

STATELINE

THE TOBACCO INSTITUTE
STATE ACTIVITIES DIVISION

March 19, 1992

STATE HEADLINES

- West Virginia Governor Caperton signed bill protecting tobacco users from job discrimination...enactment of S458 makes this 22nd state to adopt such a law. Legislature adjourned over weekend without action on handful of bills with smoking, sales and advertising bans.
- Wyoming Governor Sullivan allowed anti-discrimination bill to become law without his signature this week...S45 prohibits job actions based on employee's use of tobacco products off the job...is 23rd such measure to be enacted. Governor's proposal for 8-cent cigarette tax hike was not introduced before legislature adjourned 3/17.
- Florida legislature passed employment protection bill before adjourning 3/13...H1753 would ban discrimination for off-job use of legal agricultural products. H2375, to license tobacco retailers, limit vending and sampling, died on Senate floor. Bills to delay packaging tax, due to be imposed this October, also failed to get final consideration.
- Washington lawmakers sent privacy bill to Governor Gardner...H2274 would prohibit discrimination based on use of lawful products in nonworking hours. Lawmakers adjourned 3/12 without acting on Governor's health care reform plan...part of funding was to come from 3.35-cent cigarette tax hike...special session may be called later this spring.
- South Dakota legislature adjourned without passing any tobacco-related bills...7-cent cigarette tax increase and new tax on other tobacco products were killed in House...bill to license tobacco sellers and samplers was rejected in Senate cmte.

TAXES

- Wisconsin Senate passed 7-cent cigarette tax hike in budget measure last week...S483 was placed directly on Assembly calendar.
- Maryland Senate passed budget and tax package this week...includes 10-cent cigarette tax hike...S387 is now in House for cmte consideration. Council of District of Columbia gave tentative OK 3/17 to 20-cent cigarette excise hike and other tax increases...further action on tax package is scheduled for 4/7.
- South Carolina House rejected five separate cigarette tax amendments before completing action on state appropriations bill last Friday...Senate refused to consider H4500, however, and returned it to House 3/18.

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Case No. CJ-96-1499

TIOK 0019214

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TAXES, cont'd

- Kentucky House Agriculture Cmte reported manufacturer's tax bill this week...H880 goes to Natural Resources Cmte...is also assigned to Appropriations. Bill would impose annual levy on cigarette companies based on price increases...would fund low-interest loans to build tobacco barns and make other tobacco farm improvements.
- California Assembly Revenue & Taxation Cmte hears A2709 on 3/23...bill would increase cigarette tax by 12.8 cents per pack and raise OTP excise by equivalent to offset repeal of sales tax from snack foods.
- Alabama lawmakers have introduced bills for additional county tobacco tax authority...H22 and S480 would impose 25-cent tax in Mobile County...H568 would allow Shelby County to impose new 3-cent levies...S183 would give Etowah County authority to raise its current 3-cent tax to 5 cents.

INITIATIVES & REFERENDA

- Oregon tobacco tax initiative draft was filed with Secretary of State last week...would hike cigarette tax by 25 cents and add 25-percent to OTP rate...would earmark 88-percent of new revenues to indigent care and community programs to reduce tobacco use. If certified for circulation, proponents would have until 7/3 to submit at least 66,771 valid signatures. State is fourth to begin process of placing tobacco tax initiative on November ballot, joining Colorado, Massachusetts and Nebraska.
- Mississippi House rejected constitutional amendment to establish initiative and referendum authority...vote on HCR112 may be reconsidered, however...companion bill, SCR516, awaits Senate floor vote.
- New Jersey Assembly State Government Cmte has scheduled field hearings on proposals to establish initiative and referendum process...will be held 4/2, 4/14 and 4/23.

"FIRE-SAFE" CIGARETTE

- Minnesota bills would require state Fire Marshal to adopt "fire safety standard" for cigarettes within one year of federal Consumer Product Safety Commission's report to Congress on three-year research program...S2627 is pending in Senate Veterans & General Legislation Cmte...H2870 is in House Commerce Cmte.

SMOKING RESTRICTIONS

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TIOK 0019215

- Maryland bill to require accommodation of both smokers and nonsmokers awaits Senate floor action...substitute for S372 was reported by Economic & Environmental Affairs Cmte. Oklahoma bill to set penalties for violation of state public smoking law, H1599, died on House floor last week...current law authorizes localities to set fines.
- Minnesota House Health & Welfare Cmte hears H376 today...carryover bill would make current workplace, public smoking restrictions more stringent. Connecticut H5875 would prohibit smoking in restaurants seating 75 or more persons...would also ban smoking in health care facilities and publicly-owned buildings...is pending in Joint Environment Cmte.

