

STATE FEB 18 1986

MEMORANDUM

TO: ✓ William P. Buckley  
William A. Cannell  
William Kloepfer  
Hurst Marshall  
Roger L. Mozingo  
Walter N. Woodson  
Catherine J. Yoe

FROM: Dennis M. Dyer

RE: Region I - New England LEGISLATIVE Update

DATE: February 13, 1986

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Attached for your information are the January 27, February 3, and February 10 editions of the Region I - New England LEGISLATIVE Update. This memorandum will be sent weekly to approximately 100 key industry leaders in New England. You will be receiving subsequent editions of the Update in a timely fashion.

Six times a year--January, February, March, June, September, and December--an expanded version of the Update will be sent to all 1,000 TAN activists in the Region. The January edition has been sent to you under separate cover. You will also be receiving subsequent editions of the "Activist Edition" in a timely fashion.

If you have any questions or comments, please give me a call.

wss  
Enclosures

TI24200656

# Region 1—New England

# LEGISLATIVE Update

The Tobacco Institute

February 10, 1986

Washington, DC

## REGIONAL TOPICS

Informational conference calls with the New England TAC members and The Tobacco Institute legislative counsels were conducted on 1/31 and 2/7, respectively. These will continue on a monthly basis throughout 1986.

"Activist Edition" of the LEGISLATIVE Update was sent to 1,000 TAN members on 2/10.

1985 "Summary of Legislative Activity" is scheduled to be mailed with 2/24 Update.

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\* State Smoking Restriction Laws - December 1985 chart included \*  
\* with this issue of Update. \*  
\* \* \* \* \*  
\* State Cigarette Excise Tax Rates map sent to all New England \*  
\* TAC members with 2/10 Update. \*  
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## CONNECTICUT TOPICS

State Labor Review Board has still not ruled on the dispute between the Rocky Hill police chief and protesting officers. 1985 action by National Association of Government Employees (NAGE) sought to reverse chief-imposed ban on smoking in the workplace. A final decision could come by May.

## MAINE TOPICS

The Joint Human Resources Committee approved L.D.1690, the restaurant policy notice bill, and sent it to the House. The House could act during week of 2/10.

## MASSACHUSETTS TOPICS

Hearings have been scheduled in the Joint Health Care Committee on all tobacco-related bills for 4/7. The committee is likely to take only written testimony on re-filed legislation, but will accept full testimony on new introductions.

H720, the prohibition bill, now has a Senate companion--S174. Each would make smoking anywhere in the state (including your home) a crime, punishable by a \$5.00 fine.

## NEW HAMPSHIRE TOPICS

The House Ways and Means Committee held 2/5 hearings on H125-FN, sampling, sales to minors; H179, sale of tax-free cigarettes to an elderly home; and H370-FN, cigarette excise tax language clarification, which does not increase the state cigarette excise tax. No immediate action was taken.

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

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## RHODE ISLAND TOPICS

The House Health, Education and Welfare (HEW) Committee held hearings on 2/6 on H7031, sales of tobacco products to minors. Additional hearings are scheduled for 2/11 on H7149, smokeless warning labels. This and other smokeless tobacco bills around the region may be made moot by federal action. (See National Topics for further info.)

The State-wide Health Coordinating Council (SHCC) has prepared its 1987-'88 program. Of the nine Annual Implementation Plan Statements (AIP), six relate to tobacco. AIP #6 calls for "regular and substantial increases in cigarette excise taxes."

A new anti-tobacco group appeared at Rhode Island hearing this past week - ASHPOW - "Abolish the Smoking Health Peril in Our Workplaces." Seems to be a "one-man band," but needs watching.

## VERMONT TOPICS

The House of Representatives debated and then referred H286, the workplace bill, to the House General and Military Affairs Committee for further study by an 85-34 vote. There was a great deal of opposition voiced by Reps. Keefe, DaPrato, Reed, and Falzarano. H286 and other tobacco-related bills--S127, public places; S244, workplaces; and S264, smokeless warning labels--are likely to be considered later in the session.

Members of the business community--Vermont State Chamber of Commerce, Associated Industries of Vermont, Associated General Contractors of Vermont, Vermont Retail Merchants Association, and Vermont Restaurant and Lodging Association--are continuing their activities to develop a framework through which employers can establish fair, equitable, and reasonable smoking policies.

## NATIONAL TOPICS

S1752, the "Comprehensive Smokeless Tobacco Education Act of 1986," was passed by the Senate on 2/7. Approval by the House had been received earlier in the week. President Reagan has ten days to sign the bill. S1752 requires warning labels on smokeless tobacco products and preempts state labeling and advertising action, except billboard advertising.

