

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86/2

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HB 84

31

REGULATIONS re: Smoking

Register 84, January 1983

ENVIRONMENTAL CONSERVATION

18 AAC 55.010

18 AAC 55.020

CHAPTER 55. SMOKING IN PUBLIC PLACES

Section

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

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

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

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

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

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

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

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

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

Authority: AS 18.35.310

AS 46.03.020

AS 18.35.360

AS 46.03.140

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

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

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

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

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

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

Authority: AS 18.35.310

AS 46.03.020

AS 18.35.320

AS 46.03.140

AS 18.35.360

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

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

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

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

Authority: AS 18.35.330 AS 46.03.020
AS 18.35.360 AS 46.03.140

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

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

Authority: AS 18.35.340 AS 46.03.020
AS 18.35.360 AS 46.03.140

16. ECONOMIC DEVELOPMENT

17. TRANSPORTATION & PUBLIC FACILITIES

18. ENVIRONMENTAL CONSERVATION

18 AAC 55.050. COMPLAINT PROCEDURE.

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

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

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

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

18 AAC 55.060. WAIVER OF PROVISIONS.

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

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

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

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

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

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

Authority: AS 18.35.350 AS 46.03.020
AS 18.35.360 AS 46.03.140

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

(1) "ASHRAE" means the American Society of Heating, Refrigeration and Air Conditioning Engineers;

(2) "complainant" means a person who has observed a violation of this chapter and notifies the department;

(3) "department" means the Department of Environmental Conservation.

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

(1) a judicial or quasi-judicial body solely to make a decision in an adjudicatory proceeding;

(2) a jury;

(3) a parole or pardon board;

(4) the medical staff of a hospital; or

(5) the governing body or a committee of a hospital solely to act upon matters of professional qualifications, privileges, or discipline.

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

(1) "bus" means a self-propelled vehicle with capacity for carrying more than 10 passengers which is used on public highways to transport passengers for compensation;

(2) "limousine for hire" means a self-propelled vehicle with capacity for carrying six to 10 passengers which is used on public highways to transport passengers for compensation between a transportation terminal and other designated points;

(3) "other person who has control" means the agent of the owner, manager, or proprietor

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

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

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

Authority: AS 18.35.360
AS 46.03.020
AS 46.03.140

16. ECONOMIC DEVELOPMENT

17. TRANSPORTATION & PUBLIC FACILITIES

18. ENVIRONMENTAL CONSERVATION

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MEMORANDUM

October 4, 1982

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

TO: Representative Mike Miller
Attn: Russ Josephson

FROM: Edward H. Hein
Legislative Counsel

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

EHH:csh

Enclosure

62-73

ANSI B 194.1-1977

ASHRAE STANDARD

Standards for NATURAL AND MECHANICAL VENTILATION

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

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

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The American Society of Heating, Refrigerating,
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CONTENTS

Section	Page
1 Purpose and Scope	3
2 Definitions	3
3 Acceptable Ventilation Air Quality	4,5
4 Ventilating Systems—General Requirements	5
5 Recirculation	5
6 Ventilation Requirements	5-17

STANDARDS FOR NATURAL AND MECHANICAL VENTILATION

SECTION 1.0 PURPOSE AND SCOPE

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

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

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

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

SECTION 2.0 DEFINITIONS (SEE FIG. 1)