EMPLOYMENT DISCRIMINATION

- Georgia House votes today on Senate-passed privacy bill...S256 would ban discrimination for use of lawful products outside course of employment...would also limit tobacco sampling and vending...would raise minimum sales age from 17 to 18 years.
- Wisconsin Assembly and Senate have each passed their own privacy bills...A570 was passed last fall...Senate passed S292 last week. Privacy bills await action on Minnesota House and Senate floors...S2336 was reported from Senate Commerce Cmte last week...H2445 was OK'd in House Labor-Management Cmte on 3/18.
- Arizona Senate Government Cmte gave thumbs-up to privacy bill last week...S1429 is in Rules Cmte...would prohibit discrimination for legal off-job activities. Hawaii privacy bill, S1916, is pending in House Labor & Public Employment Cmte...was passed by Senate on crossover deadline 3/3.

SAMPLING/ADVERTISING/SALES RESTRICTIONS

- Connecticut Joint Public Health Cmte killed S236, to ban tobacco advertising on public buses, last week...Cmte also rejected S237, to require cigarette packages to list ingredients and to show country of origin for tobacco. Vending supervision bill, S238, was referred to Joint Judiciary Cmte for further review.
- Kentucky H352 awaits Senate floor action...bill would raise minimum age from 16 to 18... would prohibit sampling to minors...would ban tobacco billboard advertising within 500 feet of schools. Subcmte of Tennessee House Commerce Cmte amended vending supervision bill to preempt local restrictions...reported H2325 to full cmte for review. Last of Maryland vending restriction bills was killed this week...House Ways & Means Cmte nixed H554.
- Nebraska vending restriction bill awaits final reading on floor of state's unicameral legislature...L130 would limit machines to workplace areas not open to public.
- Michigan H5646 awaits House floor vote...as reported from Judiciary Cmte 3/17, bill would prohibit any distribution of free tobacco products...would allow distribution through mail if recipient has previously paid, or agreed to pay, for products. Licensing bill, H4341, remains in House Health Cmte...latest substitute proposal would require point-of-sale signs stating "tobacco is addictive" and giving toll-free number for reporting violations of sale to minors law...would also require single-packs to be held behind counter. Minnesota House Commerce Cmte hears sales bills today...H487 would require localities to license tobacco retailers...H2904 would revise penalty for sale to minors and penalize minor who purchases tobacco...its companion bill, S2475, is on Senate floor.
- California Senate Governmental Organization Cmte holds hearing 3/31 on tobacco ad ban... S1844 would prohibit outdoor advertising where likely to be visible to minors.

THE LOCAL LOOK

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TIOK 0019216

- Southeast. Raleigh, NC City Council adopted smoking restriction ordinance on 3/17... requires nonsmoking areas in workplaces, restaurants. Shelby County, AL Commissioners has requested authority from state legislature to impose cigarette excise tax.

THE LOCAL LOOK, cont'd

- California. On 4/6, Martinez City Council will reconsider restaurant smoking ban adopted in 1991...would reduce 100% ban to 75%. Montague Council tabled smoking restriction proposal indefinitely. Pinole Council adopted amended Contra Costa County model smoking ban ordinance...includes vending restrictions and sampling ban. San Francisco City Services Cmte delayed consideration of proposed smoking and ad bans from 3/25 to 4/21.
- Southwest. Flagstaff, AZ City Clerk announced referendum signatures would have to be individually verified in citizens' attempt to place 1991 smoking ban on ballot. Phoenix, AZ Commission on Economy sent smoking restriction proposal to Regulatory Review Cmte for study. Dallas, TX Health & Human Services Cmte will discuss vending restrictions on 3/23.
- Midwest. Ingham County, MI Human Resources Cmte amended sales restriction ordinance this week...deleted self-service display bans...further discussions on 3/30.

STATE SIDEBARS

- New Jersey Dept of Health and its Advisory Commission on Smoking OR Health have scheduled public forum 4/22...want to hear opinions on state's laws governing smoking and sale of tobacco products...will accept written comments through 5/1.
- Arizona Senate is considering S1514...as amended in Commerce & Labor Cmte, bill would exclude firefighters who have smoked for six months or more in previous 15 years from coverage of state's law presuming that respiratory diseases are work-related.
- Ins and Outs. Legislatures adjourned this past week in Florida, South Dakota, Washington, West Virginia and Wyoming. Lawmakers in Florida have been called back for redistricting session starting 3/23. Delaware legislature returns from budget hearing recess on 3/24.

