

SENATE BILL REPORT

ESSB 5993

As Passed Senate, March 12, 2001

Title: An act relating to removing the discretion of owners or managers of restaurants, card rooms, and bowling alleys to choose to allow smoking areas other than in a lounge, bar, or other area where persons under eighteen years of age are not permitted to enter or remain.

Brief Description: Revising limitations on smoking in public places.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Oke, Spanel, Winsley and Thibaudeau).

Brief History:

Committee Activity: Health & Long-Term Care: 2/22/01, 2/27/01 [DPS].

Ways & Means: 3/7/01 [w/oRec].

Passed Senate: 3/12/01, 35-14.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: That Substitute Senate Bill No. 5993 be substituted therefor, and the substitute bill do pass.

Signed by Senators Thibaudeau, Chair; Franklin, Vice Chair; Costa, Fraser and Winsley.

Staff: Rhoda Donkin (786-7198)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That it be referred without recommendation.

Signed by Senators Brown, Chair; Constantine, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Kohl-Welles, Long, Parlette, Rasmussen, Regala, B. Sheldon, Snyder, Spanel, Thibaudeau and Winsley.

Staff: Tim Yowell (786-7435)

Background: The Washington Clean Indoor Air Act prohibits smoking in public places except in areas designated as smoking areas. Places that cannot be designated as smoking areas include elevators, buses, taxis, and office reception areas. Museums, public meetings or hearings, classrooms, health care facilities are among others.

Summary of Bill: The only public facilities that can have designated smoking areas are card rooms, enhanced card rooms, lounge or lounge areas, or any other area where persons under 18 years of age are not permitted to enter or remain. Smoking areas may be designated in private buses and taxis that are clearly and visibly designated by the owner to permit smoking.

Language in current law which protects restaurants from having to incur any expense making structural or physical modifications is stricken.

By December 31, 2002, the Department of Health, in consultation with the Liquor Control Board adopts rules to be developed by a nine-member task force. The task force is appointed by the Secretary of Health representing the Restaurant Association and four members representing the Washington Alliance for Tobacco Control and Children's Health. The task force is chaired by the Attorney General. The rules take effect on July 1, 2003.

Rules address, at a minimum, ensuring smoking areas are separated adequately from nonsmoking areas, and creating mechanical barriers that restrict the flow of environmental smoke.

The local public health districts enforce rules related to smoking regulations. If there is a conflict between local public health interpretation of rule and the Department of Health, the latter prevails.

A severability clause has been added.

Appropriation: None.

Fiscal Note: Requested on February 16, 2001.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For (Health & Long-Term Care): This is a good compromise between business owners who want to serve smoking customers and people who want to eradicate all environmental tobacco smoke.

Testimony Against (Health & Long-Term Care): This will hurt small restaurant owners with smoking clientele.

Testified (Health & Long-Term Care): Nick Federici, WA Alliance for Tobacco Control and Children's Health (pro w/amend); Michael Transue, WA Restaurant Assn.; Dian Sharma, Tacoma-Pierce County Health Department (pro); Dave Horn, Attorney General's Office (pro w/concerns); Oliver Jordt, Olivers Northwest (con); Robb Menaul, WA State Hospital Assn. (pro w/concerns); Sharon Case, WA Community and Migrant Health Centers (pro w/concerns); Heidi Henson, Harbor Health and Wellness Center (pro); Kevin Knox, American Cancer Society (pro w/concerns); Teresa Maxwell, Fern Hill Task Force (pro).