surgeon General's Report, *"The Health Consequences of Involuntary Exposure to Tobacco Smoke,"* concluded that there is no risk-free level of exposure to secondhand smoke; ventilation and other air cleaning technologies cannot eliminate exposure of nonsmokers to secondhand smoke; and smokefree workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace; and

Whereas, The 2010 U.S. Surgeon General's Report, *"How Tobacco Smoke Causes Disease,"* determined that even occasional exposure to secondhand smoke is harmful; and

Whereas, For every eight smokers who die, one nonsmoker dies from exposure to secondhand smoke; and

Whereas, Nine out of ten Alaskans, including seven out of ten smokers, believe that smoking should be prohibited in Alaska workplaces; and

Whereas, Research in communities where smokefree laws have been adopted has consistently shown neutral or positive economic effects to the hospitality industry following a smokefree workplace requirement, and

Whereas, Smokefree workplace laws protect people from secondhand smoke, reduce tobacco use overall and reduce health care costs; and

Whereas, all Alaskans have the right to breathe smokefree air;

THEREFORE, we, the undersigned support a law in Alaska to make all workplaces 100% smokefree to protect the health and safety of all workers and visitors from the dangers of secondhand smoke.

Organization: Mat-Su Health Foundation
Signature: Elizabeth Ripley
Name: Elizabeth Ripley
Title: Executive Director

Sen. Peter Micciche

From: Betty MacTavish <mactavish.betty@gmail.com>
Sent: Sunday, April 06, 2014 3:57 PM
To: Sen. Peter Micciche
Subject: SB209

Thank you Senator Micciche for promoting SB 209.

There was concern stated in the HSS public hearing that the Pioneer Homes should be exempted from the outdoor smoking areas with 50 feet from the doorways. Testimony gave the example of the unfortunate death of an Anchorage resident that went out to smoke. I want to point out that the woman might have left the facility for a myriad of reasons. The incident was investigated and a number of procedural issues were addressed including resident supervision. The issue was not that she was a smoker.

At the Pioneer Home that the gentleman from Sitka was representing has 2 smokers and 60+ nonsmokers where they have a smoking room within the facility. I do not want to, or have family members, go to a Pioneer Home where they allow Smoking in the facility. The residents are elderly with compromised health that are susceptible to respiratory illnesses, if they are not on oxygen already.

My recommendation to you is not to exempt the Pioneer Homes.
Allow the exemption for stand alone smoke shops and stand alone e-cig stores.

Sincerely,
Betty MacTavish
Kodiak, Alaska

Alaska Dispatch

News and voices from the Last Frontier

Published on *Alaska Dispatch* (<http://www.alaskadispatch.com>)

[Home](#) > Alaska is dying for a statewide smoke-free workplace policy

Michelle Sparck

April 4, 2014

We take our smoke-free air for granted, until it is in our face, or more disturbingly, in our children's faces. We all have a right to the expectation of smoke-free air.

My father, Harold Murray Sparck, was a natural resources consultant. From 1969 on, he worked tirelessly to build up the first grassroots environmental movement to represent Native interests as stakeholders in resource exploration and exploitation, namely for the Yup'ik / Cup'ik of the Yukon Kuskokwim Delta, but also for other demographics of the coastal and interior areas of the state. With Nunam Kitlutsisti (Stewards of the Land), the Association of Village Council Presidents, the Bering Sea Fishermen's Association, the United Nations Convention on the Law of the Sea, the State of Alaska and the Alaska Board of Fisheries, Alaska Board of Game, the Mink Festival, the Community Development Quotas, and the Migratory Bird Treaty Act, my father and many of his contemporaries subjected themselves to thousands of hours in meetings as engaged citizens and advocates. In those days, my father had to endure rooms full of secondhand smoke for as much as 10 hours a day in marathon meetings. He'd come home from a trip, and his luggage and clothing would reek of smoke.

Unable to shake a cough, my father got an X-ray, revealing both lungs riddled with tumors. This was only a few weeks after his 51st birthday. The doctors gave him two weeks to live. He rallied enough to settle his affairs, but he died 10 weeks after diagnosis. My father was not a smoker.

The state of Alaska currently does not have a strong smoke-free law. However, many communities have passed strong local laws. The City of Bethel was one of the first communities to opt for a smoke-free law, three years after his death, in 1998. Anchorage, Klawock and Haines Borough have passed 100 percent smoke-free laws that cover all workplaces, including all restaurants and bars. It is still too much that only half of Alaska's population is covered by a current smoke-free workplace law. No one should have to choose between their health and a good working environment.

We need legislation to combat this workplace threat. Secondhand smoke is a major cause of needless, preventable suffering and death. And it isn't only cancer we need to worry about; non-smokers exposed to secondhand smoke increase their risk of heart disease and lung cancer by up to 30 percent. Ventilation and other "air-cleaning" methods cannot scrub the damage that secondhand smoke causes. Comprehensive smoke-free workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace. We know enough now about the dangers of smoking, and secondhand smoke, to do something about our workplace health.

Michelle Sparck lives in Bethel, Alaska, where she and her sisters manage ArXotica, an Arctic natural cosmetics company.

The views expressed here are the writer's own and are not necessarily endorsed by Alaska Dispatch, which welcomes a broad range of viewpoints. To submit a piece for consideration, e-mail [commentary\(at\)alaskadispatch.com](mailto:commentary@alaskadispatch.com) ^[1].

Source URL: <http://www.alaskadispatch.com/article/20140404/alaska-dying-statewide-smoke-free-workplace-policy>

Links:

[1] <mailto:commentary@alaskadispatch.com>

(LETTER TO EDITOR)
SENATE HSS COMMITTEE

I have grave doubts whether I'll change any minds here. Too many of us have subjugated our alleged minds to the narratives of paid professional activists and their righteous social agenda(s). The truth is what they say it is and to disagree and oppose will certainly brand us as politically incorrect cretins. Unfortunately, far too many of our elected officials now march jack-booted behind these crusading "saints for the public good" all the while proclaiming their dedication to less government, personal liberty and responsibility; the general ideals of conservatism.

Our marchers are currently carrying a banner emblazoned with SB209. A statewide smoking ban. For those of you who haven't ventured out of house for 20 years; we already have a ban in 99% of public places listed for regulation in this legislation. This feat was accomplished by choice of owners, local ordinance or government edict in their own buildings. The problem at hand is that some municipal ordinances failed to pass through councils. Not that they are opposed to the existing 99% ban in public enclosures; they see no reason to ban in stand alone bars with no restaurant facilities. That's the intent here. 99% compliance is not sufficient, the marchers demand 100%. The goal was unattainable piecemeal and so they have fallen back on the blanket approach.

I can go with the 99% ideal. As a polite smoker, I don't want to discomfort those who don't smoke. But do I believe that my smoking is killing *them*? Absolutely not. That's the pretense that they've promulgated their agenda on. More specifically, a 1993 EPA study that was performed so unscientifically it was thrown out by a U.S. District Court in 1998. Our own Congressional Research Agency came along and upheld the ruling. The EPA study cited 3,000 deaths from second hand smoke, not the 53,000 these public provocateurs cite. Junk science and social engineering and I will never buy in.

Nobody has to come into my bar. It's your choice. Smokers are adults, not kids, and they deserve to have their informed choices respected by others. All my bartenders smoke as do 80-90% of my patrons. They are blue collar, working class folks that exactly mirror Nikiski's make-up. They enjoy coming in, having a beer or two, socializing and maybe even lighting up. Who are we harming?

Do I retain a choice in this matter? Well, I should but it seems that private property rights are irrelevant. This is a taking and make no mistake, I will be economically harmed by this action. This is Nikiski, not Anchorage or even Kenai or Soldotna, where loss of business could questionably be supplemented by white collar professionals and/or government workers. Will the marchers continue to make my payroll, pay my insurance, utility bills, and taxes when my margins are squeezed even further?

This legislation is arrogant and control based. The general public has no idea what we contend with by regulators and enforcers. So when Rep. Lindsey Holmes, the sponsor of the House side of this intrusion says "...we have no intent of doing stings", I feel reassured because the President said I could keep my insurance and doctor too. In other words, there are mechanical problems with enforcement that I guess they won't find out about till they pass it. This is quite simply, government over reach, bad public policy based on lousy science wrought with utter disregard of personal choice. Why can't we be left alone to enjoy ourselves in the last refuges for smokers in the state? There is no valid answer. There is only elitism.

Think they're just marching over me? Keep your eyes peeled. There's always a new banner to pick up and march forward.....toward you.

Gary Superman

Box 8425

Nikiski, AK 99635

907-776-8448

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 8:23 AM
To: Mindy Rowland
Subject: FW: Alaska smokefree workplace

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

From: Bunte, Barbara J (HSS) [<mailto:barbara.bunte@alaska.gov>]
Sent: Monday, March 24, 2014 4:32 PM
To: Sen. Peter Micciche
Subject: Alaska smokefree workplace

Dear Senator Micciche,

I have just started talking smoke free workplace with businesses and agencies in Cordova. I am impressed with the number of local businesses that have already chosen to go smoke free (2 bars, 4 businesses). There are also a great number of businesses that do not allow smoking, but they do not want to "go public", in part because they do not perceive support. I believe the State of Alaska legislature needs to set an example that will convey to the business community the importance of this health issue.

Thank you so much for supporting the silent majority.

Sincerely,
Barb Bunte

Barbara Bunte, PHN III, State of Alaska
Cordova Public Health Center
PO Box 359
Cordova, AK 99574
907-424-4547
907-424-4548 fax
Eat More <°((((><

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 2:17 PM
To: Mindy Rowland
Subject: FW: Alaska Smokefree Workplaces

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Cancer Society Cancer Action Network [<mailto:ican@acscan.org>] On Behalf Of Hal Smalley
Sent: Tuesday, March 25, 2014 1:43 PM
To: Sen. Peter Micciche
Subject: Alaska Smokefree Workplaces

Mar 25, 2014

Senator Peter Micciche
State Capitol, Room 125
120 Fourth Street
Juneau, AK 99801-1182

Dear Senator Micciche,

I am a constituent and a supporter of a statewide smoke-free law that protects workers from the dangers of secondhand smoke. It's important that HB 360 move as quickly as possible through the Health & Social Services Committee. I urge you and the other committee members to approve this important legislation without delay.

Having two parents die young of lung cancer because of smoking, their employers providing smoking opportunities at work, gives me too good of a view about the dangers of smoking in the workplace. We could claim ignorance. We didn't know then what we know now.

If I eat poorly or drink a beer in a public setting, I do not endanger the health of those who are around me. That is the difference between smoking and other behaviors. And currently, in about 1/2 the state, if I am an employee my choice has been made for me.

Clean air in Alaska has a nice ring to it. I think about half of the rest of the U.S. already has comprehensive smoke-free workplaces. It's time for us.

I trust you will be vigilant about statistics that will start popping up now that this legislation is being heard. When I was teaching English and kids were writing research papers I told them to "cite your sources so that I can check them out." And I did. Not surprisingly a few were "creative facts and statistics". That was only about a grade in a class. The tobacco industry spends millions in Alaska and they are trying for more than a good grade.

Thank you for your support. The HSS Committee is only the first step.
As the bill moves forward, your continued support will be greatly appreciated.

Sincerely,

Mr. Hal Smalley
105 Linwood Ln
Kenai, AK 99611-8112
(907) 283-7469

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 12:43 PM
To: Mindy Rowland
Subject: FW: E-cigs

Mindy Rowland

Legislative Aide
Senator Peter Micciche
465-2828

From: sharon wolkoff [<mailto:sharonwolkoff@gmail.com>]
Sent: Tuesday, March 25, 2014 12:30 PM
To: Sen. Gary Stevens; Rep. Alan Austerman; Sen. Peter Micciche; Rep. Lindsey Holmes
Subject: E-cigs

Honorable Senator Peter Micciche, Honorable R

I'm writing concerning the e-cigarettes. My granddaughter is in high school and she said she is seeing her classmates using them. I'm concerned because the reports I'm hearing from the ANR states that there are carcinogens and harmful vapors in them. They are not being regulated enough because the FDA has not fully investigated them...yet. Until there is a clear statement from the FDA, I hope the bill goes on that ecigs be included in the smokefree workplace bill. Big Tobacco companies own these new products and from what we have seen with them lying about tobacco, can we expect them to be honest about these? I don't think so! I have also had other high school kids ask if they are safe. Please help curtail this issue. I'm also concerned because these youngsters will be entering the workforce this summer and be subjected to being around this unhealthy poisonous garbage! Concerned people need to set the standard and speak up for those who cannot!!!!

Sharon Wolkoff
Box 2607
Kodiak, Alaska 99615

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 2:25 PM
To: Mindy Rowland
Subject: FW: and what about the children?

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Cancer Society Cancer Action Network [<mailto:ican@acscan.org>] On Behalf Of Susan Smalley
Sent: Tuesday, March 25, 2014 1:13 PM
To: Sen. Peter Micciche
Subject: and what about the children?

Mar 25, 2014

Senator Peter Micciche
State Capitol, Room 125
120 Fourth Street
Juneau, AK 99801-1182

Dear Senator Micciche,

I am a constituent and a supporter of a statewide smoke-free law that protects workers from the dangers of secondhand smoke. It's important that HB 360 move as quickly as possible through the Health & Social Services Committee. I urge you and the other committee members to approve this important legislation without delay.

There is talk about exemptions for places selling tobacco. These are places where people bring their children, children who are even more susceptible to health risks of secondhand smoke.

And what about the surrounding businesses if tobacco sellers are adjoining other businesses? In Soldotna, one of the businesses where folks smoke permeate the other businesses who choose not to allow smoking.

