

**PRO-ACTIVE PROPOSAL**

**MISSOURI  
HIRING DISCRIMINATION**

**LEGISLATIVE ACTION**

September 26, 1989

**STATE/LOCALITY:**

Missouri

**ISSUE:**

Employment Discrimination

**SUMMARY:**

Secure enactment of legislation prohibiting employers from refusing to hire, discharging or otherwise disciplining an employee for the use of tobacco products outside the course of employment.

**SPONSOR:**

Senator John Bass

**INTRO DATE:**

Pre-file on December 5, 1989

**COMMITTEE:**

Senate Labor

**LEGISLATIVE STATUS:**

Anticipated 1990 legislative action

**INDUSTRY ACTION**

Senator Bass, who chairs the Senate Labor Committee, filed this legislation (SB440) midway through the 1989 legislative session and held a public hearing on the measure. No individual or group expressed opposition or any concern about SB 440, and the bill received public support from the State Labor Council AFL/CIO and the American Civil Liberties Union. However, the measure did not progress beyond committee because of the late timing.

Early introduction and a prompt committee hearing will be sought for a 1990 version of SB 440. It is conceivable that this bill will move easily through the legislative process. However, if viable opposition to it surfaces, all available resources will be marshalled to secure its passage.

**RESOURCES NEEDED**

**YES/NO**

**DATE NEEDED**

**ECONOMIC ANALYSIS/FACTSHEET?**

**YES**

**1/1/90**

The Legislative Research Office prepared a fiscal impact statement for SB440 in 1989 projecting enforcement costs of over \$1 million annually. The erroneous conclusions reached in this document may be presented again in 1990. In preparation to refute this, The Institute will prepare a more accurate fiscal impact estimate for the proposed legislation.

**LEGAL MEMORANDUM?**

**YES**

**1/1/90**

Legal considerations in discrimination against smokers. Our legal document will be shared with appropriate lawmakers.

**EXPERT WITNESSES?**

**YES**

**1st Qtr 1990**

Testimony on legal considerations before committee and in one-on-one situations with lawmakers as necessary.

**COALITION ALLIES?**

**YES**

**Throughout session**

State Labor Council and ACLU support are key to the bill's success. Contacts with key legislators will be provided by the wholesaler and vending associations, as well as the Missouri Council for Burley Tobacco.

**TI GRASSROOTS MOBILIZATION?**

**YES**

**1st Qtr 1990**

Letters and phone calls to legislators will be needed if opposition to the bill surfaces.

**COMPANY RESOURCES?**

**YES**

**1st Qtr 1990**

Close cooperation in direct lobbying with other industry legislative counsel will be needed. Member company activist lists may be needed to generate grassroots contacts with legislators.

**PUBLIC AFFAIRS/MEDIA RESOURCES?**

**NO**

**ADDITIONAL NEEDS?**

**NO**

**PRO-ACTIVE PROPOSAL**

**MISSOURI  
SMOKING RESTRICTION  
PREEMPTION**

**LEGISLATIVE ACTION**

September 26, 1989

**STATE/LOCALITY:**

Missouri

**ISSUE:**

Smoking Restriction

**SUMMARY:**

Anticipated legislation will propose prohibition or restriction of smoking in virtually all public places, including the workplace. The Institute's plan is to limit the scope of such legislation and preempt local smoking restriction authority.

**SPONSOR:**

Rep. Sandra Reeves (Likely)

**INTRO DATE:**

January, 1990

**COMMITTEE:**

House Public Health & Safety

**LEGISLATIVE STATUS:**

Anticipated 1990 Legislative Action

**INDUSTRY ACTION**

Smoking restriction legislation has been filed yearly in Missouri since 1975, and doubtlessly will be filed in the 1990 session. The tobacco industry enjoys sufficient support on the Senate and House Public Health Committees that such legislation can be controlled. Amendments to the 1990 legislation will be adopted (through direct lobbying) making the bill a marginal regulator of public smoking, and preempting local smoking restrictions. With this accomplished, the bill's sponsors will have to choose between passage of the amended bill, or the defeat of the entire measure.

**RESOURCES NEEDED**

**YES/NO**

**DATE NEEDED**

**ECONOMIC ANALYSIS/FACTSHEET?**

NO

**LEGAL MEMORANDUM?**

YES

1/1/90

Legislative representatives may need a document explaining the case for preemption. A memorandum pointing out deficiencies in introduced restriction proposals will be shared with appropriate lawmakers.

**EXPERT WITNESSES?**

**YES**

**1st Qtr 1990**

Scientific and air quality testimony in one-on-one sessions with lawmakers and at committee hearings should be provided to reinforce lobbyist's message.

**COALITION ALLIES?**

**YES**

**Throughout Session**

Direct and grassroots lobbying will be provided by wholesaler and vendor groups, Missouri Restaurant Association, Council for Burley Tobacco and Missouri Retailers Association.

**TI GRASSROOTS MOBILIZATION?**

**YES**

**1st & 2nd Qtrs 1990**

TAN activists will be used to generate contacts with key legislators questionable on the issue early on, with a later communication to all legislators.

**COMPANY RESOURCES?**

**YES**

**1st & 2nd Qtrs 1990**

Utilization similar to TAN resources, plus phone banks using member company activist lists at key times. Close cooperation among all industry lobbyists is also essential.

**PUBLIC AFFAIRS/MEDIA RESOURCES?**

**Possible**

Expert ETS/indoor air quality media tours or meetings with editorial board staffs may be necessary, if the issue gains significant press attention. Previous media tours in the state have helped to shape public opinion on the issue.

**ADDITIONAL NEEDS?**

**NO**

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