

# Region 1—New England

STATE APR 07 1987

# LEGISLATIVE Update

The Tobacco Institute

April 3, 1987

Washington, DC

## NATIONAL TOPICS

Rep. Thomas Luken's (D-Ohio) forum on "Advertising and the First Amendment" will be held on 4/3. This is the second time this forum has been rescheduled. Among those testifying will be the sponsors of the two tobacco advertising prohibition bills: Rep. Mike Synar (D-Oklahoma) on H.R.1272 and Rep. Bob Whittaker (R-Kansas) on H.R.1532. Noted First Amendment experts will also participate in the event.

## REGIONAL TOPICS

The forum "Free Speech and Advertising -- Who Draws the Line?" was held in Boston's Faneuil Hall on 4/2. Boston University's Institute for Democratic Communication produced the Philip Morris-sponsored event. The three-hour dialogue was filmed for later use by law schools, schools of communication, public broadcasting system stations, and others. When edited to a reasonable length of time, it might become available for viewing by members of the industry.

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\* Included with this edition of the Update is an index of all \*  
\* introduced state legislation in New England, listing bill \*  
\* numbers, subjects, current status, and next/last action date. \*  
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## CONNECTICUT TOPICS

SI035, prohibition of smoking in restaurants, is having a harder time than its proponents anticipated. Since the bill's approval on 3/24 by the Joint Public Health Committee, there have been numerous and unexpected opponents to the extreme proposal. Even the news media has expressed concerns about the bill. On 3/27 WFSB-TV, Channel 3 in Hartford, editorialized in opposition to the measure. Vice President and General Manager Barry Barth stated, "The way to handle the problem of smoking in restaurants is not to ban it all together but to require large, well-ventilated non-smoking sections." In a similar move, the usually "fumaphobic" Hartford Courant stated on 4/1, "Restaurant owners and managers don't need a law to ban smoking...Let's be serious about observing and enforcing the smoking law already in effect for restaurants and resist crossing the line from reasonable regulation to unreasonable and impractical prohibition." The bill will come before the full Senate before 4/15.

In other action, the Joint Education Committee approved H5527, banning smoking in public schools on 3/31. However, in a 4/1 column in the Hartford Courant (I think I'm dreaming) Don Noel refers to this bill as a typical example of an unnecessary piece of legislation.

For more information contact Dennis Dyer, Regional Vice President, The Tobacco Institute, (617) 927-3990.

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H5085, workplace, was approved by Rep. Gionfriddo's Joint Public Health Committee by a disappointing 12-4 vote. Chairman Gionfriddo had hoped for a much stronger vote from his generally anti-tobacco committee members. On the heels of the 8-7-1 vote of the restaurant bill, this could mean problems for a bill most people expected to pass easily.

At the local level, various municipalities that have increased their local minimum sales age laws to 18 will see a statewide law before the end of this legislative session. H6927 was approved and sent to the House floor for action. The industry has always noted that the use of its products is reserved for adults and took no public position on the bill.

Fifteen other measures are also pending before the Connecticut legislature.

### MAINE TOPICS

A hearing was held by the Joint Business Legislation Committee on 3/31 on L.D.585, registration of cigarette sampling activities. No action was taken. Attorney General, and former Democratic gubernatorial candidate, James Tierney has been asked to render an opinion on the ability of the state to ban all or certain forms of tobacco advertising.

Two additional bills affecting smoking in restaurants were recently introduced and referred to the Joint Human Resources Committee. L.D.789, sponsored by Sen. Donald Collins (R-Aroostook), would require 50-percent nonsmoking sections; and L.D. 897, sponsored by Rep. Peter J. Manning (D-Portland) would require restaurants to establish and post a smoking policy.

Hearings are scheduled for 4/16 on both the new restaurant measure and L.D.81, sales to minors; L.D.353, public buildings restrictions; L.D.666, Health Health Policy Advisory Council, before the Joint Human Resources Committee.

### MASSACHUSETTS TOPICS

Philip Morris, Inc. and The Store 24, Inc. were named this week in court action filed in Middlesex Superior Court. The suit alleges, among other things, that the two firms conspired to violate the minimum sales age law of the Commonwealth.