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

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

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

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

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

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

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

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

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

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

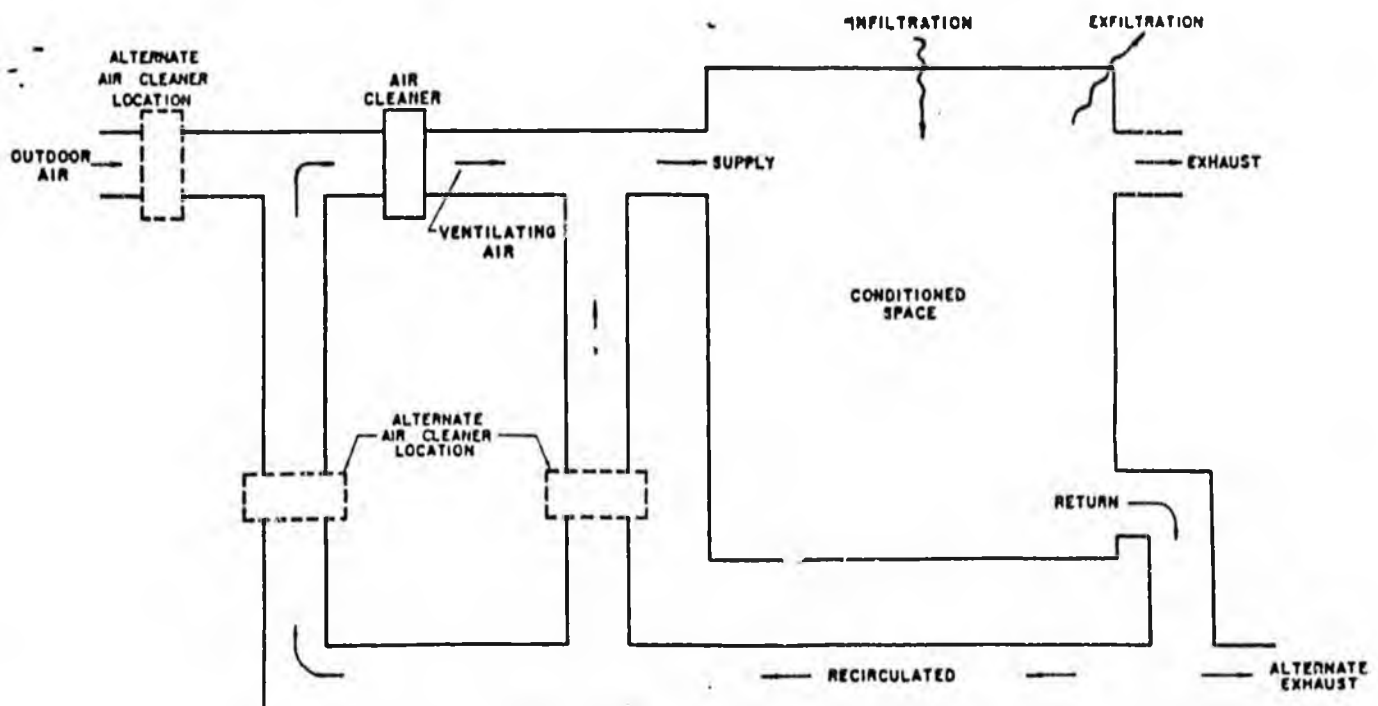


Fig. 1 Diagram of Definitions

CORRECTION

CORRECTION

62-73

ANSI B 194.1-1977

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Standards for NATURAL AND MECHANICAL VENTILATION

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FOREWORD

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

ASHRAE INDUSTRIAL ADVERTISING POLICY ON STANDARDS

ASHRAE Standards are established to assist industry and the public by offering a uniform method of testing equipment for rating purposes, by suggesting safe practices in designing and installing such equipment, by providing proper definitions of this equipment and by providing other information which may serve to guide the industry. The creation of ASHRAE Standards is determined by the need for them; and conformance to them is completely voluntary.

In referring to this standard and in marking of equipment and in advertising, no claim shall be made, either stated or implied, that the product has been approved by ASHRAE.

The following form of statement should be used:

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

CONTENTS

Section	Page
1 Purpose and Scope	3
2 Definitions	3
3 Acceptable Ventilation Air Quality	4,5
4 Ventilating Systems—General Requirements	5
5 Recirculation	5
6 Ventilation Requirements	5-17

INTRODUCTION

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

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

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

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

STANDARDS FOR NATURAL AND MECHANICAL VENTILATION

SECTION 1.0 PURPOSE AND SCOPE

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

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

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

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

SECTION 2.0 DEFINITIONS (SEE FIG. 1)

