

April 1993

1993 LOCAL PREEMPTION TARGETS

A Progress Report

Overview

To counter an increasing number of local ordinances and regulations imposing a patchwork of bans or restrictions on smoking in workplaces and public places, the industry is working for passage of state legislation setting reasonable, uniform standards that recognize the needs of smokers.

In 1993, the industry is specifically working for passage of local smoking preemption legislation in 21 states.

State Progress

Alabama

"Omnibus" tobacco bill, HB522, combining smoker accommodation and reasonable sales limits with local preemption provisions, has been filed. This measure has passed committee and is awaiting House floor action. Session convened February 2 and adjourns in mid-May.

Arizona

SB1399 was introduced with smoker accommodation and preemption of new local restrictions. It is effectively dead in committee. Attempts are being made to amend another bill with provisions, S1406. Language is being drafted. The legislature convened January 11 and plans to adjourn in late April.

Arkansas

H2118 passed House Rules Committee and was then defeated on the floor. Attempts are being made for reconsideration, ~~before session adjourns~~. Session opened January 11 and adjourns April 10.

California

Preemption of local sales and smoking bans will be sought through a comprehensive state bill. The bill is drafted and is ~~awaiting introduction~~. Session convened January 11 and adjourns September 30.

(intro
deadline
passed)

movement of
an
appropriate
vehicle

Colorado

HB1163 was introduced to give private business employers sole authority to designate nonsmoking and smoking areas for employees. It would preempt any contrary provisions of local government ordinances. After a firestorm of protest from anti's, the bill was returned to committee. No further attempts at preemption are anticipated this year. Session convened January 13 and will adjourn May 13.

Delaware

Industry bill HB123, including preemption and privacy, has been introduced. House floor consideration is likely in late April. The session convened January 12 and will adjourn June 30.

Georgia

S222, a minimum age, sampling and vending bill, was amended with preemption and accommodation language in the House, but amendments were dropped before final vote. Session adjourned on March 23.

at the Senate's insistence.

Louisiana

The industry lobbying team is finalizing an omnibus sales/smoking bill, and working to enlist coalition supporters. Legislative leadership is not receptive to adopting any additional restrictions on smoking, however. The previous governor vetoed an accommodation bill, but efforts to gain Governor Edwards' support are more likely to be successful. The legislature just shortened the session by one month, making the likelihood of passage more difficult. The regular session convenes March 29 and adjourns May 28.

Wish he'd told me! →

Massachusetts

HB2215 has been introduced at request of the Restaurant Association, but is not expected to be the vehicle for local preemption. The bill requires restaurants to designate at least 50% of seating as nonsmoking, and prohibits local authorities from requiring more than 50% nonsmoking. Additional workplace restriction bills have been introduced, and may be used for accommodation and preemption. Committee consideration is expected later this spring. Session convened January 6 and will adjourn January 4, 1994.

Minnesota

Possible preemption vehicle bill HB387, which would have banned smoking in many public places has been defeated. Efforts are being made to identify another bill to amend with preemption language. Session convened January 5 and will adjourn May 20.

Nebraska

only 25c bill I know - has Nothing about smoking

L827, a smoking restriction bill also has a 25-cent cigarette tax. Plans include stripping the tax from the bill and inserting preemption language. The legislature convened January 6 and will adjourn in June.

North Carolina

There are two draft preemption bills presently ready for introduction. Our lobbying team plans introduction by April 8. The session convened January 27 and adjourns about July 17.

Are the guns aimed low enough?

North Dakota

ADOPTED -- HB1246, requiring accommodation of smokers and nonsmokers in public places, was signed by Governor Schafer 3/31. It repeals language allowing local or private sector smoking bans from the current public smoking law. Session convened January 5 and will adjourn April 11.

Oregon

Language has been drafted for preemption. HB2667 will ban smoking in public places and workplaces. The effort will be to defeat HB2667 and find another vehicle to amend in the House. Session convened January 11 and will adjourn June 30.

South Carolina

The Attorney General's office is preparing an opinion as to whether preemption is already in place. Depending on that decision, legislative plans will be pursued accordingly. The session convened January 12 and adjourns June 3.

implied by current law.

Texas

The Texas lobbying group is exploring ways to amend HB561, its companion S414, or possibly SB373, to ensure accommodation and local preemption. Opposition is very well organized. The legislature convened January 12 and will adjourn May 27.

Utah

Efforts to achieve local preemption were unsuccessful. However, one bill that was passed, HB53, creates a task force to study smoking in public places, and provides the industry with a means to work on accommodation and preemption in 1994. The legislature opened January 12 and adjourned March 3.

Vermont

HB159 and SB89, which are sponsored by anti-tobacco interests, have substantial support. Amendments to provide accommodation and privacy, have been drafted. SB89 contains an anti-preemption clause; one strategy is to try and have that language removed. Explicit preemption language will not be attempted, as the state's constitution provides implied preemption if the bill passes. The legislature must grant specific authority to localities to act. Session convened January 6 and will adjourn about May 1.

HB159 passed the House on (3/25).

Washington

The industry had hoped to use the Health Department's bills, HB1791 and SB5621, as vehicles for smoking preemption. Another possible vehicle is HB2071, which has many of the onerous sales provisions of HB1791, but with a title that would allow amendments related to smoking and preemption. Before amendments could possibly be made, bill would have to be referred to another committee; efforts are being made to secure committee assignment. Session convened January 11 and will adjourn April 25.

from Senate Health #

West Virginia

(Lotta bull)

Due to severe tax situation, industry consensus is not to pursue preemption at this time. If tax situation is resolved, preemption will be reconsidered. Session convened February 10 and adjourns April 10.

Wisconsin

Current smoking law includes language that provides only weak preemption protection; amendments have been prepared to clarify and strengthen this preemption. Preemption provision is expected to be included in Governor's budget. The legislature returns from recess April 15 and consideration of the bill is anticipated in late April. The session opened January 4; adjournment has not been set.