Massachusetts Commissioner of Public Health Bailus Walker Jr. announced his resignation this week. A noted anti-tobacco advocate, Walker called for a ban on cigarette sales during his first year in office. His department has been criticized in recent months for failure to take aggressive action on a number of health studies in the state. Health professionals have criticized his delay on studies of elevated cancer rates in Plymouth, South Hadley, Woburn, and other towns. Further, the University of Massachusetts Medical School reported that the agency's studies are seriously flawed in their planning, execution, and analysis. Walker will head the 50,000-member American Public Health Association. No replacement has been announced.

On 4/1 the Joint Taxation Committee gave "ought not to pass" reports to H4804, 4-cent earmarked cigarette tax increase, and H5002, wholesaler administration. The bills will go to the House for acceptance of the unfavorable report. If accepted, the bills will be defeated for this session.

As in previous years, the Joint Health Care Committee gave an "ought to pass" report on several restriction bills in an "executive session" on 3/31. H317, restrictions in Boston Garden; H2750, banning smoking in the state; and H3288, broad clean indoor air act, were favorably reported into H3697, restaurant and public places restrictions. H3697 was given an "ought to pass" report, as was H3289, banning sales in health care facilities, and H4699, workplace. Though H3697 is a House bill, it will go to Senate Ways and Means for consideration. The Joint Health Care Committee rationalized that similar bills were approved by the House and would run into more trouble in the Senate. H3289 and H4699 will go the House Ways and Means Committee.

H195, banning smokeless tobacco sampling and requiring warning labels on smokeless billboards, has not been discharged from Joint Health Care yet. However, the committee is considering splitting the bill and giving the warning label provision a favorable report and sending it to the Senate, and referring the sampling provision to the Joint Commerce & Labor Committee for further consideration.

In other Joint Health Care action, H1668, "self-extinguishing," was discharged without report on 3/31 to the Joint Public Safety Committee, which is also considering the other "self-extinguishing" bill, S1570. S1570 is scheduled for a Joint Public Safety hearing on 4/6. This is the fifth year that this issue has been considered in the Commonwealth.

The Joint Insurance Committee held a 4/1 hearing and took no action on S1564, lower insurance rates for nonsmokers. Two other bills with similar provisions, H4064 and S657 were both given adverse committee reports. The House accepted the adverse report on H4064 on 3/31, killing it. S657 awaits Senate acceptance of the adverse report.

During an "executive session" on five bills in the Joint Federal Financial Assistance Committee, no action was taken on any of the measures, all calling on the U.S. Congress to take various anti-tobacco action.

#### NEW HAMPSHIRE TOPICS

The Senate Ways and Means Committee heard testimony on 4/1 on H316-FN-A, excise tax stamp rebates. No action was taken, and an "executive session" is expected during the week of 4/6. Final passage remains likely.

On 4/2 the House Health and Human Services held a hearing on S218, restaurant restrictions. S218 has already received Senate Public Institutions/Health and Welfare Committee and Senate approval.

#### RHODE ISLAND TOPICS

The House Health, Education and Welfare Committee held a hearing on 4/3 on H5660, public places restrictions, H5668, smokeless sales to minors, and H5508 and H6035, restaurant restrictions, and took no action.

All bills must be voted out of committee prior to 4/8 if they are to be considered during this session of the legislature.

#### VERMONT TOPICS

Still no legislative action on H86, workplace.

## ALERT LOG

<u>STATE</u>	<u>BILL/ISSUE</u>	<u>BEGIN DATE</u>	<u>END DATE</u>
<u>CT</u>	1. S1035, restaurant prohibition 2. H5085, workplace	3/24 4/1	Ongoing Ongoing
<u>ME</u>	1. L.D.204, vending machine sales 2. L.D.356, tobacco co. event sponsorship	4/1 4/1	Ongoing Ongoing
<u>MA</u>	1. Public smoking issues 2. Advertising issues	4/1 Anticipated by 5/1	Ongoing
<u>NH</u>	1. S207, earmarking	4/1	Ongoing
<u>RI</u>	1. Restaurant restrictions	Anticipated by 4/15	
<u>VT</u>	1. H86, workplace	4/1	Ongoing

## PEOPLE

According to the Burlington Free Press, Chris Barbieri, Executive Vice President, Vermont State Chamber of Commerce, and Peter Foote, Executive Vice President, Associated Industries of Vermont, continue to oppose the mandatory smoking requirements of H86, workplace.