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

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

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

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

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

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

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

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

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

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

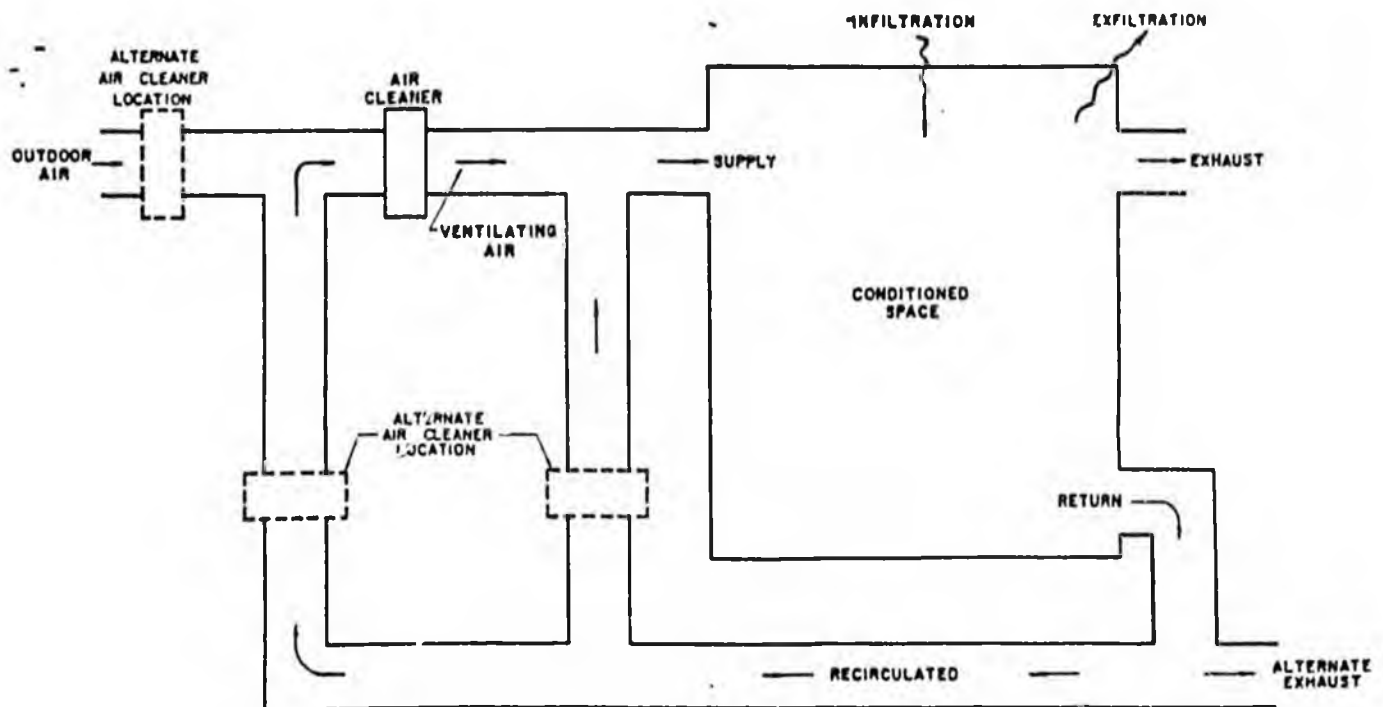


Fig. 1 Diagram of Definitions

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

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

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

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

SECTION 3.0. ACCEPTABLE VENTILATION AIR QUALITY (SEE BIBLIOGRAPHY)

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

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

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

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

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

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

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

Table I
Maximum Allowable Contaminant Concentrations
for Ventilation Air

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

* Federal criteria for U.S. by 1975.

