

HOUSE BILL REPORT

HB 1066

As Reported By House Committee On:
Commerce & Labor

Title: An act relating to agreements regarding smoking in the workplace.

Brief Description: Authorizing agreements regarding smoking in the workplace that provide for a designated enclosed smoking room.

Sponsors: Representatives Lisk, Dyer, R. Fisher, Cairnes, Grant, Chandler, Sheldon, Scott and Ballasiotes.

Brief History:

Committee Activity:

Commerce & Labor: 1/26/95, 2/27/95, 3/1/95 [DPS].

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Lisk, Chairman; Hargrove, Vice Chairman; Thompson, Vice Chairman; Romero, Ranking Minority Member; Cairnes; Fuhrman; Goldsmith and Horn.

Minority Report: Do not pass. Signed by 3 members: Representatives Conway, Assistant Ranking Minority Member; Cody and Cole.

Staff: Chris Cordes (786-7117).

Background: The Washington Industrial Safety and Health Act (WISHA) authorizes the Department of Labor and Industries to adopt safety and health rules, of general or specific applicability, for all covered industries and employments in the state. Pursuant to this authority, the department adopted rules regarding smoking in indoor office work environments. The rules require employers subject to the rules to prohibit smoking in offices or to restrict smoking indoors to designated enclosed smoking rooms. These designated smoking rooms must be ventilated according to standards specified in the rules, including a separate mechanical exhaust system and direct exhaustion outside.

Under the Washington Clean Indoor Air Act, smoking is prohibited in public places, except in designated smoking areas. Bars, taverns, bowling alleys, tobacco shops, or restaurants may be designated smoking areas in their entirety.

Summary of Substitute Bill: An employer's policy restricting smoking in the workplace must include a designated enclosed smoking room if a smoking room policy is included in a collective bargaining agreement or if the employees of the employer agree to a written smoking room policy. If the smoking room is ventilated as agreed by the employer and employees, it is deemed to meet any ventilation requirements of the Washington State Industrial Health Act.

The written smoking room policy must be kept on file by the employer and made available to employees.

Any department rule restricting smoking in the workplace must include provisions permitting employer policies as authorized in these provisions. However, these provisions do not apply to a workplace if a statute expressly prohibiting indoor smoking applies to that workplace.

These provisions are not to be construed as requiring an employer to provide a smoking room.

Substitute Bill Compared to Original Bill: The substitute bill clarifies that rules adopted by the Department of Labor and Industries restricting smoking in the workplace must include provisions allowing the employer policies authorized in the bill. However, the bill does not apply to workplaces that are covered by a statute expressly prohibiting indoor smoking. Provisions are added (1) requiring the smoking room policy to be kept on file and made available to employees; and (2) stating that the bill is not to be construed as requiring an employer to provide a smoking room.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect immediately.

Testimony For: (1) The problems of smoking in the workplace are complex and are part of a larger picture of indoor air quality. However, there should be room for employers and employees to agree on smoking policies. (2) Companies that have put enormous effort into air purifying equipment should not be subject to restrictive agency rules. (3) Providing ventilated smoking rooms meeting the regulations is too costly for small employers. Some small employers have only one room as a workplace and cannot reserve a second room for a smoking room. (4) It is common

sense to allow the employer and employees to work out an agreement. (5) Comparison of health statistics of other countries with high smoking rates indicates that lung cancer rates and other disease rates and smoking rates do not correlate. There is litigation now pending on the scientific issues. (6) There should be recognition of a permissible exposure level for environmental tobacco smoke. Even substances like asbestos have permissible exposure levels.

Testimony Against: (1) The health problems resulting from tobacco smoke are clear. Many recognized hazardous chemicals are contained in tobacco smoke. (2) Any ventilation system used in a workplace should at least meet national standards. Filtering systems are not always the answer. (3) The cost of ventilation is low compared to the cost of health care that results without safeguards from tobacco smoke. An individual's choice to smoke is a choice that affects co-workers. (4) Some people are extremely sensitive to any tobacco smoke. (5) If an agreement is allowed, some employees may be forced to agree to keep their jobs.

Testified: (In favor) Representative Eugene Goldsmith; Joe Daniels; Norman Kjono, System IV; Max Butler; Gary Smith, Independent Business Association; Celia Fritz, VIP Airport Parking; Bill Fritz, Washington Food Processors and the Tobacco Institute; T.K. Bentler, RJR Tobacco; and Trevor Sandison, Phillip Morris. (Opposed) Mark Brown, Department of Labor and Industries; Mimi Fields, Department of Health; Steve Albrecht, Washington Doctors Ought to Care; Tim McAfee, Group Health Cooperative; Lisa Smith, American Cancer Society; Jeff Johnson, Washington State Labor Council; and Bill Van Horn, Tobacco Free Coalition. (With concerns) Roxy Giddings.