Thank you for your careful consideration of this legislation that will save health, lives and ultimately \$\$\$\$ for the state of Alaska.

Thank you for your support. The HSS Committee is only the first step. As the bill moves forward, your continued support will be greatly appreciated.

Sincerely,

Ms. Susan Smalley

105 Linwood Ln
Kenai, AK 99611-8112
(907) 283-7469

Mindy Rowland

From: Mindy Rowland
Sent: Thursday, March 27, 2014 2:43 PM
To: Mindy Rowland
Subject: FW: non smoking bill in Senate

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: Jim Fassler [<mailto:jimfassler@gmail.com>]
Sent: Thursday, March 27, 2014 12:44 PM
To: Sen. Peter Micciche
Subject: non smoking bill in Senate

I would like to support the measure to not allow smoking in public buildings including bars. As you may remember, representing the Veterans of Foreign Wars, I opposed this several years ago when Soldotna and Kenai were trying to adopt ordinances to this effect. I was opposed only because it was only in city limits. Customers of establishments in Soldotna and Kenai would have gone outside the towns so they could smoke, making it nearly impossible for the rest to survive. I would not have opposed the ordinance if it had been borough wide or state wide.

I am writing this as an individual and not as a member of the VFW.

Thank you for your consideration of this bill & hope you will agree with me on this one

Jim Fassler
36815 Cheechako News Dr
Soldotna, AK 99669
907-398-8384

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 2:18 PM
To: Mindy Rowland
Subject: FW: Please support your community

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: Regina Theisen [<mailto:aktheisen57@gmail.com>]
Sent: Tuesday, March 25, 2014 1:43 PM
To: Sen. Peter Micciche
Subject: Please support your community

Senator Micciche,

We all have a responsibility to support our fellow friends and neighbors in the Kenai Peninsula. Please help us by supporting HB 360 smoke free work places. We all have a right to breathe clean air. Let's make our health a priority.

Regina Theisen

Sent from my iPad

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, March 26, 2014 8:48 AM
To: Mindy Rowland
Subject: FW: Protecting workers from secondhand smoke

Mindy Rowland

Legislative Aide
Senator Peter Micciche
465-2828

From: Dan Gensel [<mailto:dkgensel@ptialaska.net>]
Sent: Wednesday, March 26, 2014 8:36 AM
To: Sen. Peter Micciche
Subject: Protecting workers from secondhand smoke

I am in support for protecting workers from secondhand smoke and thank you for including e-cigarettes in the discussion (as we now know that not only is secondhand aerosol not simply a harmless water vapor, but they are also being used as illegal drug delivery devices using liquid marijuana and opiates).

I agree conceptually with protecting folks from the toxins in secondhand smoke and secondhand aerosol.

Thank you for all you do!!!

Kathy GenselJ

Box 3398

Soldotna, AK. 99669

262-9263

Mindy Rowland

From: Mindy Rowland
Sent: Monday, March 24, 2014 11:43 AM
To: Mindy Rowland
Subject: FW: smoke free work environment

Mindy Rowland

Legislative Aide
Senator Peter Micciche
465-2828

From: Andy McLaughlin [<mailto:andy@Chugachmiut.org>]
Sent: Monday, March 24, 2014 11:11 AM
To: Sen. Peter Micciche
Subject: smoke free work environment

Dear Senator,

I am an Alaskan health care worker. I support all efforts and legislation that creates a smoke free work environment. It just makes plain sense to me to create clean air for people to breathe when second hand smoke is proven to cause disease.

I find it appalling that other people might send you opposition letters to this, it is not their lungs in need of protection. They are not socially acceptable. Considering that they are willing to forfeit the health of others in the name of their own profiteering, it should be considered criminal. Healthy people should not be allowed to be harmed at the expense of a notion promoted by the pro smoking lobby. Second hand smoke infringes on the right of non smokers to breathe normally unpolluted air.

Thanks for your consideration,

Cheers,

Andy McLaughlin- Community Health Practitioner (CHP), EMT, BS, AAS- Certified in Community Health

Mindy Rowland

From: Mindy Rowland
Sent: Monday, March 24, 2014 9:41 AM
To: Mindy Rowland
Subject: FW: Smoke Free Work Place

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: Narcisco Penamora [<mailto:Narcisco@Chugachmiut.org>]
Sent: Monday, March 24, 2014 9:17 AM
To: Sen. Peter Micciche
Subject: Smoke Free Work Place

Dear Senator,

As an ex-smoker, I can see that having a policy for smoke free workplace works wonder. Please continue supporting this policy, it saves lives.

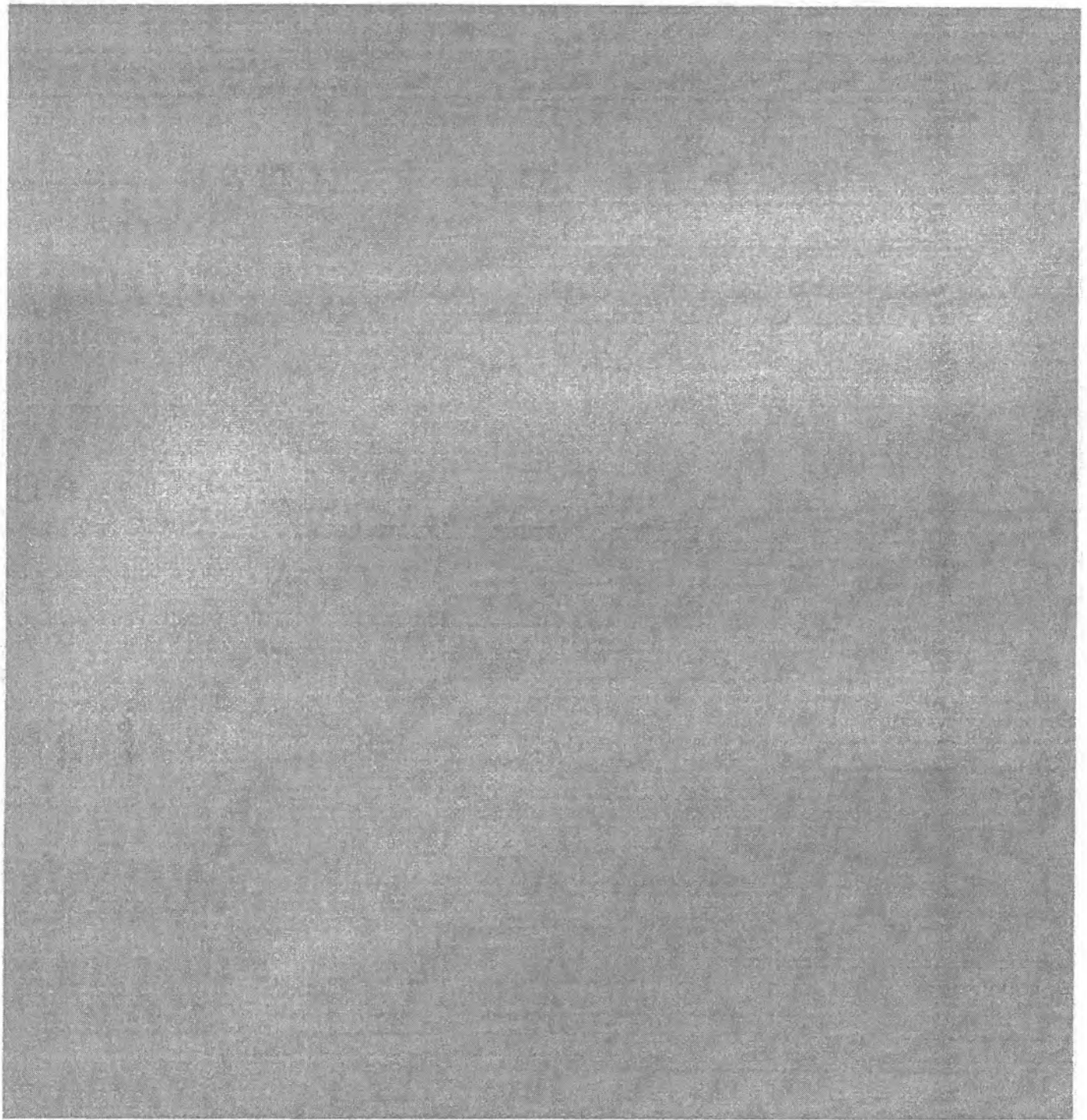
Keep up the good work,
Cisco M. Penamora, LBSW, CDCS/II
Sent from my iPhone

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 8:44 AM
To: Mindy Rowland
Subject: FW: Smoke free Workplaces

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

From: rmorris@kenaitze.org [mailto:rmorris@kenaitze.org]
Sent: Tuesday, March 25, 2014 8:34 AM
To: Sen. Peter Micciche
Subject: Smoke free Workplaces



I agree with protecting people, including myself, from secondhand smoke and toxins in our communities. Thank you for this support!

"If you fell down yesterday, stand up today."

British author, H.G. Wells

Robin C Morris, BS, MAT

Diabetes Prevention Coordinator/Wellness Consultant

Dena'ina Health Clinic

416 Frontage Rd, Suite 200

Kenai, AK 99611

Ph: 907.335.7322

Fax: 907.335.7349

rmorris@kenaitze.org



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Mindy Rowland

From: Mindy Rowland
Sent: Monday, March 24, 2014 9:38 AM
To: Mindy Rowland
Subject: FW: smoke free

Mindy Rowland

Legislative Aide
Senator Peter Micciche
465-2828

From: Glenn Schiff [<mailto:Glenn@Chugachmiut.org>]
Sent: Monday, March 24, 2014 9:28 AM
To: Sen. Peter Micciche
Subject: smoke free

If people need to smoke they should have to do it away from other people who do not care to have their air contaminated. Also many people have allergies that are set off by 2nd hand smoke, like my wife. As a pharmacist, I see many ex-smokers who do not want to be exposed to smoke because it gives them the desire to start it up again. My wife Sandi has these same opinions so you can list both of us as supporters of no smoking.

Glenn Schiff, R.Ph
PO Box 2088
201 3rd Avenue, Suite 201
Seward, AK 99664
(907) 224-4907
(907) 224-5870 fax
glenn@chugachmiut.org

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 2:13 PM
To: Mindy Rowland
Subject: FW: Smoke Free

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: skeeterbite123@gmail.com [<mailto:skeeterbite123@gmail.com>]
Sent: Tuesday, March 25, 2014 1:05 PM
To: Sen. Peter Micciche
Subject: Smoke Free

Hello Senator Micciche! I support a smoke free work place. Everyone has the right to breathe smoke free air. Thank You!

Marquitta M. Andrus

Sent from my iPhone

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 2:08 PM
To: Mindy Rowland
Subject: FW: Smoke-free workplace sponsorship

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

From: Susan S [<mailto:asusansmallev@yahoo.com>]
Sent: Tuesday, March 25, 2014 12:50 PM
To: Sen. Peter Micciche
Subject: Smoke-free workplace sponsorship

Dear Senator Micciche,

I am so grateful that you are a sponsor of this bill. I know that those opposed are fewer in numbers but not very kind and it seems to me unwilling to have conversations. I'm sorry for the flak that this has caused for you but very proud that you are willing to carry it through.

Of course you have seen the Raven youtube video. My visceral reaction to its cuteness is difficult for me to describe when I think of the people I have lost in my life to tobacco products. I think it is "catchy" and repugnant and so very clever that I would imagine there are similar videos out there in the rest of the America - it was quite professionally done and the local folks are such a good touch. It's also such a nice touch that KSRM is making it available on its website.

I would love to know how they came up with the statistics that they were so willing to show us. The good news is that we know that we have more than 400 groups and businesses and corporations that are real and endorsing smoke-free work places.
(and mostly Alaskans profess not to care how they do it Outside).

Children also come into places where tobacco is sold and they are especially susceptible to secondhand smoke. And employees everywhere deserve clean air in the workplace.

Thank you for continuing this fight to help Alaskans stay healthy. It is good for lives and for economics.

One additional comment is about exemptions that some are suggesting. If a tobacco store is in a mall setting, stores around it will not be smoke-free. So would free-standing stores be exempt and others not. It is a slippery slope, as they say.

Sincerely,
Susan Smalley

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 8:20 AM
To: Mindy Rowland
Subject: FW: SMOKEFREE WORKPLACE

Mindy Rowland

Legislative Aide
Senator Peter Micciche
465-2828

From: Bunny Kishaba [<mailto:bunny.kishaba@aksbdc.org>]
Sent: Monday, March 24, 2014 5:01 PM
To: Sen. Peter Micciche
Cc: Bryan Zak
Subject: SMOKEFREE WORKPLACE

Dear Senator Micciche:

Bryan Zak, our Associate State Director, is attending our National SBDC Conference in Washington, D.C. but he said that we **DEFINITELY SUPPORT SMOKEFREE WORKPLACES IN ALASKA!** The email below from Jenny, says we just have to send you an email. Please let me know if you need anything else.

Bunny

Bunny Kishaba - Administrative Assistant
Alaska Small Business Development Center-South West Region
43335 Kalifornsky Beach Road
Red Diamond Center Suite 12

Soldotna, AK 99669

Phone: (907) 260-5629 Fax: 260-1695

NEW Email: Bunny.Kishaba@aksbdc.org

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From: "Jenny Olendorff" <tcap@alaska.net>

Mindy Rowland

From: Mindy Rowland
Sent: Monday, March 24, 2014 9:38 AM
To: Mindy Rowland
Subject: FW: Smokefree Workplaces

Mindy Rowland

Legislative Aide
Senator Peter Micciche
465-2828

From: Jerry Luken [<mailto:jeremy@Chugachmiut.org>]
Sent: Monday, March 24, 2014 9:37 AM
To: Sen. Peter Micciche
Subject: Smokefree Workplaces

Senator Micciche,

Thank you for your work supporting smoke-free workplaces in Alaska.

