

SENATE BILL REPORT

SB 5909

As Reported By Senate Committee On:
Health & Long-Term Care, March 2, 2005

Title: An act relating to regulation of indoor smoking for the purpose of protecting minors and public health.

Brief Description: Revising regulation of indoor smoking for the purpose of protecting minors and public health.

Sponsors: Senators Deccio, Keiser and Oke.

Brief History:

Committee Activity: Health & Long-Term Care: 2/23/05, 3/2/05 [DP].

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Majority Report: Do pass.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Deccio, Ranking Minority Member; Benson, Brandland, Johnson, Kastama, Kline and Parlette.

Staff: Sharon Swanson (786-7447)

Background: The Washington Clean Indoor Air Act prohibits smoking in public places, except in designated smoking areas. The term "public place" applies to buildings or vehicles that are used by and open to the public, regardless of who owns the facility and if a fee is paid to enter.

State law allows smoking in bars, taverns, bowling alleys, tobacco shops, and restaurants without requiring it be restricted to smoking areas.

Summary of Bill: Allows a place where bingo is conducted for a bona fide charitable or nonprofit organization as authorized under RCW 9.46, a private facility, a bowling center, card room or enhanced card room, and a lounge or lounge area to be added to the list of areas that may be designated as a smoking area in its entirety.

If an area is designated as a smoking area, the area must be either an enclosed area or the area must have sufficient negative air pressure between the smoking and nonsmoking areas, which must be separated by solid walls or windows, exclusive of doors or passageways that extend from the floor to a minimum of five feet in height between the smoking and nonsmoking area, so that environmental tobacco smoke is not permitted to flow into the nonsmoking area from the smoking area at all times.

Employers must disclose to a prospective employee that all or a portion of the facility that the employee would work in is a designated smoking area.

Employees under the age of eighteen must not be permitted to enter designated smoking areas at any time.

Persons under the age of eighteen must not be permitted to enter designated smoking areas at any time.

The state building code council has the sole authority to adopt rules as necessary to implement changes under this legislation.

The State of Washington fully occupies and preempts the entire field of indoor smoking regulation within the boundaries of the state.

Local laws and ordinances that regulate indoor smoking are preempted and repealed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: For facilities that possess and occupancy permit from the applicable building official as of June 1, 2005, the requirements of this act apply January 1, 2007.

For facilities that do not possess an occupancy permit from the applicable building official as of June 1, 2005, the requirements of this act apply June 1, 2006.

Testimony For: This proposal is more reasonable than an all out ban of smoking. This bill will allow freedom of choice for consumers and will protect non-smokers from the effects of second hand smoke. Many businesses, especially bingo parlors, bars, and bowling alley's rely on their ability to have smokers and non-smokers as consumers. This bill will allow for both groups to continue to co-exist. Compromise is the best way to handle this type of conflict.

Testimony Against: The only way to protect the health of the public is to ban smoking. There is no evidence that the long-term economic effects are negative. Many states and several countries have banned smoking. There is evidence to suggest that the actual long term effects for the business and health care costs are positive rather than negative. The concerns about gambling on tribal lands has not been proven in New York, Massachusetts, or any of the other states that have tribal gaming within their borders.

Who Testified: PRO: Senator Deccio, prime sponsor; Ric Newfard, Washington Charitable Civic Gaming; Linda Matson, Hospitality Entertainment Legal Political; Michael Transue, Washington Restaurant Association; Anthony Anton, Washington Restaurant Association; Dave Harris, American Veterans;

CON: Nick Federicci, Lung Association of Washington; Michael Shaw, American Heart Association; Roger Valdez, Public Health King County.