New England Sens. Leahy (D-VT), Stafford (R-VT), and Weicker (R-CT) proposed the language of "Budget Reconciliation," including a \$.16 permanent federal cigarette excise tax, in place of the domestic spending cuts required by the "Gramm-Rudman-Hollings" bill. No positive action has been taken on the proposal. 3/4 deadline for cigarette excise tax sunset is five weeks away.

National Coalition to Save Revenue Sharing was formed recently by 20 groups, including League of Cities, Association of Counties, and American Federation of State, County and Municipal Employees. The Coalition's goal is to avert local government loss of \$4.5 billion in federal revenue sharing plus "Gramm-Rudman-Hollings" cuts. Some states are looking at excise taxes as a way to make up lost revenues.

Coming your way...Special Reports summarizing 1985 action on major tobacco issues.

## PEOPLE

In Vermont, the business community owes thanks to Chris Barbieri, President, Vermont State Chamber of Commerce; Peter Foote, President, Associated Industries of Vermont; and Karen Kent, Executive Director, Vermont Retail Merchants Association for their outstanding efforts in opposition to H286, the workplace bill. (See Vermont Topics for further information.)

**STATE  
SMOKING RESTRICTION LAWS  
December 1985**

**The Tobacco Institute  
State Activities Division**

State	Any Public Bldg. Permitted As No Smoking	Elevators	Public Transportation	Educational Facilities	Cultural Facilities	Health Care Facilities	Govt. Owned Bldg./Public Meetings	Food Stores	Retail Stores	Restaurants	Workplace-Government	Workplace-Private Sector
ALABAMA												
ALASKA	•	•	•	•	•	•	•	•		•	•	
ARIZONA		•	•	•	•	•						
ARKANSAS						•						
CALIFORNIA		•	•	•	•	•	•	•			•	
COLORADO	•	•	•	•	•	•	•					
CONNECTICUT		•	•	•		•	•			•	•	•
DELAWARE			•									
FLORIDA		•	•	•	•	•	•	•	•	•	•	•
GEORGIA	•	•	•									
HAWAII							•					
IDAHO		•	•	•	•	•	•	•	•	•		
ILLINOIS												
INDIANA												
IOWA		•	•		•	•	•					
KANSAS		•	•		•	•	•					
KENTUCKY				•								
LOUISIANA												
MAINE	•					•	•		•		•	•
MARYLAND		•	•		•	•						
MASSACHUSETTS		•	•		•	•		•				
MICHIGAN		•				•		•		•		
MINNESOTA	•	•	•	•	•	•	•	•	•	•	•	•
MISSISSIPPI			•									
MISSOURI												
MONTANA	•	•	•	•	•	•	•	•	•	•	•	•
NEBRASKA	•	•	•	•	•	•	•	•	•	•	•	•
NEVADA		•	•		•	•	•					
NEW HAMPSHIRE	•	•		•	•	•	•	•				
NEW JERSEY	•	•	•	•	•	•	•	•		•	•	•
NEW MEXICO											•	
NEW YORK			•		•							
NORTH CAROLINA												
NORTH DAKOTA	•	•	•	•	•	•	•			•		
OHIO		•	•	•	•	•	•					
OKLAHOMA		•	•		•	•						
OREGON	•	•		•	•	•	•	•	•	•	•	
PENNSYLVANIA						•			•			
RHODE ISLAND		•	•	•	•	•		•		•		
SOUTH CAROLINA												
SOUTH DAKOTA		•	•	•	•	•						
TENNESSEE												
TEXAS		•	•	•	•	•						
UTAH	•	•	•	•	•	•	•	•	•	•	•	•
VERMONT	•						•					
VIRGINIA												
WASHINGTON		•	•	•	•	•	•	•	•	•		
WEST VIRGINIA			•									
WISCONSIN		•	•	•		•	•	•	•	•	•	
WYOMING												
40 States	13	28	31	22	25	30	23	16	12	15	13	8
D.C.		•	•	•		•	•		•			

Fire Prevention Laws are not included.

\*Local Authorizing Statute

# STATE CIGARETTE EXCISE TAX RATES

(As of January 1, 1986)



\*Ten states have contingency tax laws to increase state rates if Federal excise tax is reduced.

 THE TOBACCO INSTITUTE  
State Activities Division

# Region 1—New England

# LEGISLATIVE Update

The Tobacco Institute

February 3, 1986

Washington, DC

## REGIONAL TOPICS

The first of six issues of the "Activist Edition" of the Region I - New England LEGISLATIVE Update will go to 1,000 TAN Activists next week. The expanded Update distribution will give TAN activists a better understanding about legislative matters in the region and across the country.

