

# SENATE BILL REPORT

## ESSB 5666

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As Passed Senate, March 18, 1997

**Title:** An act relating to permitting employers to accommodate indoor smoking in the workplace.

**Brief Description:** Regulating smoking in the workplace.

**Sponsors:** Senate Committee on Commerce & Labor (originally sponsored by Senators Schow, Prentice, Roach, Patterson, Goings, Swecker, Newhouse, Benton, Bauer, Horn, Loveland, Finkbeiner, Wood, Wojahn, Sellar, Rasmussen and Anderson).

**Brief History:**

**Committee Activity:** Commerce & Labor: 2/13/97, 2/20/97 [DPS, DNPS].  
Passed Senate, 3/18/97, 27-22.

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### SENATE COMMITTEE ON COMMERCE & LABOR

**Majority Report:** That Substitute Senate Bill No. 5666 be substituted therefor, and the substitute bill do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Heavey and Newhouse.

**Minority Report:** Do not pass substitute.

Signed by Senators Franklin and Fraser.

**Staff:** Aurora Almeda (786-7488)

**Background:** Under current law, employers may decide whether to permit smoking in the workplace. An employer that permits smoking in the office workplace must designate a smoking room which adheres to ventilation requirements set out in the Washington Industrial Safety and Health Act.

Some employers have expressed concern about their ability to accommodate indoor smoking in the office workplace.

**Summary of Bill:** An employer's policy restricting smoking in the workplace must include a provision for a designated enclosed smoking room if a smoking room is included in a collective bargaining agreement. If no collective bargaining agreement applies, the employees of the employer may agree to a written smoking room policy.

The written smoking room policy may set ventilation standards which are deemed to satisfy any ventilation requirements of the Washington Industrial Safety and Health Act. The written smoking room policy must be kept on file and made available to employees on request.

Advertising, sales, and sampling of cigarettes or tobacco products are not permitted in the designated smoking rooms.

This requirement is not applicable to a workplace if a statute expressly prohibits indoor smoking to that workplace.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Due to the strict ventilation standards required by the Washington Industrial Safety and Health Act, some employers find it too costly to provide ventilated smoking rooms for their employees. Current ventilation requirements for smoking rooms are so strict, and can cost employers up to \$30,000, that most employers cannot afford to accommodate their smoking employees. Oftentimes, an employee's safety and health are at risk because he or she must smoke outside. An employer's no smoking policy may expose its employees to dangerous conditions because an employee must smoke outside the workplace regardless of the time, weather conditions, or risk of exposure to crime.

**Testimony Against:** This bill would allow employers and employees to define what constitutes an adequate ventilation system without objective requirements. Smoking rooms are already permitted, and employers may provide such accommodation not only for the benefit of the smokers but also for the safety and health of nonsmoking employees. Existing ventilation requirements were developed to protect both consumers and nonsmoking employees from secondhand smoke. Every year, secondhand smoke accounts for millions of dollars for illness, disability and lost work days.

**Testified:** PRO: Mike Lawrence, Harbor Wholesale Grocery, Inc.; Bill Fritz, Jeannie Polver, Food Processors; Jim St. John, AAA Aircare Systems; CON: Nick Federici, American Lung Association, WA State Nurses.

**House Amendment(s):** The designated smoking room must be ventilated in accordance with Standard 62-1989 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers, Inc., currently codified in the Department of Labor and Industries' Washington Administrative Code.