Sincerely,

Jerry Luken

Communications Manager

907.334.0146

800.478.4155

1840 Bragaw Street, Ste. 110

Anchorage, Alaska 99508-3463

www.chugachmiut.org

www.facebook.com/ChugachmiutALUTIIQ

Mindy Rowland

From: Mindy Rowland
Sent: Monday, March 24, 2014 9:42 AM
To: Mindy Rowland
Subject: FW: Smokefree Workplaces

Mindy Rowland

Legislative Aide
Senator Peter Micciche
465-2828

From: Amy Rattenbury [<mailto:arattenbury@svt.org>]
Sent: Monday, March 24, 2014 9:14 AM
To: Sen. Peter Micciche
Subject: Smokefree Workplaces

Dear Senator Micciche,

Tobacco use is the number one cause of preventable deaths in the US and causes over 400,000 deaths a year. As a health care worker, we see everyday that most diseases are complicated or caused by tobacco use. Please continue to fight for the right of all Alaskans to work and thrive in smoke-free environments. No one should be subjected to harmful and toxic secondhand smoke in order to make a living. Secondhand smoke causes over 50,000 deaths a year in the US. Ensuring that all workplaces in Alaska are smoke-free will help lower these numbers and literally save tens of thousand of lives!

Thank you for your support!

Amy Rattenbury, MSOM, L.Ac., Dipl. OM.
Seldovia Village Tribe Health & Wellness
880 East End Road
Homer, AK 99603
Phone: 907.435.3280
arattenbury@svt.org

On Mar 24, 2014, at 8:51 AM, Jenny Olendorff wrote:

Senator.Peter.Micciche@akleg.gov

Mindy Rowland

From: Mindy Rowland
Sent: Monday, March 31, 2014 1:30 PM
To: Mindy Rowland
Subject: FW: Support for SB209 and HB360-smokefree workplaces

Mindy Rowland

Legislative Aide
Senator Peter Micciche
465-2828

From: Debbie Shuey [<mailto:shueycurt@yahoo.com>] **On Behalf Of** debcoa@yahoo.com
Sent: Monday, March 31, 2014 12:39 PM
To: Sen. Peter Micciche
Subject: Support for SB209 and HB360-smokefree workplaces

Dear Honorable Peter Micciche,

I would like to take this opportunity to express my support for SB209 and HB360, which will ensure that all workers are protected from exposure to secondhand smoke emitted from combustible tobacco products and from secondhand aerosol emitted from electronic cigarettes.

As a citizen who resides and works in prevention and health services in the central Kenai Peninsula, I am well aware of the health consequences associated with tobacco use and other harmful substances. Your inclusion of e-cigarettes in this legislation is of particular interest to me because of recent studies, as well as anecdotal evidence across the country, that e-cigarettes, by their design, are now being used as delivery devices for not only nicotine but also liquid THC (marijuana) and other opiates. In addition, the scientific evidence is mounting that the aerosol emitted from e-cigarettes is not simply a harmless water vapor, rather it contains chemicals and particulates that are known to cause significant breathing problems, at a minimum.

Working in the prevention and health field for over 25 years, I am well aware of trends that could endanger the lives of future generations. The seductive advertising used by e-cigarette companies, the appealing nicotine flavors offered, and the appeal of anything electronic to young people makes me very appreciative that e-cigarettes are being treated as cigarettes in this bill. We do not want to set up another generation of Americans for nicotine addiction.

Sincerely,

Debra L Shuey

Debra L. Shuey

35077 Kalifornsky Beach Road

Kenai, AK 99611

907-283-6650

Mindy Rowland

From: Mindy Rowland
Sent: Monday, March 24, 2014 11:43 AM
To: Mindy Rowland
Subject: FW: Thank you

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

From: Sheila Hurst [<mailto:shurst@crnative.org>]
Sent: Monday, March 24, 2014 11:02 AM
To: Sen. Peter Micciche
Subject: Thank you

Dear Senator Micciche,

I would like to Thank you for recognizing the need to protect people from secondhand smoke in the workplace. I work on a tobacco free campus and appreciate that I'm protected by this policy and that everyone deserves the right to breathe smokefree air in the workplace.

Sheila Hurst

Mindy Rowland

From: Mindy Rowland
Sent: Monday, March 24, 2014 9:41 AM
To: Mindy Rowland
Subject: FW: Workplace health

Mindy Rowland

Legislative Aide
Senator Peter Micciche
465-2828

From: Michael Horton [<mailto:MichaelH@Chugachmiut.org>]
Sent: Monday, March 24, 2014 9:23 AM
To: Sen. Peter Micciche
Cc: Trudy Valenza
Subject: Workplace health

Dear Senator Micciche;

I am a BIG supporter of a smoke-free and tobacco-free workplace, and I am glad that you are also. I understand that you will hear some grumbings from smokers who do not want to go outside during our cold Alaskan winters to smoke, but I can attest to the health benefits. I work at Chugachmiut that has smoke-free policies. But, it was while I was at Kodiak Area Native Association where I saw some of the greatest changes. A number of my co-workers- many of whom had smoked for decades- gave up smoking altogether when we went smoke-free. There is a bit of political heat that you will feel from people who believe that these initiatives trample on their "rights" to smoke or create toxic secondhand clouds in the workplace, I am sure; but when you weigh these instances of malcontent against the lives saved and the cleaner indoor air that we breathe, it is well worth the fight. Thank you for your support of these efforts!

Michael Horton, Behavioral Health Director

Mindy Rowland

From: Michelle Sparck <mstundra@gmail.com>
Sent: Wednesday, April 02, 2014 4:56 PM
To: Sen. Peter Micciche; Rep. Lindsey Holmes; House Health and Social Services; Senate State Affairs
Subject: Smoke-Free Alaska

To Whom it May Concern in Juneau:

We take our smoke-free air for granted, until it is in our face, or more disturbingly, in our children's faces. We all have a right to the expectation of smoke-free air.

My father, Harold Murray Sparck was a natural resources consultant. From 1969 on, he worked tirelessly to build up the first grass-roots environmental movement to represent Native interests as stakeholders in resource exploration and exploitation, namely for the Yup'ik / Cup'ik of the Yukon Kuskokwim Delta, but for other demographics of the coastal and interior areas of the State. With Nunam Kitlutsisti (Stewards of the Land,) AVCP, the Bering Sea Fishermen's Association, the United Nations Convention on the Law of the Sea, the State of Alaska and the Alaska Board of Fisheries, Alaska Board of Game, the Mink Festival, the Community Development Quota's, and the Migratory Bird Treaty Act, my father and many of his contemporaries subjected themselves to thousands of hours in meetings as engaged citizens and advocates. In those days, my father had to endure rooms full of second-hand smoke for as much as 10 hours a day in marathon meetings. He'd come home from a trip and his luggage and clothing would reek of smoke.

Unable to shake a cough, my father got an x-ray, revealing both lungs riddled with tumors. This was only a few weeks after his 51st birthday. The doctors gave him two weeks to live. He rallied enough to settle his affairs, but he died 10 weeks after diagnosis. My father was not a smoker.

The state of Alaska currently does not have a strong smokefree law. However many communities have passed strong local laws. The City of Bethel was one of the first communities to opt for a smoke-free law, three years after his death, in 1998. Anchorage, Klawock, and Haines County have passed 100% smokefree laws that cover all workplaces, including all restaurants and bars. It is still too much that only half of Alaska's population is covered by a current smoke-free workplace law. No one should have to choose between their health and a good working environment.

We need legislation to combat this workplace threat, secondhand smoke is a major cause of needless, preventable suffering and death. And it isn't only cancer we need to worry about, but non-smokers exposed to secondhand smoke increase their risk of heart disease and lung cancer by up to 30%. Ventilation and other "air-cleaning" methods cannot scrub the damage that secondhand smoke causes. Comprehensive smoke-free workplace policies are the only effective way to eliminate secondhand smoke exposure in the workplace. We know enough now about the dangers of smoking, and second-hand smoke, to do something about our workplace health.

Thank you for your time and consideration,

Michelle

Michelle Sparck
P.O. Box 1210
Bethel, AK 99559

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 5:04 PM
To: Mindy Rowland
Subject: FW: Everyone Deserves the Right to breathe smokefree air!

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Jennifer Adzima
Sent: Tuesday, April 01, 2014 2:46 PM
To: Sen. Peter Micciche
Subject: Everyone Deserves the Right to breathe smokefree air!

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Jennifer Adzima
1605 Nunaka Dr
Anchorage, AK 99504-2441

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 12:39 PM
To: Mindy Rowland
Subject: FW: HB360

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: Grace Olendorff [mailto:grace_olendorff@hotmail.com]
Sent: Tuesday, March 25, 2014 12:13 PM
To: Sen. Peter Micciche
Subject: HB360

I am writing today in support of HB360, which will protect all workers from the dangers of exposure to secondhand smoke in the workplace. I live in Anchorage where I am protected in the workplace, but 50% of the state IS NOT covered by a comprehensive smokefree workplace policy. Everyone deserves the right to breathe smokefree air!

PLEASE support public health by supporting HB360!

Grace

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, March 26, 2014 4:47 PM
To: Mindy Rowland
Subject: FW: Heather Aronno (@haronno) mentioned you on Twitter!

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

From: Heather Aronno (via Twitter) [mailto:notify@twitter.com]
Sent: Wednesday, March 26, 2014 4:15 PM
To: Sen. Peter Micciche
Subject: Heather Aronno (@haronno) mentioned you on Twitter!

@pmiccic Thank you for sponsoring a #smokefree indoor workplace bill including e-cigarettes! I want to breathe clean air when I'm at work! - @haronno



Peter Micciche,
You were mentioned in a Tweet!



[Heather Aronno @haronno](#)

[Follow](#)

@pmiccic Thank you for sponsoring a #smokefree indoor workplace bill including e-cigarettes! I want to breathe clean air when I'm at work!

12:15 AM - 27 Mar 14



[Reply to @haronno](#) [Retweet](#) [Favorite](#)

If you believe Heather Aronno is engaging in abusive behavior on Twitter, you may [report Heather Aronno](#) for spam. Forgot your Twitter password? [Get instructions on how to reset it.](#) You can also [unsubscribe from these emails](#) or change your [notification settings](#). Need [help](#)? If you received this message in error and did not sign up for Twitter, click [not my account](#).
[Twitter, Inc. 1355 Market St., Suite 900 San Francisco, CA 94103](#)

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 1:59 PM
To: Mindy Rowland
Subject: FW: I Support Smoke-Free Workplaces!

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Cancer Society Cancer Action Network [<mailto:ican@acscan.org>] On Behalf Of Johna Beech
Sent: Tuesday, March 25, 2014 10:43 AM
To: Sen. Peter Micciche
Subject: I Support Smoke-Free Workplaces!

Mar 25, 2014

Senator Peter Micciche
State Capitol, Room 125
120 Fourth Street
Juneau, AK 99801-1182

Dear Senator Micciche,

I am a constituent and a supporter of a statewide smoke-free law that protects workers from the dangers of secondhand smoke. It's important that HB 360 move as quickly as possible through the Health & Social Services Committee. I urge you and the other committee members to approve this important legislation without delay.

This important measure will not only save lives, but will have a positive economic impact on the state.

Everyone has the right to breathe smokefree air.

Employees should not have to choose between their income and their health.

Thank you for your support. The HSS Committee is only the first step.
As the bill moves forward, your continued support will be greatly appreciated.

Sincerely,

Ms. Johna Beech
PO Box 2258
Kenai, AK 99611-2258
(907) 394-6006

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 12:49 PM
To: Mindy Rowland
Subject: FW: I Support Smoke-Free Workplaces!

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Cancer Society Cancer Action Network [<mailto:ican@acscan.org>] On Behalf Of Johna Beech
Sent: Tuesday, March 25, 2014 10:43 AM
To: Sen. Peter Micciche
Subject: I Support Smoke-Free Workplaces!

Mar 25, 2014

Senator Peter Micciche
State Capitol, Room 125
120 Fourth Street
Juneau, AK 99801-1182

Dear Senator Micciche,

I am a constituent and a supporter of a statewide smoke-free law that protects workers from the dangers of secondhand smoke. It's important that HB 360 move as quickly as possible through the Health & Social Services Committee. I urge you and the other committee members to approve this important legislation without delay.

This important measure will not only save lives, but will have a positive economic impact on the state.

Everyone has the right to breathe smokefree air.

Employees should not have to choose between their income and their health.

Thank you for your support. The HSS Committee is only the first step.
As the bill moves forward, your continued support will be greatly appreciated.

Sincerely,

Ms. Johna Beech
PO Box 2258
Kenai, AK 99611-2258
(907) 394-6006

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 4:38 PM
To: Mindy Rowland
Subject: FW: I urge you to support a statewide smoke-free workplace law

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Heather Aronno
Sent: Tuesday, April 01, 2014 4:16 PM
To: Sen. Peter Micciche
Subject: I urge you to support a statewide smoke-free workplace law

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Heather Aronno
7020 Potomac Dr
Anchorage, AK 99504-2643
(907) 440-8390

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, March 25, 2014 12:45 PM
To: Mindy Rowland
Subject: FW: Please pass HB 360 for Smoke-Free Workplaces!