TI Public Relations staff is working with the Maine Chamber of Commerce & Industry, Business & Industry Association of New Hampshire, Vermont State Chamber of Commerce, and Associated Industries of Vermont on the development of fair and equitable, voluntary workplace smoking policies.

Other TI Public Relations staffers are working with the region's restaurant associations to develop fair voluntary programs regarding smoking in restaurants.

The Tobacco Institute office has moved to the address below:

Dennis M. Dyer, Regional Vice President  
The Tobacco Institute  
P.O. Box 602  
81 Hale Street  
Beverly, MA 01915  
(617) 927-3990

## NATIONAL TOPICS

Smokeless tobacco warning bill S1574, which passed the Senate on 12/16/85, may be voted on in the U.S. House of Representatives on 2/3 or 2/4. The bill is likely to be substantially amended. Conference Committee will follow.

The "Budget Reconciliation" Package containing the \$.16 federal tax, smokeless tobacco tax, and the Helms-Ford tobacco farm program has not made any progress. Funding for the "Superfund" toxic waste clean-up program seems a major problem.

## CONNECTICUT TOPICS

The Joint Labor Committee has submitted Legislative Request #155, a workplace bill. It appears that the bill will affect businesses with 20 or more employees and require mandatory sectioning with exemptions. An informal hearing was held on 1/30. A formal hearing is likely to occur two to three weeks after the session begins--2/5.

Connecticut Attorney General Joseph Lieberman and Public Health Commissioner Doug Lloyd have introduced smokeless tobacco warning label legislation. Neither a bill number nor bill copy is available at this time.

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

## MAINE TOPICS

The Joint Human Services Committee continues hearings and worksessions on the three tobacco bills. L.D.1690, the restaurant policy notice bill, may come out of committee soon. L.D.1752, the Dept. of Public Health's smokeless tobacco warning label bill, was discussed on 1/28. No hearings have been held on the as-yet unnumbered smokeless tobacco labeling and sales restriction bill.

Some legislators and others feel that consideration of L.D.1690 falls under "Joint Rules 37" of the legislature. If "Joint Rules 37" applies, a two-thirds majority of both House and Senate will be required for passage.

## MASSACHUSETTS TOPICS

Five 1985 bills were re-introduced during the week of 1/27. One, H1603 is an \$.08 increase in the state cigarette excise tax, bringing the tax to \$.34 per pack. Three bills--H1657, H1848, and H1853--restrict smoking in various public places, including restaurants and MBTA facilities. H2018, a workplace bill, is sponsored by GASP.

The sponsor of H720, the smoking prohibition bill, has also filed bills on the motorcycle helmet issue.

Smokeless tobacco tax at 25% of wholesale cost went into effect on Saturday, 2/1.

## NEW HAMPSHIRE TOPICS

H35, the grocery bill, and H133, the workplace bills, were reported "OUGHT TO PASS" by the House Health & Human Services Committee on 1/29. Reps. Fraser, Green, and Sullivan opposed the decision on the workplace bill. The bills could appear on the House calendar as early as the week of 2/10.

H370-FN, tax language clarification bill; H179, "An Act Permitting the Sale of Tax-free cigarettes to the Residents of the Glencliff Home for the Elderly;" and H125-FN, the "minors" bill, are scheduled for a hearing before the House Ways & Means Committee on 2/11.

## RHODE ISLAND TOPICS

On 1/30 the Senate introduced and passed on a voice vote a non-binding, non-enforceable resolution to ban smoking in Senate chambers during the session. The House introduced a similar resolution and referred it to the Health, Education and Welfare Committee.

A new smokeless tobacco warning bill was introduced this week. This brings to three the number of smokeless bills in the state.

## VERMONT TOPICS

House Health & Welfare Committee amended and approved H286, the workplace bill. The measure could go to the House floor or General & Military Affairs Committee.

Other tobacco measures--S244, workplace; S127, public places; and S264, smokeless tobacco warning labels--have not be scheduled for hearings.

## PEOPLE

TI's Regional Vice President Dennis Dyer has been named to the Maine State Grocers Association's Board of Directors. Long-time industry activist Jim Burnes of Montpelier, VT is active in drug and alcohol education programs in his state.

# Region 1—New England

# LEGISLATIVE Update

The Tobacco Institute

January 27, 1986

Washington, DC

## FIRST EDITION

During 1985, many of you expressed an interest in being kept up-to-date on factual legislative happenings in New England and across the country. Through this and subsequent editions of the Region I - New England LEGISLATIVE Update, I will keep you informed about legislative and other matters of importance to the industry.