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

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

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

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

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

SECTION 4.0. VENTILATING SYSTEMS— GENERAL REQUIREMENTS

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

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

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

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

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

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

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

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

SECTION 5.0. RECIRCULATION

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

SECTION 6.0. VENTILATION REQUIREMENTS

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

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

Estimated persons/ 1000 sq ft floor area. Use only when design oc- cupancy is not known	Required ventilation air, cubic feet per minute per human occupant, (when the number is bracketed, refer to the notes).		Comments
	Minimum	Recommended	

6.1. RESIDENTIAL
(Private dwelling places,
single or multiple units)

Single Unit Dwellings				
General Living Areas, Bedrooms	5	5	7-10	
Kitchens	-	20	30-50	•
Baths, Toilet Rooms	-	20	30-50	•
Basements, Utility Rooms	-	5	5	
Multiple Unit Dwellings				
General Living Areas, Bedrooms	7	5	7-10	
Kitchens	-	20	30-50	•
Baths, Toilet Rooms	-	20	30-50	•
Basements, Utility Rooms	-	5	7-10	
Garages	-	(1.5)	(2.0)-(3.0)	**
Mobile Homes	7	5	7-10	

*% of full capacity for intermittent use.
**cfm per sq ft of floor area.

6.2. COMMERCIAL

General Requirements—Merchandising (Apply to all forms unless specially noted)				
Sales Floors and Showrooms (Basement and Street Floors)	30	7	10-15	
Sales Floor and Showrooms (Upper Floors)	20	7	10-15	
Storage Areas (Serving Sales Floors and Storerooms)	5	5	7-10	
Dressing Rooms	-	7	10-15	
Malls and Arcades	40	7	10-15	
Shipping and Receiving Areas	10	15	15-20	
Warehouses	5	7	10-15	
Elevators	-	7	10-15	
Food Markets, Supermarkets, etc. Meat Processing Rooms	10	5	5	•

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

Drug Stores				
Pharmacists' Work Rooms	10	20	25-30	
Specialty Shops				
Pet Shops	-	(1.0)	(1.5)-(2.0)	•
Florists	10	5	7	**
Greenhouses	1	5	7-10	***

*cfm per sq ft of floor area
**Maximum allowable concentration (MAC) for sulfur dioxide = 30 µg/cu m
***Ventilation to optimize plant growth, temperature, humidity, etc., will almost always be greater than shown.