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Cancer Society Cancer Action Network [<mailto:ican@acscan.org>] On Behalf Of Mike Crawford
Sent: Tuesday, March 25, 2014 11:43 AM
To: Sen. Peter Micciche
Subject: Please pass HB 360 for Smoke-Free Workplaces!

Mar 25, 2014

Senator Peter Micciche
State Capitol, Room 125
120 Fourth Street
Juneau, AK 99801-1182

Dear Senator Micciche,

I am a constituent and a supporter of a statewide smoke-free law that protects workers from the dangers of secondhand smoke. It's important that HB 360 move as quickly as possible through the Health & Social Services Committee. I urge you and the other committee members to approve this important legislation without delay.

This important measure will not only save lives, but will have a positive economic impact on the state.

Smoking is a blight on our society that only leads to trouble. Please be forward-thinking and pass HB 360.

Thank you for your support. The HSS Committee is only the first step.
As the bill moves forward, your continued support will be greatly appreciated.

Sincerely,

Mr. Mike Crawford
36615 Chinulna Dr
Kenai, AK 99611-8719
(907) 690-3172

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 2:38 PM
To: Mindy Rowland
Subject: FW: SAY YES TO A SMOKEFREE ALASKA (PLEASE)

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Kathleen Reilly
Sent: Tuesday, April 01, 2014 2:16 PM
To: Sen. Peter Micciche
Subject: SAY YES TO A SMOKEFREE ALASKA (PLEASE)

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Kathleen Reilly
2864 E 42nd Ave
Anchorage, AK 99508-5313

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 3:54 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Sheila Hurst
Sent: Wednesday, April 02, 2014 11:48 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mrs. Sheila Hurst
PO Box 301
Copper Center, AK 99573-0301

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 2:39 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Nicholle Chandler
Sent: Tuesday, April 01, 2014 2:16 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Miss Nicholle Chandler
PO Box 847
Skagway, AK 99840
Skagway, AK 99840
(253) 632-1008

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 2:39 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Susan Vogt
Sent: Tuesday, April 01, 2014 2:16 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mrs. Susan Vogt
269 Bias Dr
Fairbanks, AK 99712-2502
(907) 457-6767

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 2:38 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Dennis Brodigan
Sent: Tuesday, April 01, 2014 2:16 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. Dennis Brodigan
3302 N Inspiration Loop
Wasilla, AK 99654-1246
(907) 376-0826

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 2:38 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Marge Stoneking
Sent: Tuesday, April 01, 2014 2:16 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Marge Stoneking
3441 Andree Dr
B
Anchorage, AK 99517-2336

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 3:42 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Tod Bauer
Sent: Tuesday, April 01, 2014 3:16 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. Tod Bauer
PO Box 871502
Wasilla, AK 99687-1502

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 4:38 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Deirdre Booth
Sent: Tuesday, April 01, 2014 4:16 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Deirdre Booth
7440 Tyone Ct
Anchorage, AK 99504-3531

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 5:04 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Melissa Houston
Sent: Tuesday, April 01, 2014 2:46 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Miss Melissa Houston
3132 Petkerin Ave
Apt. 5
Anchorage, AK 99508-1005

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 5:03 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Jessica Bowers
Sent: Tuesday, April 01, 2014 2:46 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Miss Jessica Bowers
4010 Reka Dr
Apt F5
Anchorage, AK 99508-3535
(907) 315-4386

Mindy Rowland

From: Mindy Rowland
Sent: Tuesday, April 01, 2014 5:03 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Ralph Nix
Sent: Tuesday, April 01, 2014 2:46 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. Ralph Nix
9131 Centennial Cir Apt 203b
Anchorage, AK 99504-5035
(907) 244-4488

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 8:30 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of kathleen r jones
Sent: Tuesday, April 01, 2014 6:16 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mrs. kathleen r jones
PO Box 1237
Palmer, AK 99645-1237
(907) 745-4624

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 8:29 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of wayne c jones
Sent: Tuesday, April 01, 2014 6:16 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. wayne c jones
PO Box 1237
Palmer, AK 99645-1237
(907) 745-4624

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 8:29 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Barbara Karl
Sent: Tuesday, April 01, 2014 6:16 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Barbara Karl
2400 E 16th Ave
Anchorage, AK 99508-2906

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 8:29 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Patrick Trojan
Sent: Tuesday, April 01, 2014 6:46 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. Patrick Trojan
PO Box 1494
Seward, AK 99664-1494

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 8:25 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Richard Andrews
Sent: Tuesday, April 01, 2014 8:46 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. Richard Andrews
12621 Saunders Rd
Anchorage, AK 99516-3236

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 8:25 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Sara Wilber
Sent: Tuesday, April 01, 2014 8:46 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 1, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Sara Wilber
PO Box 298804
Wasilla, AK 99629-8804
(907) 355-0098

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 8:23 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Colin Underwood
Sent: Wednesday, April 02, 2014 7:48 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. Colin Underwood
7000 Baxter Terrace Cir
Anchorage, AK 99504-3978

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 8:23 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Barb Brown
Sent: Wednesday, April 02, 2014 8:18 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

i support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mrs. Barb Brown
PO Box 24
Palmer, AK 99645-0024

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 8:23 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Wayne Johnson
Sent: Wednesday, April 02, 2014 8:18 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. Wayne Johnson
4825 Topaz Ave
Anchorage, AK 99502-5170

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 9:54 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of John Wanamaker
Sent: Wednesday, April 02, 2014 9:48 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. John Wanamaker
2964 Wentworth St
Anchorage, AK 99508-4300

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 9:54 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Christopher Jung
Sent: Wednesday, April 02, 2014 9:48 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Dr. Christopher Jung
8360 Nadine St Apt 2
Anchorage, AK 99507-3262

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 9:29 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Linda Gutierrez
Sent: Wednesday, April 02, 2014 8:48 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mrs. Linda Gutierrez
5339 Lionheart Dr
Anchorage, AK 99508-2532

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 11:32 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Elaine Moses
Sent: Wednesday, April 02, 2014 11:18 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mrs. Elaine Moses
3500 Robin St
Anchorage, AK 99504-4058
(907) 538-4915

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 11:32 AM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Gregory Moses
Sent: Wednesday, April 02, 2014 11:18 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mr. Gregory Moses
3500 Robin St
Anchorage, AK 99504-4058
(907) 929-2280

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 3:54 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Lisbeth Jackson
Sent: Wednesday, April 02, 2014 12:18 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Lisbeth Jackson
9000 N Palmer Fishhook Rd
Palmer, AK 99645-8043
(907) 745-6788

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 3:53 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtpacific.org>] On Behalf Of Kiana peacock
Sent: Wednesday, April 02, 2014 1:18 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Dr. Kiana peacock
7802 Honeysuckle Dr
Anchorage, AK 99502-4538
(907) 229-8924

Mindy Rowland

From: Mindy Rowland
Sent: Wednesday, April 02, 2014 3:53 PM
To: Mindy Rowland
Subject: FW: Support Smokefree Alaska

Mindy Rowland
Legislative Aide
Senator Peter Micciche
465-2828

-----Original Message-----

From: American Lung Association in Alaska [<mailto:takeaction@lungmtopacific.org>] On Behalf Of Sheila Hurst
Sent: Wednesday, April 02, 2014 1:48 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Mrs. Sheila Hurst
PO Box 301
Copper Center, AK 99573-0301

Mindy Rowland

From: American Lung Association in Alaska <takeaction@lungmtpacific.org> on behalf of Margaret Krize <sing_66@hotmail.com>
Sent: Thursday, April 03, 2014 9:20 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 3, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Margaret Krize
PO Box 70275
Fairbanks, AK 99707-0275
(907) 351-4669

Mindy Rowland

From: American Lung Association in Alaska <takeaction@lungmtpacific.org> on behalf of Karen Procter <kmprocter@gci.net>
Sent: Wednesday, April 02, 2014 6:49 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Karen Procter
2500 Saint Elias Dr
Anchorage, AK 99517-1249

Mindy Rowland

From: American Lung Association in Alaska <takeaction@lungmtpacific.org> on behalf of Joan Cahill <joanmcahill@gmail.com>
Sent: Wednesday, April 02, 2014 4:49 PM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Joan Cahill
1750 Evergreen Ave
Juneau, AK 99801-1422
(907) 723-3949

Mindy Rowland

From: American Lung Association in Alaska <takeaction@lungmtpacific.org> on behalf of Norma Jean Frank <jeanfrank2@yahoo.com>
Sent: Wednesday, April 02, 2014 10:18 AM
To: Sen. Peter Micciche
Subject: Support Smokefree Alaska

Apr 2, 2014

Senator Peter Micciche
AK

Dear Senator Micciche,

I support a state law to prohibit smoking indoors.

Breathing healthy smoke-free air is important to me and my family. All workers should be protected from the dangers of secondhand smoke in the workplace, and all Alaskans should be protected from secondhand smoke in public places. Please include e-cigarettes in this legislation.

Thank you.

Sincerely,

Ms. Norma Jean Frank
623 Degroff St
Sitka, AK 99835-7443
(608) 604-4592

Mindy Rowland

From: Courtenay Gomez (via Twitter) <notify@twitter.com>
Sent: Thursday, April 03, 2014 10:42 PM
To: Sen. Peter Micciche
Subject: @CourtenayElaine favorited a Tweet you were mentioned in!



Peter Micciche,
A Tweet you were mentioned in got favorited!



Alison Kulas
@AlisonKulas

Thank you for sharing your story Senator @pmiccic! Too many of us have stories like yours. ALL Alaskans deserve smokefree workplaces! #aksw
10:39 PM - 03 Apr 14

Favorited by



Courtenay Gomez @CourtenayElaine
Fish ~ Family ~ Fun Bristol Bay Native

See what else @CourtenayElaine is favoriting.

[View their profile](#)

Forgot your Twitter password? [Get instructions on how to reset it.](#)
You can also [unsubscribe from these emails](#) or change your [notification settings](#). Need [help](#)?
If you received this message in error and did not sign up for Twitter, click [not my account](#).
[Twitter. Inc. 1355 Market St., Suite 900 San Francisco, CA 94103](#)

Mindy Rowland

From: Alison Kulas (via Twitter) <notify@twitter.com>
Sent: Thursday, April 03, 2014 10:39 PM
To: Sen. Peter Micciche
Subject: Alison Kulas (@AlisonKulas) mentioned you on Twitter!

Thank you for sharing your story Senator @pmiccic! Too many of us have stories like yours. ALL Alaskans deserve smokefree workplaces! #aksfw - @AlisonKulas



Peter Micciche,
You were mentioned in a Tweet!



[Alison Kulas @AlisonKulas](#)

 [Follow](#)

Thank you for sharing your story Senator @pmiccic! Too many of us have stories like yours. ALL Alaskans deserve smokefree workplaces! #aksfw

06:39 AM - 04 Apr 14

[Reply to @AlisonKulas](#)  [Retweet](#)  [Favorite](#)

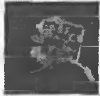
If you believe Alison Kulas is engaging in abusive behavior on Twitter, you may [report Alison Kulas](#) for spam. Forgot your Twitter password? [Get instructions on how to reset it.](#)
You can also [unsubscribe from these emails](#) or change your [notification settings](#). Need [help](#)?
If you received this message in error and did not sign up for Twitter, click [not my account](#).
[Twitter, Inc. 1355 Market St., Suite 900 San Francisco, CA 94103](#)

Mindy Rowland

From: LUNGS Need Clean Air (via Twitter) <notify@twitter.com>
Sent: Thursday, April 03, 2014 3:08 PM
To: Sen. Peter Micciche
Subject: @Scaler17 favorited a Tweet you were mentioned in!



Peter Micciche,
A Tweet you were mentioned in got favorited!



Smoke-Free Alaska
@SmokeFreeAlaska

Thank you Senator [@pmiccic](#) for being our champion for a statewide [#smokefree](#) indoor workplace law! youtu.be/q5ILnNEF0eM [#akleg](#) [#aksfw](#)
10:53 PM - 03 Apr 14

Favorited by



LUNGS Need Clean Air @Scaler17
I Quit Smoking with Acamprosate. I was hooked on Nicotine some 30 years. I'm Nicotine free now for about 7 years, no urges.
<https://t.co/5U4Zp0TaTk>

See what else [@Scaler17](#) is favoriting.

[View their profile](#)

Forgot your Twitter password? [Get instructions on how to reset it.](#)
You can also [unsubscribe from these emails](#) or [change your notification settings](#). Need help?
If you received this message in error and did not sign up for Twitter, click [not my account](#).
[Twitter, Inc. 1355 Market St., Suite 900 San Francisco, CA 94103](#)

Mindy Rowland

From: Heather Aronno (via Twitter) <notify@twitter.com>
Sent: Thursday, April 03, 2014 2:54 PM
To: Sen. Peter Micciche
Subject: @haronno favorited a Tweet you were mentioned in!



Peter Micciche,
A Tweet you were mentioned in got favorited!



Smoke-Free Alaska
@SmokeFreeAlaska

Thank you Senator @pmiccic for being our champion for a statewide #smokefree indoor workplace law! youtu.be/q5ILnNEF0eM #akleg #aksfw
10:53 PM - 03 Apr 14

Favorited by



Heather Aronno @haronno

I like to keep up on Alaska community events and stories. I've also got a thing for getting people to adopt pets. You've been warned.

See what else @haronno is favoriting.