You will receive the Update weekly during the legislative session. Distribution will be limited to a group of approximately 100 key leaders and friends of the industry. Six times a year an expanded version of the Update will be sent to all 2,500 TAN activists in the Region. At present, the schedule calls for publication of the expanded version at the end of January, February, March, June, September, and December. However, please feel free to share the Update with your employees.

The primary focus of the Update will be legislative. However, I hope to be able to relate some of the activities of the industry's key supporters in each edition, and spend more time on people in each of the "expanded" Updates. The Update is your publication. If there are issues in which you are particularly interested, let me know.

## CONNECTICUT TOPICS

The legislature is scheduled to convene on 2/5. A workplace smoking restriction measure and bills concerned with smokeless tobacco issues are likely to be introduced.

## MAINE TOPICS

Hearings were held on two of the three tobacco bills during the past two weeks. L.D.1690, the restaurant notice bill, was debated on 1/9 and 1/16. Some members of the Joint Human Services Committee expressed doubts over the need for restaurant policy notices. Further hearings and worksessions are anticipated. L.D.1379--similar to L.D.1690--passed last year, but was vetoed by the Governor because there were no enforcement provisions. L.D.1752, requiring warning labels on smokeless tobacco, was discussed on 1/15. Other smokeless tobacco bills are not yet scheduled.

## MASSACHUSETTS TOPICS

It appears that most of the 50 bills defeated in 1985 have been re-introduced in 1986. New additions include a "San Francisco-type" smoking restriction bill and H720, prohibiting the smoking of tobacco in Massachusetts.

H720 is unique in that it seems to be the first "Prohibition" bill to be introduced in any state during the modern anti-tobacco era. Previously, sales prohibitions were introduced in 1970 and '71 and recently by Health Commissioner Bailus Walker in '84.

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

TI24200663



"Smokeless tobacco" action continues in the Dept. of Public Health. This past month the Dept. granted the Smokeless Tobacco Council an extension to 4/1 on its requirement that all smokeless products sold in Massachusetts carry a "Warning Label."

#### NEW HAMPSHIRE TOPICS

Hearings were held on H35, "smoking in grocery stores," and H133, "workplace smoking restrictions," on 1/15. No action was taken. The grocers argued for small business exemptions and elimination of bill language sections making them responsible for enforcement. Business & Industry Association of New Hampshire opposes government-mandated controls, and is involved in helping its members develop voluntary measures.

#### RHODE ISLAND TOPICS

The 1986 Study Commission created by H5076 (Sub A) will review various tobacco topics and report to the legislature later this session -- workplace recommendation likely.

#### VERMONT TOPICS

The House Health and Welfare Committee continues to deliberate on H286, the House workplace bill. Informal discussions were held, but no action was taken. The committee should release amended version of the bill shortly. There has been no movement on S244, the Senate workplace bill, or S127, the "public places" bill.

#### REGIONAL TOPICS

Smokeless tobacco topics seem to be of interest in each of the New England states. Warning labels, sales to minors, and Other Tobacco Products (OTP) taxes are likely to be considered. Federal action on labeling may preempt state action.

#### NATIONAL NEWS BRIEFS

Sunset legislation continues to be tied up in HR3128, the "Budget Reconciliation Package." Tobacco references include: a permanent \$.16 federal tax on cigarettes; new federal taxes on OTP; and the Helms-Ford tobacco farm program. Federal Clean Indoor Air Act, S1937 passed the Senate on a voice vote and is awaiting action in the House. The bill requires smoking sections in all federal buildings. Eighteen separate federal bills make reference to the targeting of different groups for government-sponsored smoking cessation programs. Feds. Are Also Studying the effects of increased cigarette prices at military commissaries around the world.

#### PEOPLE

TI's Tobacco Action Network (TAN) has named the following people 1985 "Volunteer of the Year" in their states:

CT - Monny Levy (posthumously)	NH - William Barry
ME - Robert Nagle	RI - Richard Costello
MA - Raymond Murgia	VT - Chuck Chapleau

A "Special Action Award" for efforts during the federal excise tax program in the fall of 1985 has been given to Reid's Confectionery Company employees in Houlton, Maine:

Robert Nagle	Terry Lunt	Reid Stanley
William Johnston	Kenneth Michand	Jeffrey Ward

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# Region 1—New England

STATE FEB 27 1986

# LEGISLATIVE Update

The Tobacco Institute

February 24, 1986

Washington, DC

## REGIONAL TOPICS

A "Summary of 1985 Legislative Activities" for the New England Region is included with this edition of the Update.

In response to requests from some of you, additional copies of the "State Smoking Restriction Laws" chart and the "State Cigarette Excise Tax Rates" map will be made available. Please contact Wendy Simard at The Tobacco Institute at (617) 927-3990.

