

HOUSE BILL REPORT

HB 2038

As Reported by House Committee On:
Health Care

Title: An act relating to enacting a complete statewide smoking ban in public places including restaurants, bars, taverns, bowling alleys, and skating rinks.

Brief Description: Enacting a complete statewide smoking ban in public places.

Sponsors: Representatives McDermott, Tom, Cody, Roberts, Miloscia, Murray, Green, Haler, Kagi and Darneille.

Brief History:

Committee Activity:

Health Care: 2/24/05, 2/28/05 [DP].

Brief Summary of Bill

- Prohibits smoking in all public places by eliminating designated smoking areas.
- Raises penalties for violations by owners or lessees of public places.
- Allows local government to adopt more restrictive ordinances.

HOUSE COMMITTEE ON HEALTH CARE

Majority Report: Do pass. Signed by 8 members: Representatives Cody, Chair; Morrell, Vice Chair; Appleton, Clibborn, Green, Lantz, Moeller and Schual-Berke.

Minority Report: Do not pass. Signed by 7 members: Representatives Campbell, Vice Chair; Bailey, Ranking Minority Member; Curtis, Assistant Ranking Minority Member; Alexander, Condotta, Hinkle and Skinner.

Staff: Molly Belozer (786-7104).

Background:

The Centers for Disease Control and Prevention (CDC) reports that approximately 46 million Americans smoke. According to the CDC, cigarette smoking remains the leading preventable cause of death in the United States, accounting for approximately 440,000 deaths annually. Some states have statewide prohibitions on smoking in public places, including California, Massachusetts, and New York.

The Washington Clean Indoor Air Act prohibits smoking in public places, except for certain facilities that may designate smoking areas. A "public place" is a portion of any building or vehicle used by and open to the public. Designated smoking areas in public places must use existing physical barriers and ventilation systems to minimize smoke entering non-smoking areas. Bars, taverns, bowling alleys, tobacco shops, or restaurants may be designated smoking areas in their entirety. Violations of this prohibition include a warning, and subsequent fines of \$100.

Summary of Bill:

Public places may no longer have designated smoking areas. The definition of "public places" is expanded to include bars, taverns, bowling alleys, and skating rinks. The exemption from the smoking prohibition that applies to private enclosed workplaces within a public place is removed.

Maximum civil penalties for violations of smoking prohibitions by owners of covered facilities are raised to \$500.

Cities, towns, and counties may adopt more restrictive ordinances to prohibit smoking in public places.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This is an employee health issue and employees in the hospitality industry deserve the same clean air protection as employees in other industries. Seven other states have successfully implemented statewide smoking bans in public places and have seen no net long-term negative impact. Only 21 percent of Washingtonians smoke. Smoking is prohibited in theaters and retail establishments, and it should also be prohibited in bars and restaurants because many non-smokers die from secondhand smoke each year. There are not many job options during an economic downturn, many employees get locked into jobs such as waiting tables and bartending.

Testimony Against: Employees are not forced to work in a smoke-filled bar, they can choose to work elsewhere. Workers are already protected under various worker protection laws, including worker right-to-know. The state has no jurisdiction over tribal land, smokers will take their business to tribal casinos. Jobs will be lost and many businesses will be forced to close as they lose employees to tribal casinos. Unlike the other states that have implemented statewide smoking bans, Washington has casinos located in more urban locations. Many workers lost jobs as a result of the Pierce County smoking ban.

Persons Testifying: (In support) Mary Selecky, Department of Health; Nick Federici, American Lung Association; Roger Valdez, Public Health-Seattle and King County; Michael Shaw, American Heart Association; Cecilia Izzo; and Michael O'Sullivan, American Cancer Society.

(Opposed) Dave Wilkinson, Skyway Parkbowl; Linda Matson, Hospitality Entertainment Legal Political Alliance; Irene Mendoza; Dolores Chiechi, Recreational Gaming Association; Ric Newgard, Washington Charitable Civic Gaming Association; Jack Newton, Freddie's Club; Tim Iszley, Silver Dollar Casino; and Michael Transue, Washington Restaurant Association.

Persons Signed In To Testify But Not Testifying: None.