[View their profile](#)

Forgot your Twitter password? [Get instructions on how to reset it.](#)
You can also [unsubscribe from these emails](#) or change your [notification settings](#). Need [help](#)?
If you received this message in error and did not sign up for Twitter, click [not my account](#).
[Twitter, Inc. 1355 Market St., Suite 900 San Francisco, CA 94103](#)

**THE IMPACT OF ANCHORAGE'S 2000 AND 2007
SMOKE-FREE POLICIES
ON SELECT RESTAURANTS AND BARS**

Prepared by:
Mouhcine Guettabi
Rosylind Frazier
Katie Cueva
John Wheeler
Peggy Nye

Prepared for:
The American Lung Association in Alaska

January 2014



Institute of Social and Economic Research
University of Alaska Anchorage
3211 Providence Drive
Anchorage Alaska 99508

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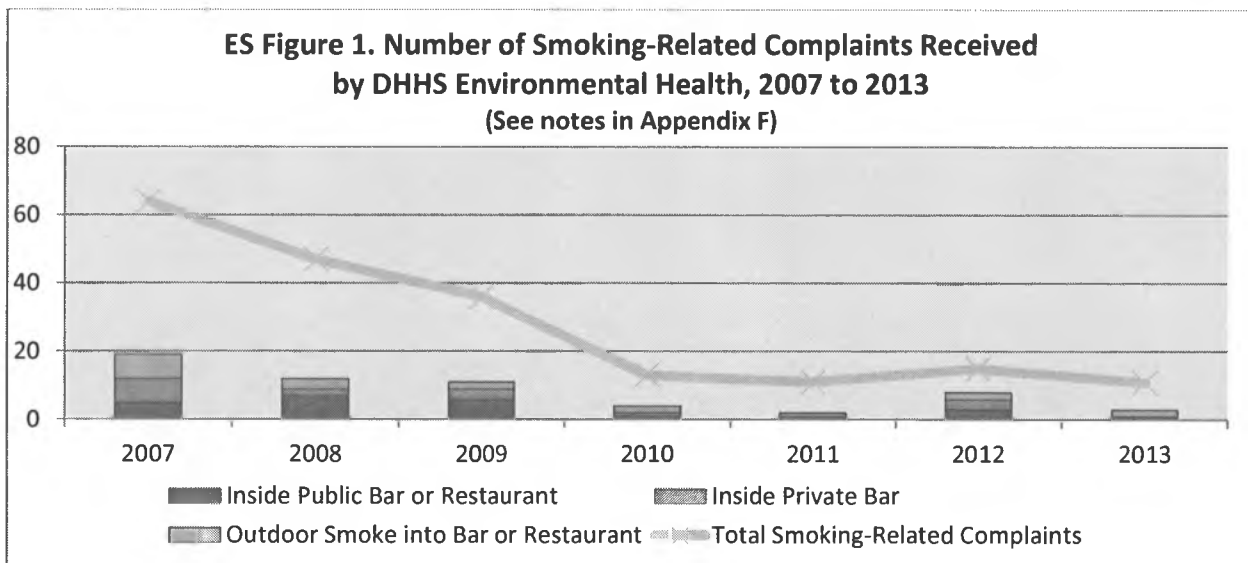
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Executive Summary

The American Lung Association in Alaska (ALAA) asked the Institute of Social and Economic Research (ISER) to investigate the impact of the Anchorage 2000 and 2007 Clean Indoor Air (CIA) municipal ordinances on selected restaurants and bars. As previous U.S. studies have been conducted that speak to the economic and health impacts of CIA laws, ALAA also requested that ISER synthesize results of these existing studies and conduct a survey on restaurant and bar representatives' perceptions of the impact of the ordinances.

Policy Enforcement

The Municipality of Anchorage (MOA), Department of Health and Human Services (DHHS), Division of Environmental Health, Food Safety and Sanitation Program is responsible for enforcing the smoke-free ordinances. Key informants shared that less than 5% of annual complaints received are for smoking related issues, and less than 5% of the investigations conducted are for smoking related issues. The number of organizations investigated for violations varied from three to six per year, and the number of complaints reported is summarized below:



Literature Review

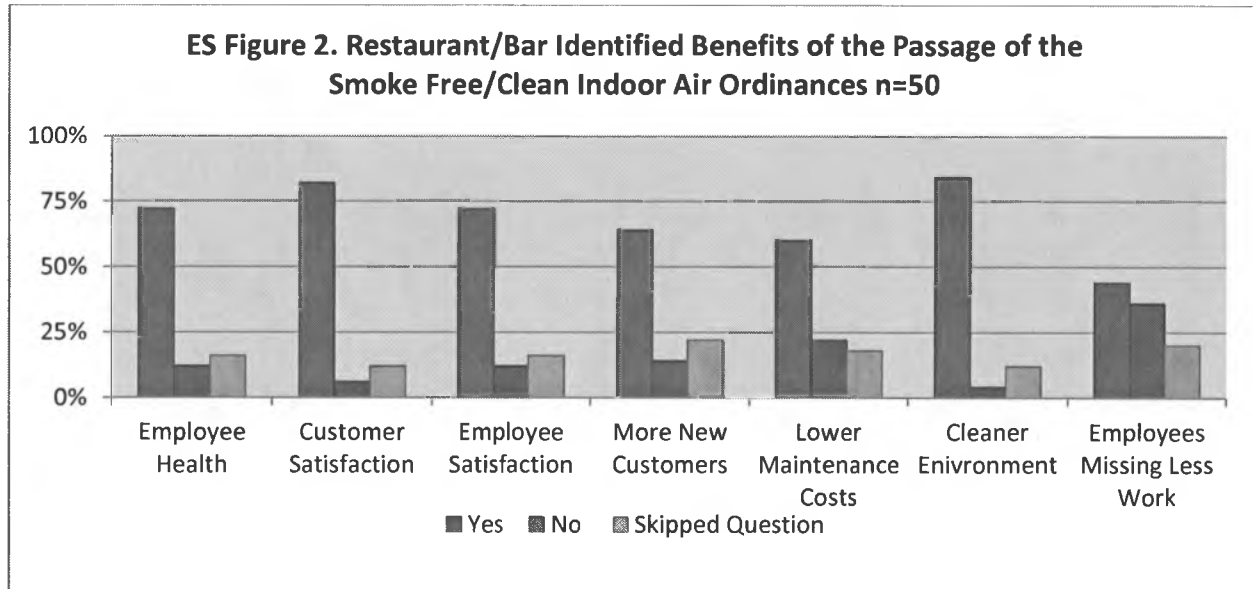
In a preliminary estimate of the economic impact of the 2000 CIA ordinance in Anchorage, Larson (2001) found that there was no detectable negative effect on employment in the hospitality industry by August of 2001. Between 2000 and 2001, employment increased by 10% in restaurants that went from restricted smoking before the ordinance to non-smoking after the ordinance, while employment increased by only 6% in restaurants that continued to allow restricted smoking after the ordinance.

Using employment data on Anchorage bars from 2001 to 2010, a report commissioned by the Alaska Department of Health and Social Services Tobacco Prevention and Control Program (2011) found that bar employment within the Municipality was 10% higher than it would have been if the 2007 Clean Indoor Air law would not have been implemented. Travers & Dobson (2008) compared the air quality in 13 smoke-free Anchorage bars after the passage of the 2007 CIA to seven Juneau bars where smoking was permitted. Similar to the results of previous studies, they found that the levels of respirable suspended particles (RSP) were 33 times higher in the Juneau bars when compared to those in

Anchorage. These particles are emitted from tobacco smoke and are particularly harmful because of their small size, making them easily inhalable into the lungs.

Survey of Selected Restaurants and Bars

ISER interviewed representatives of 50 full-service restaurants and bars in the Anchorage municipality on their perceptions of the smoke free indoor ordinances. A total of 96% (48/50) identified at least one benefit from the passage of the ordinances, with responses summarized below:



The majority of survey respondents (78%) indicated that customer feedback about the clean indoor air ordinances (CIA) was either very positive or somewhat positive, while 2% reported that customer feedback was very negative. The majority of respondents (76%) indicated that employee feedback on the CIA was either very positive or somewhat positive, while 6% reported that employee feedback was either somewhat negative or very negative.

The majority of survey respondents (92%) reported that customer compliance with the CIA was either excellent or good, while 2% reported customer compliance as fair. Similarly, 86% of respondents indicated employee compliance with the CIA was either excellent or good while 8% reported that employee compliance was fair.

Restaurant and bar representatives reported that they required smokers to stay an average of 30.5 feet away from the entrances to their establishments. At 58%, a little more than half of respondents (29/50) reported that the mandated minimum distance for their establishment was appropriate (5 ft. for bars or restaurants that serve alcohol, 20 feet for restaurants that do not serve alcohol); 38% (19/50) reported that the mandated distance for their establishment was inappropriate. A majority of respondents, 62% (31/50), felt that a different mandated distance would be more appropriate, suggesting an average of 30 ft.

Limitations

The survey results are not necessarily representative of Anchorage full service restaurants and bars. However, the consistency of the findings suggests agreement on the effects of the ordinance and the lack of any systemic issues arising from implementing smoke-free workplace policies.

Introduction

The American Lung Association in Alaska (ALAA) has asked the Institute of Social and Economic Research (ISER) to investigate the impact of the Anchorage 2000 and 2007 Clean Indoor Air municipal ordinances on selected restaurants and bars. As previous U.S. studies speak to the economic and health impacts of Smoke Free and Clean Indoor Air Laws., ALAA also requested that that ISER synthesize results of these existing studies, and conduct a survey on restaurant and bar representatives' perceptions of the impact of the ordinances. ALAA outlined three areas of focus for this project, including:

- Previous work and findings related to the impact of smoke free ordinances on businesses, including potential changes in employment
- Enforcement of the smoke free ordinances in Anchorage
- Restaurant and bar representatives' perspectives on the impact of the smoke free ordinances

To inform these areas of interest, ISER conducted a literature review of previous work related to smoke free policies, a survey of restaurant and bar representatives in Anchorage, and key informant interviews with individuals responsible for enforcement of the smoke free policies.

This report begins with an introduction, followed by the results of a review of the previously published literature related to smoke free policies in Alaska. The methodology for both the key informant interviews and the survey of restaurants and bars are described in the next section. The methodology includes information on the selection of respondents and details of how the data was collected and analyzed. Finally, we describe findings from the key informant interviews and survey. Appendices contain the questions posed to key informants, the survey used with restaurant and bar representatives, and verbatim comments on the impact of the Anchorage smoke free ordinances.

Anchorage Municipal Ordinances

Anchorage Municipal Ordinance 2000-91(S), Effective December 31, 2000

In 2000, the Anchorage Assembly amended title 16 of the municipal code, adding chapter 16.65 about smoking in work and enclosed public spaces. The law took effect December 31, 2000. The code prohibited smoking in the Anchorage municipality in:

- Enclosed public spaces
- Places of employment

Exempted from this regulation were:

- Private residences
- Places of employment with four or less employees
- 25% of hotel and motel rooms rented to guests
- Retail tobacco stores
- Private functions in restaurants, hotel and motel conference or meeting rooms and public or private assembly rooms
- Bars -defined as a "...premise licensed under AS 04.11.090 [beverage dispensary license that authorizes selling or serving of alcohol] which does not employ any person under the age of 21 and which does not serve any person under the age of 21 unless accompanied by a parent or legal guardian and where tobacco smoke cannot filter into any other area where smoking is prohibited through a passageway, ventilation system, or other means."

- Bingo halls and pull tab establishments where an enclosed non-smoking section is offered to patrons.

Full text of the ordinance is available online at:

[http://www.muni.org/Departments/Assembly/legislation/2000%20Ordinances/AO2000-091_\(S\).pdf](http://www.muni.org/Departments/Assembly/legislation/2000%20Ordinances/AO2000-091_(S).pdf)

Anchorage Municipal Ordinance 2006-86(S), Effective July 1, 2007

The Municipality of Anchorage repealed and reenacted Chapter 16.65 of the Municipal Code, effective July 1, 2007 by ordinance 2006-86(S). This ordinance extended the prohibition of smoking to:

- Enclosed areas on properties owned or controlled by the Municipality of Anchorage (MOA)
- All areas within 20 feet of each entrance to enclosed areas or properties owned or controlled by the MOA
- All areas within 50 feet of each entrance to a hospital or medical clinic
- All enclosed areas where a person provides child care on a fee for service basis
- Seating areas of outdoor arenas, stadiums, and amphitheatres
- All areas within five feet of the entrance to a premise with a liquor license

Exceptions to this regulation were:

- A maximum of 25% of hotel and motel rooms rented to guests, if at least 75% of rooms are designated permanently nonsmoking
- Private clubs not licensed for the sale of alcoholic beverages that are not places of employment when they are not open to the public
- Outdoor places of employment not identified in the ordinance
- Private residences when child care is not being provided on a fee for service basis

This ordinance effectively extended the smoking prohibition to bars, tobacco retail stores, bingo halls and pull tab establishments, small businesses, entrances to some buildings, child care establishments, and outdoor public places.

Violations to this ordinance were set at:

- A fine not exceeding \$100 for the first violation
- A fine not exceeding \$200 for the second violation
- A fine not exceeding \$500 for each additional violation

These violations are investigated by the MOA Code Enforcement (Health & Sanitation).

