

1997 STATUS REPORT  
STATE TOBACCO LEGISLATION--

**CIGARETTE EXCISE TAXES**

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Legislation/Proposals to increase the cigarette tax has been introduced in 28 states; remains pending in two:

California (37) 50 cents (raised to a 60 cent increase by 2008, initiative pending approval for the ballot); 50 cents (ballot proposal)  
Pennsylvania (31) 2 cents; .2 cents

Cigarette tax increase has passed in eight states:

ALASKA (29) 71 cents (eff: 10/1/97)  
ARKANSAS (31.5) 2.5 cents (the 2.5-cent tax will not be levied until funding of the cancer program is unavailable from Category A of the Arkansas Revenue Stabilization Act) (eff: 7/1/97)  
HAWAII (60) 40 cents (20 cents eff: 9/1/97; 20 cents eff: 7/1/98)  
(Signed by Governor on 7/2/97)  
MAINE (37) 37 cents (eff: 11/1/97)  
NEW HAMPSHIRE (25) 12 cents (eff: 7/1/97)  
RHODE ISLAND (61) 10 cents (eff: 7/1/97)  
UTAH (26.5) 25 cents (eff: 7/1/97)  
WISCONSIN (44) 15 cents (eff: 11/1/97)

Cigarette tax increases have been defeated in 25 states:

Alabama (16.5) 18 cents  
Alaska (29) \$1.00  
California (37) 25 cents; 80 cents  
Connecticut (50) 1 cent; 5 cents; 25 cents  
Delaware (24) 24 cents  
Florida (33.9) 10 cents  
Hawaii (60) 10 cents; 50 cents  
Indiana (15.5) 2 cents; 49.5 cents  
Maine (37) 10 cents; 25 cents; 37 cents (vetoed); 53 cents; \$1.00  
Maryland (36) 15 cents; 25 cents; 36 cents; \$1.00  
Minnesota (48) 5 cents; 10 cents; 4 cents  
Mississippi (18) 75 cents  
Montana (18) 10 cents; 18 cents  
Nebraska (34) 10 cents  
New Hampshire (25) 16 cents; 18 cents; 20 cents; 25 cents  
New Mexico (21) 40 cents; 4 cents  
New York (56) 1 cent; 2 cents; 25 cents; 50 cents; increases minimum sales price  
Ohio (24) 12 cents (not approved for the ballot)  
South Carolina (7) 1 cent  
South Dakota (33) 10 cents  
Texas (41) 20 cents; 25 cents  
Utah (26.5) 10 cents

**Cigarette tax increases have been defeated in 25 states (cont'd):**

Virginia (2.5)	2.5 cents for 1997; 2.5 cents each year thereafter to year 2000
Washington (82.5)	1 cent
Wyoming (12)	25 cents; 4 cents; 25 cents (special session)

**Legislation to repeal excise tax sunset contingency has been approved in two states:**

**IDAHO**  
**OREGON**

**OTHER TOBACCO PRODUCT (OTP) TAXES - Legislative****New or increased OTP taxes have been introduced in 17 states; passed in three:**

<b>ALASKA</b>	75% of wholesale price
<b>ARKANSAS</b>	increase by 2% of wholesale price (tax will not be collected so long as funding of the cancer program is available from Category A of the Arkansas Revenue Stabilization Act)
<b>HAWAII</b>	40% of wholesale price (Signed by Governor on 7/2/97)

**New or increased OTP taxes have been defeated in 14 states:**

Florida	increase to 32.4% of wholesale price
Idaho	increase by 5% of wholesale price
Maine	increase to 124% of wholesale price for smokeless; 39% of wholesale price on cigars and pipe tobacco
Maryland	20% of wholesale price; 25% of wholesale price; 35% of wholesale price
Minnesota	increase by 7% of wholesale price
Montana	increase by 6.9% of wholesale price
New York	increase to 20 1/2% of wholesale price
North Dakota	increase to 32% of wholesale price
South Dakota	increase to 20% of wholesale price
Texas	increase by 4.5% of wholesale price
Virginia	tax on cigars to 1966 rate; OTP rate of 2% of retail cost
Washington	tax on cigars at 25% of the wholesale price
West Virginia	40% of wholesale price
Wyoming	20% of wholesale price