Opposition to Connecticut S1035, restaurant smoking prohibition, is being led by Jerry Noonan, New England Convenience Store Association; Carroll Hughes and Judy Yost, Connecticut Restaurant Association, and Grace Nome, Connecticut Food Stores Association.

Rhode Island Hospitality Association's Executive Vice President David Balfour encouraged the members of that association to be prepared to oppose the various restaurant smoking restriction measures currently before the Rhode Island Legislature. The remarks were made at the association's annual meeting on 3/29.

Thanks to Carl Sanford, Executive Vice President, Maine Restaurant Association for his association's firm stand in opposition to the new group of restaurant smoking restriction bills introduced this week.

Mr. Tom Littleton has been named as the Executive Director of the newly formed tobacco wholesalers association in Massachusetts. Long-time wholesaler activist Peter Giftos announced the appointment at the group's first organizational dinner on 3/18. GOOD LUCK! to the new organization.

Thanks to Waltham Chamber of Commerce executive Ted Manning for alerting us to the potential introduction of workplace legislation in that city. Support for Ted's efforts to defeat this legislation will surely come from neighboring Newton-Needham Chamber of Commerce executive Lou Songer. Lou recently reported that the Newton board of health might begin "spot checking" for violations of the three-year-old workplace ordinance. It appears that there haven't been enough complaints during the past two years and the department wants to know why. Maybe there wasn't a problem!

More help for the New Hampshire Retail Grocers. . .The association, through its president John Dumais and legislative counsel Phil Kennedy continues to "carry the ball" on H316-FN, the cigarette excise tax stamp rebate legislation.

LEGIS-TRAC INDEX

BILL #	ISSUE	COMMITTEE	ACTION
<b>CONNECTICUT - 19</b>			
H 5085	Workplace Includes: H 5083 - workplace H 5349 - workplace H 5529 - workplace	House Floor	3/31
H 5099	Sampling - minors	J Public Health	
H 5101	Restrictions - schools	J Public Health	
H 5102	Taxation - 1% earmarking	J Public Health	
H 5151	Restrictions - restaurants	J Public Health	
H 5319	Sales - vending machines	J Finance, Rev, Bond	3/5
H 5527	Restrictions - schools	House Floor	3/31
H 5531	Sales - minors	J Public Health	
H 5701	Restrictions - day care facilities	J Human Services	
H 6344	Restrictions - schools	J Public Health	
H 6802	Workplace	J Public Health	
H 6927	Sales - vending machines	House Floor	3/24
S 233	Restrictions - restaurants	J Public Health	
S 242	Restrictions - day care facilities	J Public Health	3/5
S 609	Restrictions - restaurants	J Public Health	
S 1035	Restrictions - restaurants	Senate Floor	3/24
<b>MAINE - 10</b>			
L.D. 81	Sales - minors	J Human Resources	4/16
L.D. 204	Sales - vending machines	J Business Legislatn	3/24
L.D. 296	Restrictions - restaurants, food stores	J Human Resources	4/16
L.D. 353	Restrictions - public buildings	J Human Resources	4/16
L.D. 356	Adv - member company sponsorship	J Business Legislatn	3/24
L.D. 414	Tobacco education program	J Approp & Fin Afrs	
L.D. 585	Sampling - registration of activities	J Business Legislatn	3/31
L.D. 666	Misc - Health Policy Council creation	J Human Resources	4/16
L.D. 789	Restrictions - restaurants	J Human Resources	4/16
L.D. 897	Restaurant policy notice	J Human Resources	4/16
<b>MASSACHUSETTS - 42</b>			
H 195	Warning Labels & Sampling - smokeless	J Health Care	3/25
H 578	Insurance - tobacco addiction benefits	J Insurance	3/9
H 890	Misc sales - retail store prices	J Commerce & Labor	4/13
H 1000	Restrictions - House Rules	APPROVED	1/12
H 1115	Ingredient Disclosure	J Commerce & Labor	4/13
H 1131	Restrictions - minors	J Education	3/12
H 1251	Taxation - cigarette rolling paper 5%	J Taxation	2/25
H 1668	Self-extinguishing	J Public Safety	3/31
H 3255	Advertising - billboards	J Commerce & Labor	3/23
H 3256	Sales - vending machines	J Commerce & Labor	4/13
H 3257	Advertising - taxicabs	J Commerce & Labor	3/23
H 3289	Sales - health care facilities	H Ways & Means	3/31
H 3400	Taxation - 4-cent (w/ earmarking)	J Taxation	2/25
H 3697	Restrictions - restaurants, pub places Includes: H 317 - Boston Garden H 2750 - smoking prohibition H 3288 - clean indoor air act	S Ways & Means	3/31
H 4064	Insurance	DEFEATED	3/31
H 4699	Workplace	H Ways & Means	3/31
H 4804	Taxation - 4-cent (w/ earmarking)	House Floor	4/1
H 4818	Sampling	J Commerce & Labor	
H 4822	Sampling	J Commerce & Labor	
H 5002	Misc - wholesaler administration	House Floor	4/1
H 5018	Public employee discrimination Includes: H 1746 - employee discrim	S Ways & Means	3/2
S 657	Insurance	Senate Floor	3/16
S 1105	Restrictions - buses	J Public Safety	4/13

