

HOUSE BILL REPORT

HB 1868

As Reported by House Committee On:
Health Care

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

Brief Description: Prohibiting smoking in public places.

Sponsors: Representatives McDermott, Schual-Berke, Cody, Darneille, Quall, Kagi, Hunt, Chase, Veloria, McIntire and Tom.

Brief History:

Committee Activity:

Health Care: 2/27/03, 3/4/03 [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 7 members: Representatives Cody, Chair; Morrell, Vice Chair; Campbell, Clibborn, Darneille, Moeller and Schual-Berke.

Minority Report: Do not pass. Signed by 5 members: Representatives Pflug, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Alexander, Benson and Skinner.

Staff: Chris Blake (786-7392).

Background:

According to the Centers for Disease Control and Prevention, approximately 45.6 million Americans smoke. Tobacco use has been linked to over 440,000 premature deaths annually. California and Delaware have statewide prohibitions on smoking in public places.

The Washington Clean Indoor Air Act prohibits smoking in public places, except for certain facilities that may designate smoking areas. The term "public place" applies to buildings or vehicles that are used by and open to the public. Where the owner or lessee designates a smoking area within a public place, appropriate barriers and ventilation systems must be used to minimize smoke entering non-smoking areas. Bars, taverns, bowling alleys, tobacco shops, or restaurants may be designated smoking areas in their entirety.

Summary of Bill:

Owners or lessees of facilities that have areas that qualify as a public place may no longer designate a part of the facility as a smoking area. All references to designated smoking areas are removed. Owners or lessees of bars, taverns, bowling alleys, tobacco shops, or restaurants may no longer designate the entire facility as a smoking area. 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 stringent ordinances to restrict 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: Evidence shows that secondhand smoke is harmful to health. All employees deserve to have their health protected. Business will increase if there is a statewide ban on smoking in public places.

Testimony Against: People should be allowed to make their own decisions whether or not to smoke. Competition from businesses in jurisdictions where smoking is allowed will hurt Washington business. A ban on smoking would hurt state revenues. Technology can resolve the health hazards that smoking poses.

Testified: (In support) Representative McDermott, prime sponsor; Mary Selecky, Department of Health; Nick Federici, American Lung Association of Washington; Carolyn Edmonds, King County Board of Health; Florence Delene-Leader; Terry Rogers,

American Lung Association; Michael O'Sullivan, American Cancer Society; Eric Wiggington, Lynnwood Lanes; and Sara Watson, Chili's.

(Opposed) Ric Newgard, Seattle Jr. Hockey Charitable Gaming; Gustav Hellthaler, Blue Moon Tavern; Jim St. John, AAA Aircare Systems; Chad Pounds, WANS-Smokers Choice; and Alan McWain, The Spar.