

# SENATE BILL REPORT

## SB 5592

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As of March 3, 2005

**Title:** An act relating to prohibiting smoking in public places.

**Brief Description:** Prohibiting smoking in public places.

**Sponsors:** Senators McAuliffe, Oke, Fairley, Shin, Keiser, Thibaudeau, Kohl-Welles and Weinstein.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/23/05.

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Staff:** Sharon Swanson (786-7447)

**Background:** The Washington Clean Indoor Air Act prohibits smoking in public places, except in designated smoking areas. The law describes public places as that portion of any building or vehicle used by or open to the public, regardless of who owns it and whether or not a fee is charged for entry.

The law further describes certain places that may not have designated smoking areas, such as elevators, buses, museums, classrooms, seating areas, aisles in concert halls, theaters, and indoor sports arenas. Current law also specifically allows bars, restaurants, taverns, bowling alleys, and tobacco shops to be smoking areas in their entirety.

The Washington Industrial Safety and Health Act (WISHA) regulates tobacco smoke in office settings. Smoking is prohibited under WISHA in all office work sites except in specifically designated smoking rooms. Company cafeterias, meeting rooms, and other ancillary office work sites must be smoke free.

**Summary of Bill:** Designated smoking areas in public places are prohibited. This prohibition includes bars, restaurants, taverns, skating rinks and bowling alleys.

Maximum civil penalties for violations of smoking prohibitions by owners of public places are a warning for the first violation, a fine of not more than \$100 for the second violation and a fine of not more than \$500 for each additional violation.

The bill does not prevent a city, town, or county from adopting ordinances more restrictive than those incorporated in this legislation restricting, or prohibiting smoking in public places.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** A uniform, smoke free environment will promote good health and protect all citizens of the State of Washington. People do not always have a choice about where they work, especially in rural communities. Entertainers and wait staff often do not have a choice over where they work. Considering what we now know about the dangers of second hand smoke, no individual should be forced to work in a smoke filled environment. Several states and countries have already banned smoking. While many businesses initially suffered an economic down turn, the long term evidence shows that more people choose to eat out and spend time in smoke free environment. No long term economic damage has been shown.

**Testimony Against:** A total ban will hit certain industries very hard. Owners of bars, restaurants, bingo establishments have all suffered under the Pierce County ban. It is not fair to say that the economic impact has not been proven. Jobs were lost, bills were unpaid as a result of lost wages and consumers turned to other counties or the tribal casinos. The reality is that many businesses are already smoke free. People can choose for themselves under the current system. It would be unfair and economically unsound to take all choice away from individuals.

**Who Testified:** PRO: Mary Selecky, Department of Health; William Hagedorn, Citizen; Senator McAuliffe, Prime Sponsor; Nick Federici, Lung Association of Washington; John McDaniel, Private Citizen; Roger Valdez, Public Health; Jim LaRue, Tacoma-Pierce County Health Department; Jay Holzman, Teacher.

CON: Ric Newfard, Washington Charitable/Civic Gaming; Janis Johnson, Pegasus; Dave Wilkinson, Employee Skyway Park Bowl; Michael Transue, Washington Restaurant Association

Signed in, Unable to Testify & Submitted Written Testimony: OTHER: Tami Neilson, Washington State Ferries.