Full text of the ordinance is available online at:

[http://www.muni.org/Departments/Assembly/legislation/2006%20Ordinances/ao2006-086_\(S\).pdf](http://www.muni.org/Departments/Assembly/legislation/2006%20Ordinances/ao2006-086_(S).pdf)

Policy Enforcement

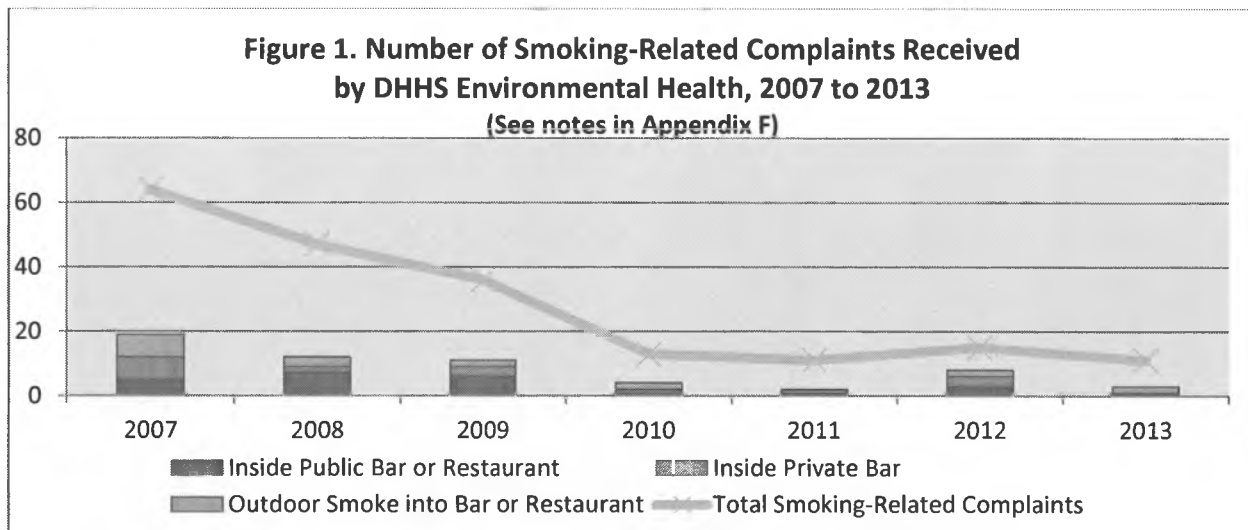
The Municipality of Anchorage (MOA), Department of Health and Human Services (DHHS), Division of Environmental Health, Food Safety and Sanitation Program (FSS) regulates smoking in public facilities in Anchorage. ISER staff conducted key informant interviews with individuals responsible for enforcing the smoke-free ordinances. Responding to questions about the enforcement process, informants shared that most clean indoor air violations were reported through an online complaint system. Enforcement officers reported that they then send an informational packet to organizations where a complaint has been reported, with escalating enforcement actions taken in the absence of voluntary compliance. In response to complaints, enforcement officials reported that they typically

sought to first inform the potentially offending organization, a tactic that was employed “especially when the code was first adopted”. In the words of a key informant:

“The first action taken is to notify the alleged offending party by ‘friendly letter’ advising them of the ordinance and that they may be in violation. We include a packet of information and no smoking signs with this ‘friendly letter’ [includes a copy of the code and American Lung Association information about secondhand smoke exposure and risks]. If . . . complaints [continue] at that location, we will follow the letter with a Notice of Violation; indicating that we've had multiple complaints at this site and request that they inform us of the action they intend to take. If we receive complaints after sending a Notice of Violation, our policy is to visit the location to observe the violation. If we do observe a continuing violation, we would then issue a citation. Although we have the ability to issue citations enforced through District Court, our enforcement action is usually done through a Complaint filed with the Administrative Hearing Office.”

Key informants reported that, while the number of organizations investigated for violations of the ordinances varies from year to year with somewhere between three to six complaints per year, “the majority of [the] complaints are handled by phone contact or friendly letter; they are not investigated through site visit.” From the key informant interviews ISER learned that “the municipality has not fined a business for violation of the ordinance.” The key informants were also not aware of other organizations, such as APD, issuing any citations for violating the secondhand smoking ordinances. Consequently, the effect of issuing fines cannot be assessed. Key informants shared that the threat of a fine may be a potential incentive for organizations to come into compliance with the secondhand smoke ordinances. One of the key informants stated that; “I understand the municipality took legal action against one business shortly after the ordinance was first adopted. To the best of my knowledge, the municipality (DHHS) has not issued a citation or fine for violation of the smoking ordinance since then.”

The MOA provided ISER with data on smoke free ordinance violations between 2007 and 2013, which is the time period following the second smoke free ordinance in Anchorage. This data, extracted from the municipal enforcement system, shows that the number of smoking related complaints received has trended downwards from 2007 to 2011 (see Figure 1). Complaints increased slightly in 2012 and then declined in 2013 to approximately the 2010 level. During key informant interviews it was reported that a relatively small percentage of the Environmental Health Program workload is related to smoking:



A key informant reported that less than 5% of the complaints received at the Department of Health and Human Services (DHHS) Environmental Health Programs are for smoking related issues and less than 5% of the investigations conducted at the DHHS Environmental Health Programs are for smoking related issues. Key informants shared that a lack of resources is a challenge to enforcing the smoke-free ordinances. However, a key informant felt that education and signage were best practices to address and prevent violations of the smoke free ordinances.

As enforcement activity is not engaged in unless there are continuing complaints after an educational approach has been tried, sufficient information is currently lacking to assess the general level of compliance or the impact of current enforcement activities on compliance. However, further research may inform these issues.

Literature Review

Impact of Smoke-Free Laws on Employment and Air Quality

Anchorage Studies

Effective December 31, 2000, the Municipality of Anchorage created designated areas in nearly all indoor public spaces, including restaurants, but excluding bars (AO No. 2000-91(S), § 1, 12-31-00). In a preliminary estimate of the economic impact of the ordinance, Larson (2001) found that there was no detectable negative effect on employment in the hospitality industry in Anchorage by August of 2001. Between 2000 and 2001, employment increased by 10% in restaurants that went from restricted smoking before the ordinance to non-smoking after the ordinance, while employment increased by only 6% in restaurants that continued to allow restricted smoking after the ordinance.

The Anchorage smoking ordinance was amended, effective July 1, 2007, ensure smoke-free air in all restaurants and bars within the Municipality, and is now referred to as the Anchorage Clean Indoor Air Law (CIA) (AO No. 2006-86(S), § 1, 7-01-07). Using employment data on Anchorage bars from 2001 to 2010, a report commissioned by the Alaska Department of Health and Social Services Tobacco Prevention and Control Program (2011) found that bar employment within the Municipality was 10% higher than it would have been if the CIA had not been implemented. The researchers employed a seasonally adjusted regression model, and although they found that bar employment declined immediately following the passage of CIA, employment was discovered to steadily increase after the initial drop.

Travers & Dobson (2008) compared the air quality in 13 smoke-free Anchorage bars after the passage of CIA to 7 Juneau bars where smoking was permitted. Similar to the results of previous studies, they found that the levels of respirable suspended particles (RSP) were 33 times higher in the Juneau bars when compared to those in Anchorage. These particles are emitted from tobacco smoke and are particularly harmful because of their small size, making them easily inhalable into the lungs.

Methodology

Institutional Review Board

The UAA Institutional Review Board (IRB) reviews all research involving people that is conducted at the University of Alaska Anchorage (UAA). The UAA IRB's main role is to ensure that the research fulfills the requirements of federal regulations that protect human volunteers in research. ISER submitted required information to the UAA IRB, which determined that the necessary safeguards were in place, and granted ISER approval to conduct both the key informant interviews and the survey of restaurant and bar representatives.

Key Informant Interviews

Recruitment

The American Lung Association in Alaska has a link and phone number to report violations of the Anchorage ordinance prohibiting smoking, located online at:

<http://www.lung.org/associations/states/alaska/local-programs/tobacco-control/sfac/> . Staff at the Institute of Social and Economic Research called this posted phone number and learned that the employees of the Municipality of Anchorage, Department of Health and Human Services, Environmental Health Division, Food Safety and Sanitation Program were responsible for the enforcement of the Smoke-Free /Clean Indoor Air ordinances. A MOA employee provided contact information for the Food Safety and Sanitation Program Manager and a Public Information Officer who referred ISER staff to the Anchorage Air Quality Specialist. These informants helped with providing the names and contact information for the enforcement employees within the MOA, DHHS, and Environmental Health Food Safety and Sanitation Program.

Interview Questions

ISER and the American Lung Association in Alaska developed key informant interview questions to explore enforcement activity around the smoke free laws , including procedures, violations, and fines. The key informant interview questions were also designed to gather perceptions of enforcement staff responsible for enforcement of the smoke free ordinances. The interview questions are located in Appendix A.

Data Collection

Key informant interviews were conducted by a trained ISER interviewer who coordinated with potential respondents to conduct each interview at the respondent's convenience. ISER staff explained the project to each potential respondent, verified their eligibility, requested the respondent's participation, and attained informed consent. Interviews of approximately 45 min. in length were conducted via phone, digitally recorded, and transcribed, or conducted via email. Interviews were conducted from November 7 to December 6, 2013.

Survey of Restaurants and Bars

Population Frame and Selection of Respondents

The American Lung Association in Alaska provided three Excel spreadsheets to the Institute of Social and Economic Research to select appropriate establishments for the proposed survey. These spreadsheets included:

- Active Food Service Establishments as of August 27, 2013
- Municipality of Anchorage businesses with active liquor licenses in 2012
- List of all Active Anchorage Food Service Establishments as of Sep. 11, 2013 with contact names and phone numbers

After discussion with the American Lung Association in Alaska, it was decided that the focus of the survey would be full service restaurants and bars in the Municipality of Anchorage. A sample frame of full-service restaurants and bars was selected from the list of active Anchorage food service establishments. Coffee shops, fast food places, and ice cream places were eliminated and the sample frame was checked with restaurant names provided by the Department of Labor and Workforce Development to verify accuracy of the selection. To achieve 50 completed surveys, a total of 201 establishments were randomly chosen from the sample frame. This selection may not be representative of Anchorage full service restaurants and bars. However, we retained the same percentage mix of restaurants and bars as in the original data.

After the sample of 201 restaurants and bars was generated, further review to ensure that only full service restaurants and bars were selected resulted in excluding 35 of the 201 establishments, leaving 166. During the course of the survey an additional 20 establishments were excluded, reducing the sample to 146. These 55 establishments were excluded for the following reasons:

- 34 were located inside another building
- 9 were not full service
- 8 did not have a working phone number
- 3 were closed
- 1 was a fast food restaurant

Survey Questionnaire

The survey questions ask the restaurant or bar representative about their perceptions of the benefits of the smoke free laws, customer and employee compliance, customer and employee feedback about the ordinances, and the distance establishments require individuals who are smoking to stand away from their entrances. The survey instrument was developed by ISER, based on discussions with the ALAA team. The questionnaire is located in Appendix B.

Data Collection

Trained ISER interviewers called the identified businesses to complete the survey. ISER staff explained the project, verified the participants' eligibility for the study, attained informed consent from the participants, and administered the survey. Responses were recorded on an Excel spreadsheet or written on paper and later transcribed to the spreadsheet. The survey was conducted between November 25th and December 6th, 2013. On average, each interview lasted 6 minutes and 17 seconds, with 29 interviews (58%) less than or equal to 5 minutes and 6 interviews (12%) greater than 10 minutes in length.

Analysis

Quantitative and qualitative interview data from the key informant interviews and survey were entered, edited, cleaned, and analyzed using Excel. Content analysis of the qualitative data was completed using conceptual/thematic descriptions of the data based on open coding.

Key Informant Interview Findings

Findings from the key informant interviews are described in the section on Policy Enforcement.

Survey Findings

Of the 50 surveyed establishments, 42 (84%) self-identified as restaurants, while 2 (4%) identified as bars and 6 (12%) identified as both restaurants and bars. These 50 establishments had an average of 21.4 employees, ranging from 2 to approximately 115 employees. 19 establishments (38%) had less than 10 employees, 10 establishments (20%) had 10-19 employees, 9 establishments (18%) had 20-29 employees, and 10 establishments had 30 or more employees (20%).

