

MEMORANDUM

June 20, 1989

TO: Kurt Malmgren
George Minshew
Paul Emrick

FROM: Cathey Yoe

RE: State Preemption of Local Smoking Restrictions

Attached is my analysis of states where preemption of local smoking restrictions would be most useful. This analysis does not take into account home rule laws or any other constitutional or political factors bearing on preemption efforts, but primarily involves the amount and severity of local legislation in each state.

I divide the 50 states as follows:

1. Offensive/Defensive States (4)

States where preemption is already part of state law and must be protected, but also where additional pro-smoker legislation could be useful.

Florida
Oklahoma
Pennsylvania
Virginia

2. Top Priority for Local Preemption (22)

States with highly active local governments adopting restrictions more extensive or severe than would be enacted at the state level.

Arizona	Louisiana	North Carolina
California	Maryland	Ohio
Colorado	Massachusetts	Oregon
Delaware	Michigan	South Carolina
Georgia	Missouri	Texas
Illinois	New Mexico	Washington
Indiana	New York	Wisconsin
Kansas		

(more)

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3. Low Priority for Local Preemption (24)

States where local activity on smoking restrictions is not customary or where anti-smokers have already achieved tough state laws, making local ordinances "unnecessary."

Alabama	Maine	North Dakota
Alaska	Minnesota	Rhode Island
Arkansas	Mississippi	South Dakota
Connecticut	Montana	Tennessee
Hawaii	Nebraska	Utah
Idaho	Nevada	Vermont
Iowa	New Hampshire	West Virginia
Kentucky	New Jersey	Wyoming

At your request, I can provide further information on any or all of these states.

cc: Bill Cannell
Walter Woodson
Diana Avedon