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

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

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

6.3. INDUSTRIAL

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

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

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

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

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

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

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

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

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

*Special contaminant control systems may be required

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

6.5. INSTITUTIONAL

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

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

*Special requirements or codes may determine requirements

**Special exhaust systems required

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

6.6. ORGANIZATIONAL

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

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

*Special requirements or codes may determine requirements

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14-80 Positive Displacement Condensing Units, Methods of Testing for Rating	\$ 3.00	\$ 6.00	47-69 Return Line Low-Vacuum Heating Pumps, Methods of Testing and Rating	\$ 2.00	\$ 4.00
15-78 (Supersedes 15-70 ANSI B9.1-1971) Safety Code for Mechanical Refrigeration	\$ 2.50	\$ 5.00	51-73 (AMCA210) Laboratory Methods of Testing Fans for Rating Purposes: This is a joint ASHRAE/AMCA (Air Moving & Conditioning Association) Standard	\$ 5.00	\$10.00
16-69 Room Air Conditioners, Method of Testing for Rating	\$ 4.00	\$ 8.00	52-78 Air Cleaning Devices Used in General Ventilation for Removing Particulate Matter, Method of Testing* (Supersedes 52-68)	\$ 3.00	\$ 6.00
17-75 Expansion Valves, Refrigerant, Method of Rating and Testing: (ANSI B60.1-1975)	\$ 5.00	\$10.00	55-74 Thermal Environment Conditions for Human Occupancy (ANSI B193.1-1976)	\$ 5.00	\$10.00
18-78 (Supersedes 18-62) Drinking Water Coolers with Built-in Mechanical Refrigeration Systems, Methods of Testing for Rating	\$ 2.00	\$ 4.00	58-74 Room Air Conditioner Heating Capacity, Method of Testing for Rating	\$ 3.00	\$ 6.00
20-70 (Supersedes 20-66) Remote Mechanical Draft Air-Cooled Refrigerant Condensers, Method of Testing for Rating	\$ 2.50	\$ 5.00	62-73 Natural and Mechanical Ventilation, Standards for (ANSI B194.1-1977)	\$ 3.00	\$ 6.00
22-78 (Supersedes 22-71) Water-Cooled Refrigerant Condensers, Methods of Testing for Rating	\$ 2.50	\$ 5.00	63-73 Liquid Line Refrigerant Orifices, Method of Testing	\$ 2.00	\$ 4.00
23-78 Positive Displacement Refrigerant Compressors, Methods of Testing for Rating	\$ 2.75	\$ 5.50	64-74 Remote Mechanical-Draft Evaporative Refrigerant Condensers, Methods of Testing	\$ 3.00	\$ 6.00
24-78 (Supersedes 24-71) Liquid Coolers, Methods of Testing for Rating	\$ 5.00	\$10.00	68-78 Method of Testing Sound Power Radiated into Ducts from Air Moving Devices	\$ 2.00	\$ 4.00
25-77 (Revised 25-58) Forced Convection and Natural Convection Air Coilers for Refrigeration, Methods of Testing for Rating	\$ 2.25	\$ 4.50	69-71 Discharge Line Refrigerant and Separator, Methods of Testing	\$ 2.50	\$ 5.00
26-78 Mechanical Refrigeration Installations on Shipboard, Updated and revised from Standard 26-66 (ANSI B59.1-64)	\$ 3.00	\$ 5.00	70-72 Air Flow Performance of Ducts & Inlets, Method of Testing for Rating	\$ 2.50	\$ 5.00
28-78 (Supersedes 28-72) Capillary Tubes, Method of Testing	\$ 2.00	\$ 4.00	71-73 Und Ventilators, Method of Testing for Rating	\$ 5.00	\$10.00
29-78 (Supersedes 29-71) Automatic Ice Makers, Methods of Testing	\$ 2.00	\$ 4.00	72-74 Open Refrigeration for Food Stores, Method of Testing for Rating	\$ 5.00	\$10.00
30-78 Liquid Chilling Packages, Methods of Testing for Rating	\$ 2.00	\$ 4.00	74-73 Solar-Optical Properties of Materials, Method of Measuring	\$ 2.00	\$ 4.00
32-71 Bottled Beverage Coolers, Methods of Rating and Testing	\$ 2.50	\$ 5.00	78-78 Flow Capacity of Suction Line Filters and Filter Orifices, Method of Testing	\$ 2.00	\$ 4.00
33-78 Forced Circulation, Air-Cooling Coils (under non-freezing conditions) and Air-Heating Coils, Methods of Testing for Rating: includes forms for recording coil physical data, test and calculations	\$ 6.00	\$12.00	79-78 Methods of Testing for Rating Room Fan-Coil Air Conditioners	\$ 3.00	\$ 6.00
34-78 Number Designation of Refrigerants (Supersedes ANSI B79.1-1966)	\$ 2.00	\$ 5.00	84-78 Air-to-Air Heat Exchangers, Method of Testing	\$ 2.50	\$ 5.00
35-78 (Supersedes 35-66) Desiccants for Refrigerant Drying, Methods of Testing	\$ 3.00	\$ 4.00	85-78 Automatic Control Terminology for Heating, Ventilating, Air-Conditioning and Refrigeration Equipment	\$ 5.00	\$10.00
37-78 Unitary Air-Conditioning & Heat Pump Equipment, Methods of Testing for Rating	\$ 6.00	\$12.00	86-78 Method of Testing for Dew Point of Refrigeration Grade Oil	\$ 2.00	\$ 4.00
40-70 Heat Operated Unitary Air-Conditioning Equipment for Cooling, Methods of Testing for Rating	\$ 2.50	\$ 5.00	90-75 Energy Conservation in New Building Design	\$ 5.00	\$10.00
41-1-74 Standard Measurements Guide: Section on Temperature Measurements (Reaffirmed 41-66 Part 1)	\$ 5.00	\$10.00	90-79 Section 12 Addendum	\$ 2.00	\$ 4.00
41-4-75 Standard Method of Measurement of the Proportion of Oil in Liquid Refrigerants	\$ 2.00	\$ 4.00	91-76 (Supersedes 91-75) Methods of Testing for Rating Pre-Mix and Post-Mix Soft Drink Vending and Dispensing Equipment	\$ 2.00	\$ 4.00
41-5-75 Standard Measurement Guide: Engineering Analysis of Experimental Data	\$ 5.00	\$10.00	93-77 Methods of Testing to Determine Thermal Performance of Solar Collectors (ANSI B198.1-1977)	\$ 4.00	\$ 8.00
			94-77 Methods of Testing Thermal Storage Devices Based on Thermal Performance (ANSI B199.1-1971)	\$ 3.00	\$ 6.00
			93-94 Combustion Price	\$ 5.00	\$10.00

