

BC/KLM/CG

For your reading pleasure...  
help pls... a bit long + beautiful  
on restitutions. W 4/5

EXECUTIVE COMMITTEE MEETING  
THE TOBACCO INSTITUTE

REMARKS BY

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INITIATIVES

- . To be handled first from other text.

## GENERAL

- . It's a bit premature to say that "things are great in '88," but there have been several encouraging developments this year that illustrate how our coordinated efforts can pay solid legislative dividends.
- . At this time I'd like to take you through a summary of what's transpired so far in 1988 and what we see on the horizon. Let's begin with the smoking restriction issue.

## SMOKING RESTRICTIONS

### STATES

- . To date, bills to ban or restrict smoking have been proposed in 38 states. Thus far, none has passed and we have defeated bills in 11 states:

... Georgia (w)... Idaho (w)... Indiana (w)... Maine...  
Mississippi... New Hampshire (w)... South Dakota...  
Virginia (w)... Washington (w)... West Virginia (w)...  
Wyoming (w)... [and a Maryland measure was weakened to a great  
degree, workplace language was removed.]

... Of those states where measures have been defeated, eight contained workplace restriction language...of the 27 states with pending restriction bills, 16 contain workplace language. Key among those states are:

... Arizona... Colorado... Florida... Illinois...  
Massachusetts... Minnesota... Missouri... New York... Ohio...  
Pennsylvania... Wisconsin...

#### LOCALITIES

- . Locally, we continue to face numerous and difficult challenges on the smoking restriction front. As you know, we are often successful in delaying and weakening local measures, but it is tough to obtain what I would call a final "kill" locally.

... Thus far, measures to restrict smoking have been proposed in 110 communities...some localities are considering more than one ordinance.

... To date, 22 localities have adopted restrictions, two have defeated measures and the rest are pending or delayed through our activity.

... While most of this local activity remains centered in the predictable states -- California... Colorado... Illinois...

Ohio... Pennsylvania... Texas... we have seen the restriction issue take root in some traditional tobaccoland communities.

... We've defeated bills this year in Nashville and Sumter, South Carolina. However, Raleigh, Durham and several other North Carolina and Virginia localities are looking into the smoking restriction issue...as a rule, the bills under consideration are not -- in themselves -- particularly onerous. The simple fact that measures are being reviewed, however, has caused us to devote substantial effort to these events.

- . Other key communities still considering restriction measures include San Diego County; Des Moines; Chicago and Rockford, IL; Indianapolis; Columbus, OH; Erie, Harrisburg and Philadelphia, PA; Knoxville, TN.

#### RESTRICTION EVENTS OF INTEREST IN 1988

- . As I mentioned, there have been several developments of interest thus far in 1988. For example:
- . MTA and Connecticut commuter trains...

... Thanks to Connecticut commuters who actively and vocally expressed their dissatisfaction, Connecticut state lawmakers are considering adding a smoking car to those trains when

they cross the border into Connecticut. As you know, smoking was banned on the transit system late last year.

... From our point of view, the most significant thing is that the issue has been couched not as a smoking issue, but as one of states' rights. That enabled us to obtain a committee vote of 22-0 in favor of adding a smoking car.

... Ultimately, we may or may not prevail on this issue, but we have succeeded in activating a loud smokers' constituency and taken the focus off tobacco and put it on "rights."

. New York City and return of smoking regulations

... New York City Health Commissioner Stephen Joseph must be wondering what hit him. After submitting for review smoking regulations that clearly went past the letter and spirit of the New York City ordinance, he was forced to withdraw his trumped up regulations for reconsideration.

... Key New York citizens voiced opposition to the regulations, and even chief proponents of the restriction bill cried foul when they saw the Commissioner's regulations. We continue to work for the most reasonable regulations possible.

. Lack of local activity in Massachusetts

... In past years, it was not unusual to see dozens of towns in Massachusetts reviewing restriction measures...this year only a handful are considering such ordinances.

... This is due in large measure to (1) the aggressive posture we've taken for several months in Waltham, (2) a preemptive foray into eastern Massachusetts to educate lawmakers on ETS and general indoor air quality, and (3) a campaign just underway to attempt to rollback restaurant restrictions in certain key localities.

... Our work in Massachusetts -- while not rendering the anti punchless -- has helped us seize the initiative and put them on the defensive. We are exploring ways to export this strategy to other key areas where we normally face a maelstrom of local anti-smoking activity.

. Washington hospital amendments

... This year in Washington state, we defeated every anti-tobacco proposal under review. Of particular interest was our work with one relatively minor measure...a bill that would have banned the use of tobacco in hospitals.

... The measure originally had the full support of hospital administrators and the medical community. With the assistance of Gray Robertson's ACVA Atlantic and Covington &

Burling, we drafted an amendment to the bill that would have required hospitals to meet rigid and specific ventilation standards in every operating theater, intensive care unit and other hospital areas.

... To illustrate the need for such standards, the committee reviewing the measure was shown a copy of our ACVA video, shortened to show just how serious the ventilation problem can be in hospitals.

... At this turn of events, hospital officials became unglued and openly broke with the medical community, dropping support for the measure and ensuring its defeat. This work should help us in the future as we continue to expand the general knowledge of the sick building syndrome and oppose more significant anti-smoking legislation in Washington.

. Oklahoma House Chamber building study

... Along the same lines, we initiated a study -- completed late last month -- of the Oklahoma House Chamber. The House had under consideration a move to ban smoking in that chamber.

... The study -- again by Gray Robertson's ACVA -- showed dramatically that while there was no need to ban smoking, the House chamber was in great need of a thorough look into a