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- \* The following will be included with future editions of the Update: \*
  - \* \*
  - \* 3/3 - Text of response to Boston WNEV-TV smoking ban editorial. \*
  - \* 3/10 - "Summary of 1985 Legislative Activities" around the country. \*
  - \* 3/17 - "Summary of Existing Statewide Anti-Tobacco Laws" \*
  - \* 3/24 - "Summary of New England Local Anti-Tobacco Laws" \*
  - \* 3/31 - "Summary of 1986 Introduced Legislation" for New England \*
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## CONNECTICUT TOPICS

A 3/6 hearing is still scheduled before the Joint Labor and Public Employees Committee on H5095, the bill to expand the 1984 workplace law to cover businesses with 20 or more employees. The current law applies to businesses with 50 or more employees.

## MAINE TOPICS

On 2/14 L.D.1690, the restaurant policy notice bill, was APPROVED by the House on the "consent calendar." However, on 2/19 Senate President Charles Pray ruled that L.D.1690 fell under legislative Joint Rule 37, covering bills defeated in previous sessions of the legislature. Because of this ruling, re-introduction of L.D.1690 is possible only with a two-thirds vote in both houses.

A 2/25 hearing is scheduled before the Joint Taxation Committee on L.D.1968, the smokeless tobacco sampling, warning labels, and taxation bill. The Smokeless Tobacco Council will join TI in opposition to L.D.1968 at the hearing.

## MASSACHUSETTS TOPICS

To date, 36 separate pieces of anti-tobacco legislation have been introduced or re-introduced this year. The most recent introductions cover such topics as: exemption for restaurants with ventilation equipment from local smoking restriction ordinances (H4587); taxation of smokeless tobacco products at \$.26 per package (H1538); and advertising and sales restrictions in MBTA facilities (H1591, H1592) (See Massachusetts Topics for further on this.).

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

In addition, two more smoking prohibition bills (H4448, H4580) were introduced. Three smoking prohibition bills have already been introduced: H720, S174, S863. Each carries a \$5.00 fine and requires police enforcement.

The Governor's Pension Reform Act (H4300-A) was also introduced this week. Among its 114 pages is a section removing the presumption of job-related illness from all newly-hired state, county, and local emergency-service employees who contract heart- or lung-related diseases and who smoke. Currently-employed policemen, firefighters, etc. who smoke will continue coverage. A hearing was held on 2/19. No action was taken.

The Massachusetts Bay Transportation Authority (MBTA) board of directors has decided it will forego the more-than \$650,000 in annual revenues derived from cigarette advertising in MBTA facilities and on its vehicles. The board, dominated by Dukakis Administration appointees, voted on 2/20 to discontinue the sale of advertising space to cigarette manufacturers as of 10/1/86. Legislation having the same effect has been introduced for consideration this year (S1591). The MBTA issue has been of concern to the Governor's wife, Kitty Dukakis, for a number of years.

Dr. Philip Witorsch, M.D., Medical Director, Center for Environmental Health and Human Toxicology, is scheduled to respond to a WNEV-TV Channel 7 editorial favoring public smoking bans. The full text of Dr. Witorsch's response will accompany the 3/3 Update, the same day the editorial is scheduled to air.

#### NEW HAMPSHIRE TOPICS

Following House of Representatives approval on 2/12, H35, grocery stores, and H133, workplace, have been assigned to the Senate Public Institutions/Health & Welfare Committee for further review. No hearing date has been set.

#### RHODE ISLAND TOPICS

A legislative study commission, chaired by Rep. Don Ferry (D-Johnston), is calling for bans on school smoking "by anybody," including teachers; mandatory health education; and tougher penalties for drug-related crimes. The commission would pay for the program with a \$.006 increase in the state's \$.244 cigarette excise tax. This increase would raise the tax to \$.25. The commission is likely to vote on its recommendations on 2/28.

#### VERMONT TOPICS

Unscheduled, informal hearings have been held on a daily basis by the General & Military Affairs Committee on H286, workplace. Associated Industries of Vermont, Vermont State Chamber of Commerce, and Vermont Retailers Association were among those asked to present testimony on the bill.

#### NATIONAL TOPICS

Congress reconvened on 2/18 after a week-long recess.

On 2/19, S1574, the "Comprehensive Smokeless Tobacco Education Act of 1986," was presented to the White House for President Reagan's consideration. The President has ten days to sign the bill.

#### PEOPLE

Congratulations to TI Boston lobbyist William F. Coyne, Jr. on the birth of his son John Coyne on 2/20.