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

Chapter 55. SMOKING IN
PUBLIC PLACES

Section

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

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

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

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

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

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

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

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

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

AUTHORITY: AS 18.35.310
AS 18.35.360
AS 46.03.020
AS 46.03.140

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

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

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

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

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

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

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

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

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

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

AUTHORITY: AS 18.35.330
AS 18.35.360
AS 46.03.020
AS 46.03.140

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

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

AUTHORITY: AS 18.35.340
AS 18.35.360
AS 46.03.020
AS 46.03.140

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

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

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

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

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

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

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

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

AUTHORITY: AS 18.35.350
AS 18.35.360
AS 46.03.020
AS 46.03.140

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

(1) "ASHRAE" means the American Society of Heating, Refrigeration and Air Conditioning Engineers;

(2) "complainant" means a person who has observed a violation of this chapter and notifies the department;

(3) "department" means the Department of Environmental Conservation.

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

(1) a judicial or quasi-judicial body solely to make a decision in an adjudicatory proceeding;

(2) a jury;

(3) a parole or pardon board;

(4) the medical staff of a hospital; or

(5) the governing body or a committee of a hospital solely to act upon matters of professional qualifications, privileges, or discipline.

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

(1) "bus" means a self-propelled vehicle with capacity for carrying more than 10 passengers which is used on public highways to transport passengers for compensation;

(2) "limousine for hire" means a self-propelled vehicle with capacity for carrying 6 to 10 passengers which is used on public highways to transport passengers for compensation between a transportation terminal and other designated points;

ALASKA STATUTES
ARTICLE 4. HEALTH NUISANCES

Register 79, August 1981 ENVIRONMENTAL CONSERVATION 18. AAC 55.900

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

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

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

AUTHORITY: AS 18.35.360
AS 46.03.020
AS 46.03.140

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

Sec. 18.35.300. Smoking in public places, vehicles prohibited. Smoking in any form may constitute a nuisance and is prohibited in the following areas, unless exempted by this chapter:

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

(2) a library, indoor theater, museum, lecture or concert hall, gymnasium, swimming pool, or other indoor publicly owned and operated place of entertainment or recreation;

(3) a public school; or in a room, chamber, place of meeting or public assembly under auspices of the state, or a department or agency of the state while a public meeting held under the auspices of the state, or a department or agency of the state, is in progress;

(4) the public waiting room of laboratories associated with health care or the healing arts;

(5) the waiting room, restroom, or lobby or hallway of a hospital, nursing home, rest home or other health care institution or facility; or

(6) a place of business in which the owner, manager, proprietor, or other person who has control of the premises posts a sign conveying the message that smoking is prohibited by law. (§ 1 ch 125 SLA 1975)

Sec. 18.35.310. Exemptions. Smoking in the places or vehicles set out in 300 of this chapter is permitted if

(1) the smoking is confined to areas which are specifically designated as smoking areas;

(2) the place, vehicle, or passenger carrier is being used for a private gathering or affair which is privately sponsored and is not open to the general public;

(3) the smoking is done by performers upon the stage as a part of a theatrical production; or

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

(§ 1 ch 125 SLA 1975)

Sec 18.35.320. Smoking areas provided. (a) In a building covered by § 300(2), (3), (5) of this chapter, reasonable smoking areas must be provided, unless prohibited for the protection of the public safety or the protection and preservation of the building and its contents.