Benefits

Respondents were read a list of potential benefits from the passage of the CIA ordinances and asked to respond yes or no to whether or not each potential benefit had been experienced by their establishment as a result of the CIA. A total of 96% (48/50) of surveyed full-service restaurant and bar representatives identified at least one benefit from the passage of the smoke-free ordinances in Anchorage. At two of the establishments, the respondents reported that their businesses were newer

than the ordinance and hence they did not feel they could comment on any benefits from the passage of the ordinances. Responses are summarized in Figure 2 and Table 1 below:

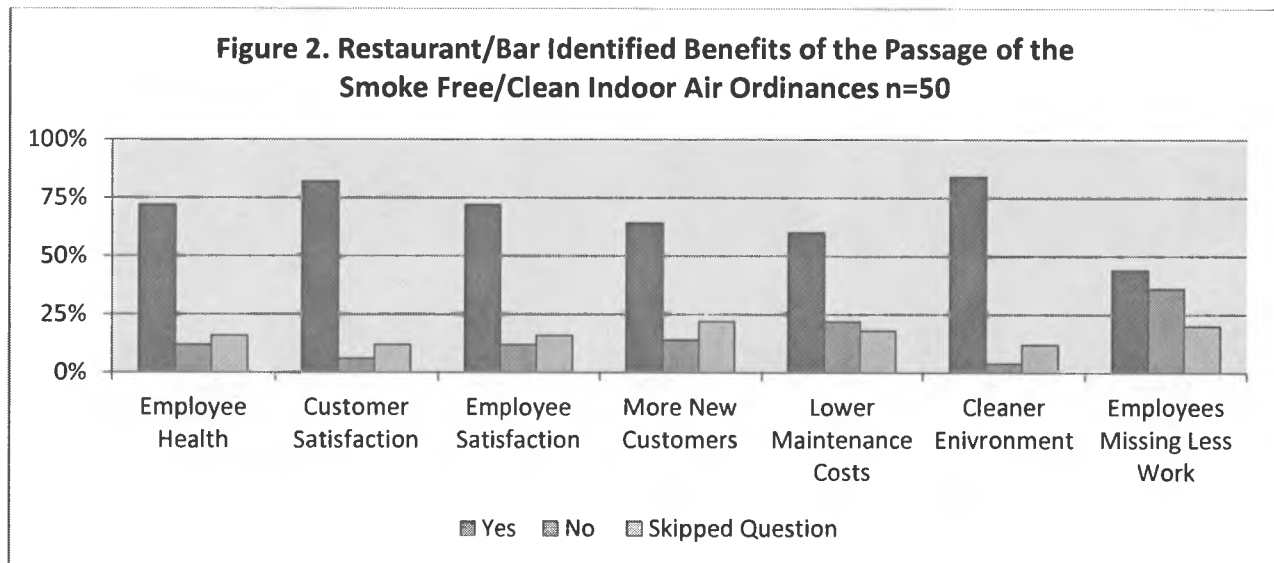


Table 1. Potential Benefits of the Anchorage Smoke Free Ordinances: Number and Percent

Potential Benefit	Respondent Answers		
	# (%) Yes	# (%) No	# (%) Skipped Question
Increased Employee Health	36 (72%)	6 (12%)	8 (16%)
Increased Customer Satisfaction	41 (82%)	3 (6%)	6 (12%)
Increased Employee Satisfaction	36 (72%)	6 (12%)	8 (16%)
More New Customers	32 (64%)	7 (14%)	11 (22%)
Lower Maintenance Costs	30 (60%)	11 (22%)	9 (18%)
Cleaner Environment	42 (84%)	2 (4%)	6 (12%)
Less Employee Sick Days/Employees Missing Less Work	22 (44%)	18 (36%)	10 (20%)

Most respondents identified a cleaner environment (84%), increased customer satisfaction (82%), employee satisfaction (72%), employee health (72%), more new customers (64%), and lower maintenance costs (60%) as benefits of the passage of the clean indoor air ordinances. Fewer respondents (44%) identified less employee sick days/employees missing less work as a benefit of the ordinances. Of the 50 respondents, 22 skipped at least one benefit category. Of those 22 respondents, five respondents reported that they had skipped a response category because their establishment had been smoke-free prior to the ordinance.

There were 24 respondents that shared comments on additional benefits. The most frequently occurring comment involved better smell, identified as a benefit by eight respondents. A verbatim summary of comments is included in Appendix C.

Customer and Employee Feedback

Survey respondents were asked how customer and employee feedback about the smoke-free ordinances had been, and were requested to choose from the options: very positive, somewhat positive, somewhat negative, or very negative. Responses are summarized in Figure 3 and Table 2:

Figure 3. Restaurant/Bar Perceptions of Customer and Employee Feedback to the Smoke Free/Clean Indoor Air Ordinances

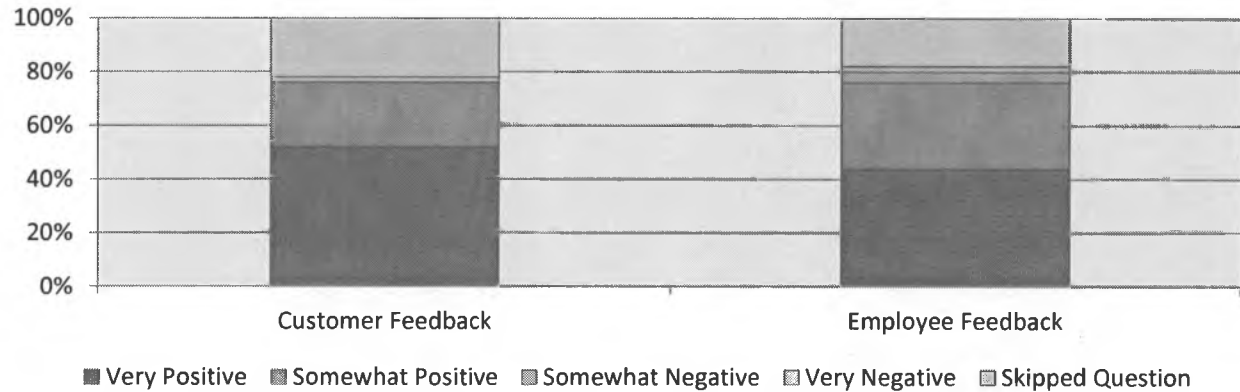


Table 2. Customer and Employee Feedback: Number and Percent by Response Category

Whose Feedback	# (%) Very Positive	# (%) Somewhat Positive	# (%) Somewhat Negative	# (%) Very Negative	# (%) Skipped Question
Customer	26 (52%)	12 (24%)	0 (0%)	1 (2%)	11 (22%)
Employee	22 (44%)	16 (32%)	2 (4%)	1 (2%)	9 (18%)

The majority of survey respondents (78%) indicated that customer feedback was either very positive or somewhat positive, while 2% reported that customer feedback was very negative. The majority of survey respondents (76%) indicated that employee feedback was either very positive or somewhat positive, while 6% reported that employee feedback was either somewhat negative or very negative.

While most respondents did not offer additional comments on customer or employee feedback, nine respondents shared further thoughts. Of these nine, six respondents reported that they had not had any customer or employee feedback and chose to skip answering the question. There were two respondents who commented that customer and employee feedback was negative at first, but that they hadn't heard anything lately and one respondent commented that the ordinance was not good for smokers as they had to go outside in the cold.

Customer and Employee Compliance

Respondents were asked how they would describe customer and employee compliance with the smoke-free ordinances, choosing from the possible responses: excellent, good, fair, or poor. Survey respondents' perceptions of customer and employee compliance with the Clean Indoor Air ordinances are summarized below in Figure 4 and Table 3.

Figure 4. Restaurant/Bar Perceptions of Customer and Employee Compliance with the Smoke Free/Clean Indoor Air Ordinances

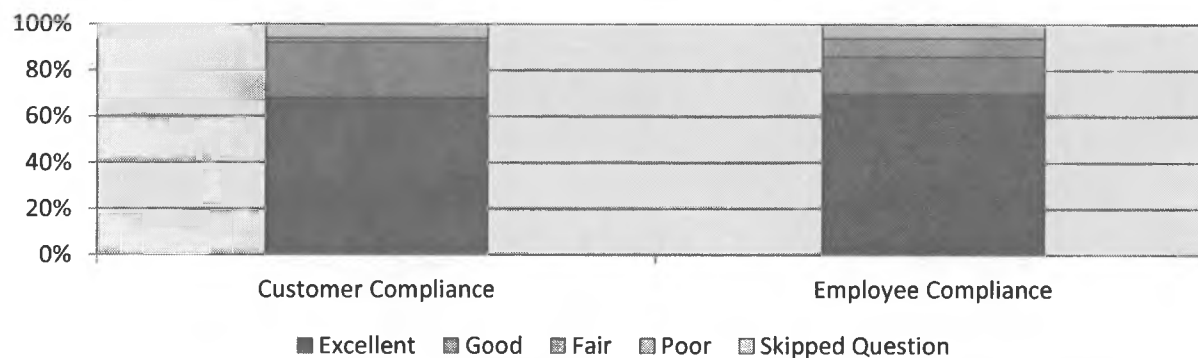


Table 3. Customer and Employee Compliance: Number and Percent by Response Category

Whose Compliance	# (%) Excellent	# (%) Good	# (%) Fair	# (%) Poor	# (%) Skipped Question
Customer	34 (68%)	12 (24%)	1 (2%)	0 (0%)	3 (6%)
Employee	35 (70%)	8 (16%)	4 (8%)	0 (0%)	3 (6%)

Of the survey respondents, 92% reported that customer compliance was either excellent or good, while 2% reported that customer compliance was fair. 86% of survey respondents indicated that employee compliance was either excellent or good while 8% reported that employee compliance was fair. No survey respondents indicated that either customer or employee compliance was poor.

While the majority of respondents did not offer additional feedback on customer and employee compliance, three respondents shared further comments. One reported that compliance was an issue at first but that the rules are now known; another said they'd had compliance issues with certain populations; and one chose to skip the prompt and reported only that they'd had no complaints.

Distance Away from the Entrance

Of the 50 respondents, 35 shared that they required smoking individuals to stay between 0-100 feet away from their entrances (see Table 6). There were 15 business representatives who did not report a specific distance in feet that their establishment required smoking individuals to stay away from their entrances (9 establishments with a 5 ft. minimum distance and 6 establishments with a 20 ft. minimum distance). Among the 15, four said that they did not have a specific distance for smoking individuals to remain away from the entrances to their establishment, seven respondents stated that they've never had a problem with someone smoking next to the entrance, one shared that they do not enforce a specific distance, two reported that they asked smoking individuals to be outside the building, and one stated that smokers should be on the other side of the door. The distances that respondents reported requiring smoking individuals to remain away from the entrances to their establishments are summarized in Tables 4:

Table 4. Distance Away from the Door: Average Required and Better Distances

Distance Away from the Door	Among Businesses with a 5 ft. minimum required distance from the door	Among Businesses with a 20 ft. minimum required distance from the door
Average required distance (# reporting any required distance)	29 ft. (26)	34 ft. (9)
Average better distance (# reporting any better distance in ft.)	31 ft. (21)	28 ft. (10)

Of the 35 survey respondents (70%) who provided a distance they required smoking individuals to stay from their entrances, responses ranged from 0-100 feet, averaging 30.5 feet. However, 15 (30%) representatives did not report a specific distance in feet.

When asked about the appropriateness of the mandated minimum distances (as specified in the ordinance) that smokers must remain away from the entrance to their establishments, 58% (29/50) reported that the mandated distance for their establishment was appropriate (5 ft. for bars or restaurants that serve alcohol, 20 feet for restaurants that do not serve alcohol); 38% (19/50) reported that the mandated distance for their establishment was inappropriate, as summarized in Table 5:

Table 5. Distance Away from Door by Respondent Type

Distance Away from the Door	Among Businesses with a 5 ft. minimum required distance from the door	Among Businesses with a 20 ft. minimum required distance from the door	Total
# reporting mandated distance inappropriate	16	3	19
# reporting mandated distance appropriate	18	11	29
# Skipped question on mandated distance	1	1	2
# (%) Total	35 (70%)	15 (30%)	50 (100%)

Establishments chose a range of distances when asked what a more appropriate mandated distance for smokers to remain away from entrances would be for their type of establishment, as summarized in Table 6. We found the 62% of respondents (31/50) felt that a different mandated distance would be more appropriate, with combined responses averaging 30 ft. from establishment entrances.

Table 6. More Appropriate Distance from the Door, As Reported by Respondents

More Appropriate Distance from the Door	Number of Businesses with 5 ft. mandated minimum	Number of Businesses with 20 ft. mandated minimum	Total
0-9 ft.	0	0	0
10-19 ft.	6	5	11
20-29 ft.	8	0	8
30-39 ft.	1	1	2
40-49 ft.	0	1	1
50-59 ft.	5	3	8
60 ft. or greater	1	0	1
Did not report any specific distance	14	5	19
Total	35	15	50

When prompted to elaborate on their responses as to how far away a smoking individual should stay from the entrances to their establishments, 34 individuals shared additional comments. Common themes are summarized below:

- Ten reported that a close distance allows smoke to come back inside the door
- Four felt like there was not enough room to ask a smoking individual to move farther away from the door
- Four were concerned about the smell of smoke
- Four didn't want to inconvenience nonsmokers, including patrons standing at the door of their establishment
- Four were worried about secondhand smoke
- Three felt like different establishments were unique and could tolerate different minimum distances
- Three didn't have a preference for a mandated distance
- Two expressed concerns about children inhaling smoke

A verbatim summary of comments related to the distance smoking individuals remain away from the entrances to surveyed establishments is included in Appendix D.

Additional Comments

There were sixteen respondents who shared additional comments during the survey, which are included in Appendix E.

Follow-Up

A total of 33 respondents reported that they would be willing to participate in a follow-up conversation, and provided their name and contact information. There were four of these individuals who said specifically when they would be available for a follow-up conversation.

Limitations

The survey results are from a random sample that is not necessarily representative of Anchorage full service restaurants and bars, but rather a summary of the responses of the 50 establishment representatives that completed the questionnaire. Some of the businesses selected for the study were not in operation before the enactment of the clean indoor air ordinances, and therefore

respondents' opinions may have been based on how they thought the environment changed, rather than from their experiences at the selected establishments. While some of the selected businesses were operational during 2001 and 2007, survey respondents were not asked how long they had been with their establishments, and consequently may not have been working during the enactment of the clean indoor air ordinances. In addition, selected establishments that did not have a representative who spoke English well enough to complete the survey are not included. This effort therefore paints a descriptive picture regarding the perspectives of the establishment representatives we were able to reach. However, even with these limitations in mind, the consistency of the findings indicates agreement on the positive effects of the ordinance and the lack of any systemic issues arising from implementing smoke-free indoor policies.

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Appendix A. Key Informant Semi Structured Interview Guide

INTRODUCTION

[Please read the following text to the prospective participant]

Hello, I'm [PLEASE PROVIDE YOUR FULL NAME] from the University of Alaska Anchorage, may I please speak with [KEY INFORMANT NAME]?

My name is _____, from the Institute of Social and Economic Research at the University of Alaska Anchorage. We are conducting a small number of interviews with municipal employees who are knowledgeable about the smoke free /clean indoor air ordinances in Anchorage, Alaska. The interviews are sponsored by the American Lung Association in Alaska, and are part of a project to learn about the effects of smoke free public policies.

