

January 25, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Tuesday, January 25, 1977 at 4:15 P.M. in Room 225 of the State Capitol.

The first bill to be heard was HOUSE BILL 176. Most of the testimony on this bill was heard at the previous meeting of this committee, which was held on Thursday, Jan. 20. Mr. Pat Melby, Director of SRS, apologized to the committee for missing that previous hearing. He then stated that the state supervised and the counties administered public assistance programs, and these employees are paid by the state. The counties then reimburse the state for these salaries. Other indirect costs are also involved. This procedure has been carried on since 1973. This bill would clarify that the counties would reimburse to the state 'reasonable and recognizable' costs. Mr. Dean Zennicker, Montana Assoc. of Counties, then reiterated that association's support for this bill.

There were no opponents to HOUSE BILL 176. There were no questions.

SENATE BILL 8 was then heard. Senator Blaylock, chief sponsor, explained that this was a recodification bill. One slight amendment had been made by the Senate, in order to clear up language in the bill. This committee's attorney, Bob Pyfer, then spoke on this point. The main reason for amending the section when 'licensed' was added is because no provision had been made in the chapter anywhere else.

There were no opponents to SENATE BILL 8. There were no questions.

HOUSE BILL 174 was then heard. The sponsor, Rep. Holmes, explained that this was not a bill to ban smoking; rather the meat of the bill provides that in public rooms there will be signs to indicate that at least 1/2 of the room is a non-smoking area. She then passed out an amended version of the bill, and went through the changes section by section; see attached copy.

Dr. Bruce Anderson, M.D., then spoke; stressing that all respiratory patients are affected by cigarette smoke. Dr. Buswell then gave more medical testimony, stating that this was not a political issue, but was a public health issue. Rep. Robert Ellerd as co-sponsor, spoke in support of this bill; see prepared statement.

The next proponent to speak was Ms. Phyllis Lefohn; see prepared statement. She pointed out that the person who must smoke can do it anywhere, but the person with asthma who must breathe has no such options. Mr. Leonard Bates spoke next - 6/7 of the smoke from one cigarette drifts off into a room. The average office after one cigarette has been smoked reaches a pollution level exceeding 36 times

the standards some states set for outdoor pollution levels. Ms. Cornelia Robinson then spoke. One-half hour in a smoke-filled room can increase blood pressure. At one time public spittoons were popular but have since gone out of vogue, and public opinion can also change smoking customs.

Dr. John Anderson, M.D., Dept. of Health and Environmental Sciences then stated that department's approval of the bill, but left some proposed amendments with the committee. Mr. Verne H. Ballantyne then said that he felt the real issue was whether or not smokers had the right to impose the smoking effects on everybody else. In the past separate smoking areas used to be the custom, and one requested permission before lighting a cigarette. Bob Johnson, representing the Assoc. of Local Health Departments, then spoke in support of the bill. Richard Isern stated the belief that contrary to what opponents thought, this bill could be enforced. Mr. Tim Berry, Montana Conference of Seventh-day Adventists, was the final proponent to speak in favor of the bill; see attached statement.

Opposition to HOUSE BILL 174 was then heard. Beginning the testimony was Donald W. Larson, Montana Tavern Association; see attached statement. He feels that if signs are required that the Health Dept. should provide them. Mr. Tom Maddox, representing the Montana Tobacco and Candy Distributors then spoke. See prepared statements. He disputed Rep. Holmes's statement that the Montana tax on cigarettes was 9¢, pointing out that it came closer to 12¢. Mr. Al Dougherty, Montana Coin Machine Operators' Assoc., then said he felt several enforcement problems were inherent in the bill if it were passed. Mr. John E. Larson, Lorillard Tobacco Co. of Bozeman, presented a copy of 'The Tobacco Observer'. He said that non-smoking areas presently set up are not being filled, and that 70% of all restaurant customers want to eat in the smoking section. Mr. George Gierke, President of the Montana Assoc. of Tobacco and Candy Distributors, stressed that everyone should 'smoke friendly'.

The hearing was then closed. Questions were asked and discussion took place. The question was brought up of whether or not some of the guidelines set forth in the bill would have the force of law. The overflow of smokers into non-smoking areas was discussed. Rep. Holmes suggested that one side of a room could be where smoking began, and the other side could be where non-smoking began. How much the bill actually encompassed was discussed.

Chairman Menahan suggested the possibility of making recommendations to the Dept. of Health rather than making them into law. Rep. Holmes replied that this is being attempted on the national level and the guidelines are being ignored.

Problems of funding were discussed. Dr. Anderson pointed out

that the Dept. of Health's proposed amendments would not involve any expenditure of state funds.

Rep. Holmes then closed, stating that the committee had a choice as to who they were going to listen to about the effects of smoking - the American Medical Assoc. or the tobacco lobbyists. "Smoking should be assigned to consenting adults in private."

The committee then went into executive session to take action on the following bills:

HOUSE BILL 176. Rep. Metcalf moved, Rep. Gunderson seconded that this bill DO PASS. Motion carried, with Rep. Ryan opposed.

SENATE BILL 8. Rep. Harper moved, Rep. Gunderson seconded that it DO PASS. Motion carried unanimously.

HOUSE BILL 174. Rep. Lynch moved that it DO NOT PASS, seconded by Rep. Ryan. Rep. Holmes made a substitute motion that her amendments be adopted and that AS SO AMENDED DO PASS. Rep. Cooney seconded this motion. Motion failed 10 to 9 on a roll call vote. The original motion was then before the committee. Discussion took place. Rep. Holmes made a motion for all motions pending that a subcommittee be assigned to study the bill. Motion carried with six members opposed. Reps. Holmes, Palmer and Stobie were appointed. The subcommittee shall give a progress report at the next meeting of the committee, on Thursday, Jan 27, 1977.

The meeting was adjourned.

Wm "Red" Menahan
Chairman-Rep. Wm. "Red" Menahan

Secretary