



Joint Meeting
of Great Falls City Commission, Cascade County Commission and Local Legislators

Special Work Session Agenda

Great Falls Civic Center, Gibson Room
No. 2 Park Drive South, Great Falls, MT

Tuesday, March 5, 2019
3:00 p.m. – 4:30 p.m.

Invitees:

Montana Senators and Representatives in the Great Falls/Cascade County area:

- | | |
|------------------------------|-------------------------------|
| Fred Anderson, HD 20 | Tom Jacobson, SD 11 |
| Ed Buttrey, HD 21 | Steve Fitzpatrick, SD 10 |
| Ross Fitzgerald, HD 17 | Brian Hoven, SD 13 |
| Brad Hamlet, HD 23 | Russ Tempel, SD 14 |
| Llew Jones, HD 18 | Carlie Boland, SD 12 |
| Wendy McKamey, HD 19 | Ryan Osmundson, SD 15 |
| Jasmine Krotkov, HD 25 | Bruce "Butch" Gillespie, SD 9 |
| Barbara Bessette, HD 24 | |
| Casey Schreiner, HD 26 | |
| Lola Sheldon-Galloway, HD 22 | |
| Joshua Kassmier, HD 27 | |

Great Falls City Commission: Mayor Bob Kelly, Commissioners Bill Bronson, Mary Moe, Owen Robinson, Tracy Houck

City Manager, Greg Doyon

Board of Cascade County Commissioners: Chairman Joe Briggs, Jane Weber, Jim Larson

Goals of this meeting:

- Gain understanding of how Bills in the 66th Legislative Session may impact local government
- Clarify the intent of certain Bills in the 66th Legislative Session

- | | |
|--|---------------------------------|
| 1. Welcome and Introductions | City Mayor, Bob Kelly |
| 2. Public Comment | City Commissioner, Bill Bronson |
| 3. 2019 Legislative Bills affecting Local Government | |
| • City of Great Falls | City Commissioner, Bill Bronson |
| • Cascade County | County Commissioner, Jane Weber |
| 4. Questions from Legislators | All Legislators |
| 5. Thank you and Wrap Up | City/County Commissioners |

NOTE: This meeting is an "informal" meeting of the City Commission and County Commission.
The content of the Agenda is subject to change at the meeting.



Transmittal Break – March 2019 66th Legislative Session

Legislation affecting the Cascade City-County Board of Health

MCA §50-2-116 defines the powers and duties of local Boards of Health. As such, the BOH role is to *identify, assess, prevent and ameliorate conditions of public health importance* through public health measures as allowed by law. MCA §50-40-102 defines the intent of the Montana Clean Indoor Air Act to *protect the public health and welfare by prohibiting smoking in public places and places of employment*. Under MCA §50-40-108, the Department of Health and Human Services and local boards of health have the authority to supervise and enforce the MCIAA.

Following are key positions the Cascade City County Board of Health has taken on key legislation.

1. HB 481: An Act revising the Clean Indoor Air Act Relating to Private Establishments

OPPOSE

Primary Sponsor: Wylie Galt, HD 30, Martinsdale

The Board of Health opposes HB 481 which adds an exemption to the Montana Clean Indoor Air Act (MCIAA) and undermines its intent by allowing private social (smoking) clubs and exposing employees and patrons to the detrimental effects of secondhand smoke. While these establishments will be dubbed “private,” the term “private” does not specifically exempt an establishment from compliance with the MCIAA. This is a retrograde effort to diminish the MCIAA little-by-little and provide economic gain for tavern owners who could create a space within their establishments and classify it as a “private” social club; allow free admission and permit open smoking within that space. The legislative language is vague; but its purpose is obvious. No one goes to a private social club simply to smoke when they could smoke in the convenience of their own home. The emphasis should be placed on the term “social.” There is no economic incentive for an entrepreneur to establish a “private social club” if only smoking occurs. No doubt, these “private social clubs” will serve beverages, possibly even food, requiring employees to provide this service to smoking patrons. No employees, whether serving beverages/food or providing janitorial services within a facility, should be required to be exposed to the unhealthy effects of secondhand smoke. Employees are to be protected under the MCIAA. This exemption eliminates those protections.

It is a well-known fact that secondhand smoke leads to chronic respiratory issues like asthma, COPD, and more serious illnesses like cancers and heart disease. The unhealthy effects of smoking and/or secondhand smoke cannot be denied and each of us has been touched by a parent, grandparent, or friend who has suffered from the debilitating effects of first-hand or secondhand smoke.

This exemption also removes current protections for non-smokers in public places where shared space occurs. Because these private social club rooms might locate in buildings where ventilation is shared throughout the larger building, smoke will undoubtedly infiltrate to other sectors of a building. A private social club established in downtown Missoula was co-located in the same building as the Missoula Children’s Museum. Their BOH received numerous complaints from employees and patrons of the museum and concern for the children being exposed to secondhand smoke. A judge in the case noted that private clubs are not specifically exempt from the MCIAA and concurred with the BOH that the cigar club and museum shared the same air space. The judge wrote, “*even if an entity can rightly claim to be a private club, smoking can still be prohibited within the space it uses if the space otherwise meets the definition . . . if an enclosed space shares the same indoor air space as a public space, the prohibitions of the MCIAA would clearly apply to both spaces.*”

This exemption also lacks clarity of where and when these “private social smoking clubs” can occur. The language does not restrict entry to these establishments. Children of the patrons are not limited from accompanying their parents to the private social club, thereby exposing them to the documented harmful effects of secondhand smoke. Research shows, children are known to have increased risk of respiratory