- 0 Key informant or gate keeper not available → (Skip to S1)
- 1 Key Informant available → (Skip to A1)

- 4 Gatekeeper soft refusal → **Thank and suggest another time to call back**
- 5 Gatekeeper hard refusal → **Thank and Terminate**
- 6 Key informant soft refusal → **Thank and suggest another time to call back**
- 7 Key Informant refusal → **Thank and Terminate**
- 8 No longer works/lives here → **Thank and Terminate**
- 9 Never heard of respondent → **Thank and Terminate (try Directory Assistance)**

S1. _____ is a very important part of a study on smoke free policies that we are conducting for the American Lung Association in Alaska. Do you happen to know when he/she might be available?

- Date and time provided

Time:

Date:

Do you have a better telephone number for me to be able to reach _____?

Phone number:

Thank you. I will try to call him/her back on [Read the above time and date]

- _____]
- Don't know → **Thank and Terminate**
- Refused → **Thank and Terminate**

INFORMED CONSENT

Read the consent text. Emphasize that participation is voluntary; they may decline to answer any question or withdraw at any time without penalty. Answer all questions before proceeding.]

Your name and contact information was provided to us by your colleagues at the Municipality of Anchorage Environmental Health Programs. They have identified you as a person who is very knowledgeable and has information on perception and effects of smoke free policies.

This study is sponsored by American Lung Association in Alaska and its results will be used to learn about the perception of smoke free polices; their influence on businesses, and compliance issues.

The interview takes about 20 to 30 minutes to complete. Your participation is voluntary, and all your answers will be kept confidential. In our report your answers will be combined with those of other who are knowledgeable of smoke free policies so that no person's answers can be identified. If there is any question you do not wish to answer, simply tell me and we can skip that question. You may stop the interview at any time. If you have any questions about your rights, I can give you the name and telephone number of the person to contact [Dr. Diane Toebe, 786-1099]. If you have questions about this study, I can give you the name and number of the person in charge of it [Rosylnd Frazier, 786-5432]. Do you have any questions?

- Yes [IF YES: ANSWER THEIR QUESTIONS, RECORD THEIR QUESTION AND YOUR RESPONSE AND CONTINUE TO THE INTERVIEW. IF YOU ARE UNABLE TO ANSWER THE QUESTIONS, PLEASE GET A SUPERVISOR FOR ASSISTANCE.]
- No [IF KEY INFORMANT DOESN'T HAVE TIME FOR THIS RIGHT NOW, OR WOULD LIKE YOU TO CALL BACK LATER:]

I could conduct the interview at another time convenient for you. When would be a good time to call back?

[RECORD TIME AND DATE. GET A SPECIFIC TIME AND DAY; SUGGEST A TIME AND DAY IF RESPONDENT "DOESN'T KNOW"]

Time:

Date:

Is this the best number to reach you, or is there a better telephone number for me to reach you then?

Telephone number:

Thank you. I will try to call back at [Read the above time and date].

[Begin Interview]

1. What is the name of this department/division/program?

2. What is your job title?

3. How long have you been employed enforcing the Anchorage Clean Indoor Air/Smoke Free Anchorage ordinances?

4. What else do you beyond the Clean Indoor Air enforcement? For example, what would your typical day at work look like?

We are interested in learning more about the implementation, compliance, and enforcement of the Anchorage Clean Indoor Air Ordinances.

5. Please describe your experiences enforcing the Anchorage Clean Indoor Air laws/Smoke Free Anchorage Ordinances [probes:
Both 2000 and 2007 ordinances

-How is a business' violation of the smoke free ordinances reported and cited?

6. How effective are the fines are at reducing violations to the ordinances? Our choices are: Very effective, somewhat effective, or ineffective.

- Very effective
- Somewhat Effective
- Ineffective

Please Explain:

6a. Do you think compliance would be different if the fines were higher?

- Yes
- No

6a1. Could you tell me more?

6b. Do you feel compliance would be different if the fines were lower?

- Yes
- No

6b1. Could you tell me more?

7. What challenges are there in enforcing the smoke free ordinances?

7a. How have these challenges been addressed?[Probe: overcome]

8. What are best practices for dealing with violations to the Anchorage Clean Indoor Air ordinances?

For the supervisory staff skip 9 and 10. Continue at 11.
For all other key informants continue to question 9.

9. What suggestions do you have for improving the Anchorage Clean Indoor Air enforcement process?

10. Is there anything else you would like to share about Anchorage's smoke free ordinances?

These are all the questions I have. Thank you very much for your cooperation.

[END OF INTERVIEW]

[FOR SUPERVISORS ONLY]

11. Are violations of the smoke free ordinance tracked?

[If not,] why?

[If so ask the following questions:]

11a. Are they tracked by date?

- Yes
- No

11b. Are there reports based on this data that we can access? If yes, how?

- Yes
- No

11c. How can we obtain access to the tracking data?

[DEPENDING ON THE RESPONSE TO THE TO THE QUESTION ON ACCESSING THE DATA SET, IF ISER CANNOT OBTAIN ACCESS PLEASE CONTINUE WITH THE FOLLOWING QUESTIONS]

Regarding the smoke free Anchorage ordinances:

12. How many complaints have been reported?

13. How many investigations have been conducted?
14. How many fines/citations for violations have been issued?
15. What percent of the total enforcement workload is the Anchorage Clean Indoor Air law?
 - 15a. Complaints
 - 15b. Investigations
 - 15c. Fine/citations
16. How many organizations have complaints been filed against?
17. How many organizations have been investigated for violations of the ordinances?
18. How many organizations have been fined for violating the ordinances?
19. Is there anything else you would like to share about Anchorage's smoke free ordinances?

These are all the questions I have. Thank you very much for your cooperation.

Appendix B.
Survey of Restaurants and Bars Questionnaire

Anchorage Survey of Full Service Restaurants and Bars
November 2013

Hello, I'm [PLEASE PROVIDE YOUR FULL NAME] from the University of Alaska Anchorage

May I please speak with the owner or manager of [NAME OF RESTAURANT/BAR]?

or

Hello. Is this [NAME OF OWNER OR MANAGER OF ESTABLISHMENT]?

My name is [PLEASE PROVIDE YOUR FULL NAME], from the Institute of Social and Economic Research at the University of Alaska Anchorage. We are conducting a small number of interviews with owners and managers of Anchorage full-service restaurants and bars who are knowledgeable about the smoke free/clean indoor air ordinances in Anchorage Alaska. The interviews are sponsored by the American Lung Association in Alaska, and are part of a project to learn about the effects of smoke free public policies.

I'd like to verify that you are the owner or manager of [NAME OF RESTAURANT/BAR]?

Yes [If yes → , record information below, then thank and terminate
[ENTER INFORMATION PROVIDED – TELEPHONE PHONE NUMBER.]

Phone Number(s) _____

No [If no → I'm sorry to have bothered you, could you tell me how I might be able to contact the owner or manager of [name of restaurant/bar]?

Don't know → Thank and terminate

- 0 Key informant or Gatekeeper not available → (Skip to S1)
- 1 Key Informant available → (Skip to A1)

- 4 Gatekeeper soft refusal → Thank and suggest another time to call back
- 5 Gatekeeper hard refusal → Thank and Terminate
- 6 Key informant soft refusal → Thank and suggest another time to call back
- 7 Key Informant refusal → Thank and Terminate
- 8 No longer works/lives here → Thank and Terminate
- 9 Never heard of respondent → Thank and Terminate (try Directory Assistance)

S1. _____ is a very important part of a study on smoke free policies that we are conducting for the American Lung Association in Alaska. Do you happen to know when he/she might be available?

Date and time provided

Time:

Date:

Do you have a better telephone number for me to be able to reach _____?

Phone number:

Thank you. I will try to call him/her back on [Read the above time and date]

_____]
 Don't know → **Thank and Terminate**

Refused → **Thank and Terminate**

S2a. Do you have the telephone number where I can reach?

_____? [ENTER PHONE NUMBER.]

INFORMED CONSENT

Read the consent text. Emphasize that participation is voluntary; they may decline to answer any question or withdraw at any time without penalty. Answer all questions before proceeding.

Your contact information was provided to us with the assistance of the American Lung Association in Alaska. They have identified your establishment as knowledgeable about perceptions and effects of smoke free policies.

This study is sponsored by American Lung Association in Alaska and its results will be used to learn about the perceptions of smoke free policies; their influence on businesses, and compliance issues.

The interview takes about 3 to 5 minutes to complete. Your participation is voluntary, and all your answers will be kept confidential. In our report your answers will be combined with those of other who are knowledgeable of smoke free policies so that no person's answers can be identified. If there is any question you don't want to answer, simply tell me and we can skip that question. You may stop the interview at any time. If you have any questions about your rights, I can give you the name and telephone number of the person to contact [Dr. Diane Toebe, 786-1099]. If you have questions about this study, I can give you the name and number of the person who can answer questions about this study [Rosylnd Frazier, 786-5432]. Do you have any questions?

[IF YES: ANSWER THEIR QUESTIONS RECORD THEIR QUESTION AND YOUR RESPONSE AND CONTINUE TO THE INTERVIEW. IF YOU ARE UNABLE TO ANSWER THE QUESTIONS, PLEASE GET A SUPERVISOR FOR ASSISTANCE.]

[IF KEY INFORMANT DOESN'T HAVE TIME FOR INTERVIEW RIGHT NOW, OR WOULD LIKE YOU TO CALL BACK LATER:]

I could conduct the interview at another time convenient for you. When would be a good time to call back?

[RECORD TIME AND DATE. GET A SPECIFIC TIME AND DAY; SUGGEST A TIME AND DAY IF RESPONDENT "DOESN'T KNOW"]

Time:

Date:

Is this the best number to reach you, or is there a better telephone number for me to reach you then?

Telephone number:

Thank you. I will try to call back at [READ THE ABOVE TIME AND DATE].

[BEGIN INTERVIEW]

1. Is this a full service restaurant or bar in Anchorage? [full service restaurant, bar, other – specify]

- Full service restaurant
- Bar
- Other (Specify) _____

[IF OTHER, TERMINATE THE CALL]

Thank and Terminate [delete contact information]

In this interview, we will only be interviewing full service restaurants and bars in Anchorage. So it looks like we won't need any further information from you at this time, but thank you for your cooperation.

2. Including yourself, how many employees work in your establishment? _____

[If "0" employees terminate the call otherwise continue]

Thank and Terminate [delete contact information]

In this interview, we will only be interviewing establishments with employees. So, it looks like we won't need any further information from you at this time, but thank you for your cooperation.

3. I'm going to read a list, and if you could just tell me yes or no, which of these are benefits from the passage of the Anchorage Clean Indoor Air /Smoke Free Anchorage Ordinances?

Benefit	Yes	No
Employee health	Yes	No
Increased customer satisfaction	Yes	No
Increased employee satisfaction	Yes	No
More new customers	Yes	No
Lower maintenance costs	Yes	No
Cleaner environment	Yes	No
Less employee sick days/employees missing less work	Yes	No

3a. Any other benefits? _____

4. How has **customer** feedback about the Anchorage Clean Indoor Air ordinances been? Our choices are very positive, somewhat positive, somewhat negative, or very negative.

- Very positive
- Somewhat positive
- Somewhat negative
- Very negative

5. How has **employee** feedback about the Anchorage Clean Indoor Air ordinances been? Our choices are very positive, somewhat positive, somewhat negative, or very negative.

- Very positive
- Somewhat positive
- Somewhat negative
- Very negative

6. How would you describe customer compliance with the Clean Indoor Air ordinance? Our choices are excellent, good, fair, or poor..

- Excellent
- Good
- Fair
- Poor

7. How would you describe employee compliance with the Clean Indoor Air ordinance? Our choices are excellent, good, fair, or poor..

- Excellent
- Good
- Fair
- Poor

8. What distance do **you** require smoking individuals to stay away from your entrances?

- 5 ft.
- 10 ft.
- 20 ft.
- 50 ft.
- Other _____

8a. Do you feel that the mandated distance for your establishment of [INSERT DISTANCE] is appropriate?

- Yes
- No

8b. What mandated distance do you feel would be most appropriate for [insert type of establishment]?

8b1. Please tell us more...

9. Would you be willing to participate in follow-up conversations about the Clean Indoor Air Ordinances?

No [IF NO GO TO END OF SURVEY]

Yes [IF YES GO TO 10]

10a. Let me confirm that your name is:

10b. What is your job title? (READ CATEGORY IF NECESSARY. ANSWER CAN BE MULTIPLE)

- Owner/proprietor/General Manger
- Bar manager/Assistant manager/Restaurant manager
- Other (specify)

10c. What is the best telephone number to reach you at?

10d. What is your email address?

These are all the questions I have. Thank you very much for your cooperation.

Table 7. Number of Smoking-Related Complaints Received by DHHS Environmental Health program, 2007 to 2013

Year	Inside Public Bar or Restaurant	Inside Private Bar	Outdoor Smoke into Bar or Restaurant	Total Smoking-Related Complaints
2007	5	7	7	64
2008	7	2	3	47
2009	6	3	2	36
2010	1	1	2	13
2011	1		1	11
2012	3	3	2	15
2013	1		2	11
Total	24	16	19	183

Table 7, figures ES 1 and 1 were generated from data provided by key informants from the MOA DHHS complaints data base. While the number of complaints is comprehensive, we are unable to apportion a small number of them to specific subcategories. Therefore, the number of complaints in the subcategories of inside public bar or restaurant, inside private bar, and outdoor smoke into bar or restaurant are best thought of as estimates.