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Commission for a Healthy New York

Working to reduce tobacco addiction in New York State

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First Deputy Commissioner

To: All Local Tobacco Control Coalitions

From: Harold Freeman, MD - Chairman

Date: June 16, 1995

Subject: Tobacco Industry Legislation

*All TFAC members + mailing list
Evelyn Kaufmann, TFAC Chair*

June 19, 1995

A bill has been introduced in the New York State Senate which would undo most of the progress in tobacco control made over the past five years in New York State. Everyone who cares about the health of New Yorkers must call their state Senator immediately to express opposition to Senate bill 5414.

This legislation would:

- * Take enforcement of the Adolescent Tobacco Use Prevention Act away from health departments and give it to the Commissioner of Tax and Finance who would contract with local police to conduct no more than two compliance checks per year;
- * Fail to provide funding for compliance checks (allocates funds from the Mental Health Services Block Grant to "the maximum permitted by federal law;" proposed federal regulations specifically prohibit any such use);
- * Make it a crime for anyone other than police to conduct compliance checks;
- * Exempt storeowners from prosecution of ATUPA violations if they can produce a signed statement from the store clerk stating that he understands such sales are illegal;
- * Allow distribution of free samples anywhere cigarettes are sold (kids will get free cigs along with their Marlboro gear at the local convenience store);
- * Weaken the Clean Indoor Air Act by specifically exempting small restaurants and bar areas from the law and making it easier for any facility to obtain a waiver from compliance;
- * Nullify all existing local laws and regulations regarding tobacco use, distribution, sale and advertising and preempt localities from enacting laws in the future. Examples of local laws and regulations which would be abolished are the New York City Clean Air law, Albany County's vending machine restrictions, various transit agency bans on tobacco advertising, Erie County's ban on tobacco product sampling, etc.

I strongly urge you to ask all members of your coalition to call the home office of your State Senators at once and demand they oppose Senate Bill 5414 and support Assembly Bill 7733, the Healthy Children Act.

The future of tobacco use prevention in New York State depends on your prompt action.

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