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

Sec. 18.35.330. Display of smoking prohibited signs. Every owner, manager, proprietor or other person who has control of a place or vehicle set out in § 300(1) - (5) of this chapter shall conspicuously display in the place or vehicle a sign reading "Smoking Prohibited by Law." (§ 1 ch 125 SLA 1975)

Sec. 18.35.340. Penalties. (a) A person who wilfully violates the provisions of § 300 of this chapter is punishable by civil fine of not less than \$5 or more than \$25 for each offense.

(b) A person who wilfully violates § 330 of this chapter is punishable by a fine of not less than \$10 nor more than \$100 for each offense.

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



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House of Representatives

WHITE-FROEB STUDY DISCREDITED BY SCIENTISTS

HON. L. H. FOUNTAIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, December 16, 1982

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

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

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

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

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

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

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

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

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

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

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

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

The problems with the research design are as follows:

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

The questionnaire utilized was not a val-

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

Professor of Internal Medicine.



Summary

Group Against Smoker's Pollution

Fairbanks February 1983



DOES SMOKE ANNOY YOU? YOU'RE NOT ALONE

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

Here are some of the abbreviated results:

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

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

HOUSE BILL 84 NEEDS URGENT HELP FROM NON-SMOKERS

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

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

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

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

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

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

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

DO YOUR PART NOW !!!

MARCH 1 -- BE THERE

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

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

NON-SMOKERS RIGHTS IN-FLIGHT

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

ANNUAL DUES

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

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

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

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

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

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

What can you do?

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

COMING UP

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

SPEAK OUT FOR YOURSELF

What would you do in the following situations?

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

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

Remember that you are your best advocate.

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

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

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



Fairbanks Group Against Smokers' Pollution

Information and Opinion Survey

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

A total of 516 surveys were tallied.

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

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

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

Questions and Comments

It stinks.

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

This is a good cause.

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

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

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

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

Keep up the work!

I support you.

Smokers should have no rights in relation to others.

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

This is a good booth.

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

What is the state law about smoking in state buildings?

I think this group is great.

Can we insist on No Smoking in work areas?

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

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

Thanks.

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

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

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

Questionnaire is way too long.

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

I'm a cardiac nurse!

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

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

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

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

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

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

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

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

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

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

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

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

Thanks for being here.

Thanks for the signs.

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

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

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

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

Good Luck.

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

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

Great booth/many good comments.

How do we get quick results?

Love this!

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

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

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

I think you are doing a great service.

Why is smoking allowed on planes?

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

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

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

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

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

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

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

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

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

Why do they smoke pot?

Why do they exhale?

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

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

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

Thank you for asking me to join your poll.

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

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

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

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

Smokers and non-smokers both have rights.

Pass a law prohibiting gum chewing anywhere.

Go too far.

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

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

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

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

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

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

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

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

GASP weekend ads are biased.

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

I think GASP is a very good cause.

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

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

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

Would like more information about current laws and court cases.

Very good questions. Thank you.

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

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

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

Thank you for your time and efforts.

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

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

Let's not be self righteous or oppressive.

Love what you've accomplished.

I hardly know a thinkg about GASP.

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

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

This is a biased questionnaire.

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

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

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

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

I hate smokers.

My husband smokes so I have little chance for change.

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

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

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

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

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

I think smoking shouldn't be allowed in airplanes.

The best booth at the Fair! Keep it up.

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

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

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

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

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

{ + 18.⁵¹ (2 days time loss at work)

Environmental Protection Agency

- ✓ has checked air quality standards at

Dept. of Labor -- "air quality good"

(newsclipping attached re: work. comp. claims)

9/7/83

CESSIBILITY FOR INDUSTRIES SEEKING DEVELOPMENT PERMITS.