**OTP tax reduction legislation has been introduced and defeated in two states:**

Connecticut	exempt cigars and pipe products from 20% OTP tax
Maine	reduce wholesale tax on pipe tobacco and cigars to 10%

**Legislation to repeal tobacco taxes was introduced and defeated in one state:**

Maine	repeal taxes on pipe and cigar tobacco
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**LOCAL AUTHORITY TOBACCO TAXES - Legislative**

Legislation extending authority for local tobacco taxes has been introduced and defeated in two states:

Alabama  
Virginia

**TOBACCO TAX EARMARKING - Legislative**

Earmarking bills have been filed in 26 states; remain pending in two:

California	Tutoring programs, computer equipment and the Cigarette and Tobacco Products Surtax Fund; Early childhood development, tobacco education, and preventive health care programs
Pennsylvania	Children's Health Fund; Breast Cancer Fund

Tobacco tax earmarking legislation has passed in six states:

ALASKA	children's health program account
ARIZONA	use remaining funds of health education monies to fund construction of state buildings; funding of transplants for indigent patients; grants to hospital programs for children; Health Crisis Fund
ARKANSAS	10% of funds collected go to state treasury as "general revenues"; 90% to state treasury as "special revenues," 20% credited to Breast Cancer Research Fund and 80% to Breast Cancer Control Fund
NEW YORK	Cigarette Tax Enforcement Fund; Youth Smoking Awareness Account
UTAH	\$250,000 to a tobacco/substance abuse prevention and control media campaign
WISCONSIN	tobacco prevention and education program

Tobacco tax earmarking legislation has been defeated in 23 states:

Alabama	Children's First Trust Fund
California	Health Access & Individual Responsibility Fund; general fund; City of El Monte for city facilities; Medi-Cal, health insurance for children, and other health care programs
Connecticut	prostate cancer education and protection
Delaware	appropriated special fund
Florida	health care programs and services
Idaho	50% to public schools for substance abuse programs; 50% to counties for juvenile protection services
Indiana	health programs for women, children and infants; property tax replacement fund
Maine	tobacco risk education program (vetoed); anti-tobacco campaign; Youth Smoking Prevention Fund
Maryland	tobacco crop conversion program; alcohol/drug abuse prevention programs; tobacco awareness advertising; poverty grants to local school boards
Minnesota	fund DARE program; baseball stadium; tobacco education

**Tobacco tax earmarking legislation has been defeated in 23 states (cont'd):**

Mississippi	Medicaid Recipient's Tobacco Illness Fund
Montana	fund Medicaid and Indian health clinics
Nebraska	general fund
Nevada	chemical dependency programs
New Mexico	Cancer Center at U. of NM Medical School
New Hampshire	anti-smoking programs w/in Dept of Education; statewide kindergarten; new school improvement incentive grant program
New York	Child Health Account
North Dakota	\$400,000 to Dept of Human Services for dental services under medical assistance program
Ohio	primary and secondary education (proposed for the ballot)
Texas	fund public schools
Washington	fund youth tobacco prevention account
West Virginia	general fund
Wyoming	fund substance abuse education; School Foundation Fund; General Revenue Fund; localities (special session)

**SMOKING BANS & RESTRICTIONS**

**Smoking ban/restriction bills have been introduced in 41 states; remains pending in six:**

Illinois	Ohio
Michigan	Pennsylvania
New Jersey	Wisconsin

**Smoking ban/restriction legislation has passed in nine states:**

- ALABAMA (resolution)
- ARKANSAS
- INDIANA
- MAINE
- MASSACHUSETTS
- OKLAHOMA
- RHODE ISLAND
- UTAH
- WASHINGTON

**Smoking ban/restriction legislation has been defeated in 35 states:**

Arkansas	Nebraska
Arizona	Nevada
California	New Hampshire
Colorado	New Mexico
Connecticut	New York
Georgia	North Dakota
Hawaii	Oklahoma
Indiana	Oregon
Iowa	Rhode Island
Kansas	South Carolina
Louisiana	South Dakota
Maine	Tennessee
Maryland	Texas

Smoking ban/restriction legislation has been defeated in 35 states (cont'd):

Massachusetts	Vermont
Minnesota	Virginia
Mississippi	Washington
Missouri	West Virginia
Montana	

#### **SMOKING RESTRICTION PREEMPTION**

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Legislation to repeal/modify preemption of local smoking bans/restrictions was introduced and defeated in four states:

Florida  
Iowa  
Oklahoma  
Nevada

Legislation to establish state preemption has been introduced and defeated in one state:

New York

#### **INDOOR AIR QUALITY (IAQ)**

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Legislation to establish or change indoor air quality programs has been filed in 14 states, remains pending in four:

Illinois	Pennsylvania
Massachusetts	Wisconsin

Legislation to establish or change indoor air quality programs passed in one state:

#### **MAINE**

Legislation to establish or change indoor air quality programs has been defeated in nine states:

Florida  
Hawaii  
Minnesota  
Mississippi  
Missouri  
New York  
Oregon  
South Carolina  
Vermont

#### **ADAMHA ENFORCEMENT**

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Legislation providing for or amending ADAMHA enforcement has been introduced in 12 states; remains pending in two:

Illinois  
Michigan

Legislation providing for or amending ADAMHA enforcement has passed in seven states:

IDAHO	NEW YORK
INDIANA (S106 veto override)	NORTH CAROLINA
LOUISIANA	TEXAS
MISSISSIPPI	

Legislation providing for or amending ADAMHA enforcement has been defeated in three states:

Arizona  
Hawaii  
West Virginia

#### SELF-SERVICE DISPLAY BANS & RESTRICTIONS

Self-service display ban/restriction legislation has been introduced in 14 states and remains pending in three:

Michigan  
Minnesota  
Wisconsin

Self-service display ban/restriction legislation has passed in three states:

MINNESOTA  
TEXAS  
VERMONT

Self-service display ban/restriction legislation has been defeated in nine states:

Iowa	New York
Louisiana	Oregon
Mississippi	Utah
Nebraska	Washington
Nevada	

#### SALES & VENDING RESTRICTIONS

Retail, vending sales restriction or licensing requirement legislation has been introduced in 41 states; remains pending in five:

Illinois	Pennsylvania
Massachusetts	Wisconsin
Michigan	

Retail, vending sales restriction or licensing requirement legislation has passed in 16 states:

ARKANSAS	MISSISSIPPI
COLORADO	NEW HAMPSHIRE
FLORIDA	NORTH CAROLINA
IOWA	OKLAHOMA
LOUISIANA	SOUTH DAKOTA

Retail, vending sales restriction or licensing requirement legislation has passed in 15 states (cont'd):

MAINE  
MARYLAND  
MINNESOTA

TEXAS  
VERMONT  
VIRGINIA

Retail, vending sales restriction or licensing requirement legislation has been defeated in 26 states:

Alaska  
Arizona  
Connecticut  
Colorado (vetoed)  
Delaware  
Georgia  
Hawaii  
Maryland  
Idaho  
Indiana  
Iowa  
Montana  
Nebraska

Nevada  
New Mexico (vetoed)  
New York  
North Dakota  
Oklahoma  
Oregon  
South Carolina  
South Dakota  
Tennessee  
Utah  
Virginia  
Washington  
West Virginia

#### **SALES TO MINORS**

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Thirty-seven states have introduced legislation on penalties for sales to minors and/or sign requirements; legislation remains pending in seven:

Illinois  
Massachusetts  
Michigan  
New Jersey

Ohio  
Pennsylvania  
Wisconsin

Legislation on penalties for sales to minors and/or sign requirements has passed in 13 states:

ALABAMA  
CALIFORNIA  
FLORIDA  
HAWAII  
LOUISIANA  
MINNESOTA  
NEW HAMPSHIRE  
NORTH CAROLINA  
OKLAHOMA  
TENNESSEE  
TEXAS  
VERMONT  
VIRGINIA

Legislation on penalties for sales to minors and/or sign requirements was defeated in 22 states:

Alabama	New York
Arizona	North Dakota
Connecticut	Oklahoma
Hawaii	Oregon
Indiana	Rhode Island
Iowa	South Carolina
Kansas	South Dakota
Maine	Utah
Montana	Virginia
Nebraska	Washington
Nevada	West Virginia

### **ADVERTISING BANS & RESTRICTIONS**

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Twenty-two states have introduced legislation to ban or restrict tobacco advertising; remains pending in five, plus the District of Columbia:

District of Columbia	Michigan
Illinois	New Jersey
Massachusetts	Wisconsin

Legislation to ban or restrict tobacco advertising has passed in three states:

**CALIFORNIA (2)**  
**NEW HAMPSHIRE**  
**TEXAS**

Legislation to ban or restrict tobacco advertising has been defeated in 14 states:

Florida	Mississippi
Connecticut	Missouri
Georgia	Montana
Hawaii	Nebraska
Iowa	Nevada
Maryland	New York
Minnesota	Washington

### **SAMPLING BANS & RESTRICTIONS**

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Bills to ban or limit sampling or promotional distribution have been introduced in 11 states; remains pending in two:

Illinois  
 Massachusetts

Legislation to ban or limit sampling or promotional distribution has passed in three states:

**NEW HAMPSHIRE**  
**TEXAS**  
**VERMONT**



Legislation to ban or limit sampling or promotional distribution has been defeated in six states:

Florida  
Georgia  
Hawaii  
New York  
Oregon  
Washington

**SINGLE/UNPACKAGED CIGARETTE SALES**

Legislation to ban sales of single or unpackaged cigarettes has been introduced in 14 states; remains pending in two:

Illinois  
Michigan

Legislation to ban sales of single or unpackaged cigarettes has passed in six:

ARIZONA  
MINNESOTA  
MISSISSIPPI  
NORTH CAROLINA  
TEXAS  
VERMONT

Legislation to ban sales of single or unpackaged cigarettes has been defeated in five states:

Georgia  
Louisiana  
Oregon  
Washington  
West Virginia

**PREEMPT LOCAL SALES/SAMPLING/ADVERTISING BANS AND RESTRICTIONS**

Legislation to preempt local sales/sampling and/or advertising bans and restrictions was introduced and defeated in one state:

Maine

Legislation to repeal preemption of local sales/sampling and/or advertising bans and restrictions has been introduced in six states, remains pending in one:

Wisconsin

Legislation to repeal preemption of local sales/sampling and/or advertising bans and restrictions has passed in one state:

MAINE

Legislation to repeal preemption of local sales/sampling and/or advertising bans and restrictions has been defeated in four states:

Iowa  
Mississippi  
Nevada  
Oklahoma

#### **INGREDIENTS DISCLOSURE**

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Legislation to require disclosure of ingredients has been introduced in 18 states; remains pending in four:

Michigan  
Illinois

Massachusetts  
New Jersey

Legislation to require disclosure of ingredients has passed in two states:

**MINNESOTA**  
**TEXAS**

Legislation to require disclosure of ingredients has been defeated in 12 states:

Colorado  
Connecticut  
Delaware  
Florida  
Illinois  
Indiana

Iowa  
Maine  
New Hampshire  
New York  
Utah  
Vermont

#### **TOBACCO MANUFACTURER LIABILITY**

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Tobacco manufacturer liability legislation has been introduced in 17 states; remains pending in four:

Massachusetts  
Michigan  
New Jersey  
Pennsylvania

Tobacco manufacturer liability legislation has passed in two states:

**CALIFORNIA (2)**

*DELAWARE (resolution to study whether state should sue industry for Medicaid costs adopted by legislature)*

Tobacco manufacturer liability legislation has been defeated in eleven states:

Alabama  
Colorado

Maine  
Nebraska

**Tobacco manufacturer liability legislation has been defeated in eleven states (cont'd):**

Florida	New York
California (vetoed)	Rhode Island
Hawaii	South Carolina
Indiana	

**DIVESTMENT/PROHIBITION ON INVESTMENT IN TOBACCO COMPANIES**

**Legislation concerning the divestment of current tobacco holdings or prohibiting new investment in tobacco company holdings has been introduced in twelve states; remains pending in four:**

Illinois  
Michigan  
New Jersey  
Pennsylvania

**Legislation concerning the divestment of current tobacco holdings or prohibiting new investment in tobacco company has passed in two states:**

**MASSACHUSETTS  
VERMONT (resolution adopted by legislature)**

**Legislation concerning the divestment of current tobacco holdings or prohibiting new investment in tobacco company holdings has been defeated in six states:**

Colorado  
Connecticut  
Minnesota  
Louisiana  
Oregon  
Texas

**FIRE-SAFE CIGARETTES**

**Legislation regarding fire-safe cigarette safety standards has been introduced in three states; remains pending in one:**

Massachusetts

**Legislation regarding fire-safe cigarette safety standards has been defeated in two states:**

New York  
Oregon

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