MASSACHUSETTS (continued)

S 1441	Misc taxation - local surcharges	J Taxation	4/7
S 1445	Misc taxation - local option taxes	J Taxation	4/7
S 1446	Taxation - 8-cent earmarking	J Taxation	3/24
S 1459	Misc taxation - gen'l special commission	J Taxation	3/25
S 1474	Misc taxation - stamp compens increase	J Taxation	2/25
S 1513	Miscellaneous - MBTA funding	J Transportation	4/7
S 1530	Miscellaneous - gen'l study of trends	S Special Committee	1/22
S 1544	Restrictions - Pub Transp penalties	J Criminal Justice	3/11
S 1550	Resolution - Consumer Product Safety Act	J Fed Fin Asst	3/31
S 1551	Resolution - Hazardous Subst Control Act	J Fed Fin Asst	3/31
S 1552	Resolution - ingredient list	J Fed Fin Asst	3/31
S 1553	Resolution - airline smoking ban	J Fed Fin Asst	3/31
S 1554	Resolution - Toxic Subst Control Act	J Fed Fin Asst	3/31
S 1564	Insurance	J Insurance	4/1
S 1570	Self-extinguishing	J Public Safety	4/6

NEW HAMPSHIRE - 13

* H 86	Restrictions - Restaurants	DEFEATED	2/12
H 316-FN-A	Taxation - stamp refunds	S Ways & Means	4/1
* H 317-FN-A	Taxation - OTP incr, cigarette rate chng	DEFEATED	3/3
* H 340-FN-A	Taxation - \$.01 earmarking	CARRY-OVER TO 1988	2/28
* H 419-FN	Workplace, Public Places	DEFEATED	3/13
* H 471-FN	Restrictions - schools	DEFEATED	3/18
* S 15	Restrictions - eating establishments	DEFEATED	3/4
S 207-FN	Taxation - earmarking, no increase	H Ways & Means	3/24
S 218	Restrictions - restaurants	H Health & Human Serv	4/2
* LSR H 572	Taxation - tax stamps	DEFEATED	2/23
* LSR H 932	Taxation - smokeless tobacco	DEFEATED	1/23
* LSR S 386	Taxation - smokeless tobacco	DEFEATED	2/17

RHODE ISLAND - 11

H 5504	Sales - minors	H Health, Educ, Welf	
H 5508	Restrictions - restaurants	H Health, Educ, Welf	4/3
H 5660	Restrictions - pub places, restaurants	H Health, Educ, Welf	4/3
H 5666	Sales - minors	H Judiciary	
H 5688	Sales - minors (smokeless)	H Health, Educ, Welf	4/3
H 5829	Taxation - stamp rates	H Finance	
H 5884	Sales - minors (smokeless)	H Spec Legislation	
H 6035	Restrictions - restaurants	H Health, Educ, Welf	4/3
S 153	Resolution - Senate chambers ban	APPROVED	2/3
S 293	Smokeless warning labels	S Health, Educ, Welf	
S 560	Taxation - stamp rates	S Finance	

VERMONT - 3

H 86	Workplace	S Health & Welfare	3/16
H 189	Taxation - litter	H Natural Resources	
H 399	Sales & sampling - minors, tobacco education, restrictions - schools	H Education	

APPROVED - 2  
 DEFEATED - 10  
 PENDING - 86

TOTAL BILLS - 98