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

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

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

--333333

BC-SMOKER CLAIMS, 210

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

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

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

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

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

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

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

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

--333333

BC-FELIX APPT., 100

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

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

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

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

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

See Reagan, page A-10

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

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

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

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Smokers blamed in workers' claims

by Andy Ryan
Times Juneau Bureau

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

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

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

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

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

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

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

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

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

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

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

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

C
V

PRESS RELEASE FOR IMMEDIATE RELEASE

From: Senator Josephson, Chairman, Senate HESS Committee

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

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

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

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

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

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

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

Press Release (2)

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

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

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

COMMITTEE CALENDAR

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

WITNESS REGISTER

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

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

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

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

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

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

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

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

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

PREVIOUS ACTION

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

ACTION NARRATIVE

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

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

Number 034

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

cost to employers.

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

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

Number 427

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

Number 503

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

Number 538

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

Number 590

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

Number 640

Chair Josephson asked if the bill is

patterned after any other legislation adopted in other states.

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

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

Number 247

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

Number 258

Mr. Miller stated he did not.

Number 270

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

Number 338

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

Number 460

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

Number 500

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

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

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

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

FISCAL NOTE

Revision Date: _____

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

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

Distribution (by Agency preparing fiscal note):

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

Fiscal Note
Analysis
SCSCSHB 84 (HESS)

February 8, 1984

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

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

COMMITTEE LETTER OF INTENT
SCS for CSHB 84

February 5, 1984

Dear Mr. President:

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

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

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

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

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

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

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

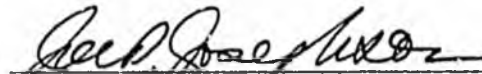
counters, registers or lanes, it is the intent of the Committee that employers be permitted (notwithstanding this prohibition) to provide employee smoking areas if such areas are places where the general public are not permitted to be.

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

Respectfully submitted,

COMMITTEE ON HEALTH, EDUCATION
& SOCIAL SERVICES

By:



Joe W. Josephson, Chair

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

STATE OF ALASKA
THE LEGISLATURE

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

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

September 19, 1983

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

TO: Representative Mike M. Miller

FROM: Edward H. Hein *EH*
Legislative Counsel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Representative Mike Miller
Page 5
September 19, 1983

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

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

If I may be of further assistance, please advise.

EHH:ljb
29/008

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

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

COMMITTEE CALENDAR

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

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

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

WITNESS REGISTER

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

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

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

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

Curtis Mekemson
Alaska Lung Association

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

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

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

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

PREVIOUS ACTION

SB 327 No previous action to record on SB 327.

SB 343 No previous action to record on SB 343.

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

ACTION NARRATIVE

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

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

Number 032

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

Number 055

Chair Josephson -- There was a media report

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

Number 061

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

Number 091

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

Number 122

Chair Josephson -- The prenatal test is routine?

Number 125

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

Number 131

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

Number 170

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

Number 193

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

Number 195

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

Number 224

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

Number 261

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

Number 265

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

a women becomes pregnant, she must be tested.

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

for (b)1 again?

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

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

Number 632

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

Number 635

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

Number 647

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

Number 649

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

Number 700

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

Number 723

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

Number 771

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

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

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

Number 300

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

Number 386

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

Number 389

Meeting is adjourned at 4:05 p.m.

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

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

Members Absent: Senator Rick Halford

COMMITTEE CALENDAR

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

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

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

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

WITNESS REGISTER

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

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

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

PREVIOUS ACTION

SB 362 No previous action to record on SB 362.

SB 346 No previous action to record on SB 346.

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

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

ACTION NARRATIVE

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

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

Number 009

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

Number 050

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

Number 074

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

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

Number 158

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

Number 161

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

Number 164

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

Number 196

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

Number 199

Mr. Romesberg -- No.

Number 206

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

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

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

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

which was my big concern.

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

SENATE COMMITTEE CHAIRMAN

JOE JOSEPHSON

Reference:
HB 84 HE&SS

February 6, 1984

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

RECEIVED

Josephson,

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

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

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

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

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

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

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

February 1, 1984
Juneau, Alaska

Susan Burns

574-26-6740

DAVID L YOUNKER

357-34-4484

Learn Dagenets

574-26-6385

George Moore

536-28-5186

RECEIVED

DEPARTMENT