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1992 STATE LEGISLATIVE SESSIONS
March 19, 1992

STATELINE

IN	STATE	REGULAR SESSION	CO 91-92	SPECIAL SESSIONS/NOTES
X	ALABAMA	2/4 - (5/18)		Special-worker's comp 1/27-2/3
X	ALASKA	1/13 - (5/12)	CO	
X	ARIZONA	1/13 - (4/25)		Concurrent special session 2/17-20
	ARKANSAS	No regular session		Spec-child welfare, etc 2/24-27, 3/4
X	CALIFORNIA	1/6 - (11/30)	CO	Cncrnt special; Recess 7/3-8/3; 8/31-
X	COLORADO	1/8 - (5/6)		
X	CONNECTICUT	2/5 - (5/6)		
R	DELAWARE	1/14 - (6/30)	CO	Recess until 3/24 for budget review
	FLORIDA	1/14 - 3/13		Spec session-redistrict 3/23-(4/3)
X	GEORGIA	1/13 - (3/25)	CO	
X	HAWAII	1/15 - (4/27)	CO	
X	IDAHO	1/6 - (3/31)		
R	ILLINOIS	1/8 - (6/30)	CO	Recess 1/9-3/2, 3/4-3/31
	INDIANA	1/6 - 2/14		Org'l sess 11/19/91
X	IOWA	1/13 - (4/23)	CO	
X	KANSAS	1/13 - (5/1)	CO	Recesses 4/11, returns 4/29 for vetoes
X	KENTUCKY	1/7 - (4/15)		
	LOUISIANA	3/30 - (6/22)		
X	MAINE	1/8 - (4/30)	CO	Special session-education 1/7
X	MARYLAND	1/8 - (4/6)		
X	MASSACHUSETTS	1/1 - (12/31)		
X	MICHIGAN	1/8 - (12/31)	CO	Recess planned 6/30-Sept
X	MINNESOTA	1/6 - (4/30)	CO	
X	MISSISSIPPI	1/7 - (5/10)		
X	MISSOURI	1/8 - (5/15)		
	MONTANA	No regular session		Special session-budget 1/6-17
X	NEBRASKA	1/8 - (4/14)	CO	
	NEVADA	No regular session		
X	NEW HAMPSHIRE	1/8 - (5/5)	CO	
X	NEW JERSEY	1/14 - (1/10/93)	*	
	NEW MEXICO	1/21 - 2/20		Special-redistrict 1/3-6
X	NEW YORK	1/8 - (12/31)	CO	Recess scheduled 6/26
	NORTH CAROLINA	5/26 - (7/15)	CO	Special-redistrict 1/13-2/3, 2/17
	NORTH DAKOTA	No regular session		
X	OHIO	1/7 - (12/31)	CO	
X	OKLAHOMA	2/3 - (5/30)	CO	
	OREGON	No regular session		
X	PENNSYLVANIA	1/7 - (11/30)	CO	Recess 2/12-3/9 for budget hearings
X	RHODE ISLAND	1/7 - (6/6)	CO	
X	SOUTH CAROLINA	1/14 - (6/2)	CO	
	SOUTH DAKOTA	1/14 - 3/17		
X	TENNESSEE	1/14 - (5/1)	CO	Cncrnt special-tax, education 1/14-31
	TEXAS	No regular session		Special session-redistrict 1/2-8
	UTAH	1/13 - 2/27		
X	VERMONT	1/7 - (5/11)	CO	
	VIRGINIA	1/8 - 3/7	*	Veto session 4/25
	WASHINGTON	1/13 - 3/12	CO	Special session likely
	WEST VIRGINIA	1/8 - 3/14	--	Some '91 bills carried over
X	WISCONSIN	1/28 - (3/27)	CO	Concurrent special session
	WYOMING	2/17 - 3/17		Special-redistrict 2/10-17

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CO - Bills may carry over from 1991 session to 1992 consideration.

* - New Jersey & Virginia bills carry over from 1992 to 1993 session.

Adjournment dates may be approximate.

X - In regular session

S - In special session

R - In recess

TIOK 0019218

TO: George Minshev
 FROM: Stan Boman

LEGISLATIVE ACTION REPORT

UPDATE: March 18, 1992

STATE/LOCALITY: Oklahoma
 BILL NUMBER: HB 1599
 ISSUE: Penalties
 SUMMARY: To establish a misdemeanor penalty for smoking in designated non-smoking areas and a fine of \$100.00 for a first offense and for second or subsequent offenses to imprisonment in a county jail for not more than 30 days and/or a fine not to exceed \$500.00.

SPONSOR: Rep. Ray Vaughn
 INTRO DATE: February 6, 1991
 COMMITTEE: Referred to Health & Mental Health Committee
 HEARING DATE:
 BILL COPY TO DC: February 22, 1991

LEGISLATIVE STATUS: This is a carryover bill from 1991. Bill passed out of committee on February 3, 1992. It was amended. Was placed on the Consent Calendar on February 10, 1992.

UPDATE: February 26, 1992 - Was removed from Consent Calendar on 2/13/92 and was placed on General Order.

UPDATE: March 18, 1992 - Bill failed on March 11, 1992. Dead bill.

INDUSTRY ACTION PLAN

UPDATE:
 SUMMARY:

RESOURCES TO BE USED	YES/NO	DATE NEEDED	DATE USED
ECONOMIC ANALYSIS/FACTSHEET?			
LEGAL MEMORANDUM?			
EXPERT WITNESSES?			
COALITION ALLIES?			
TI GRASSROOTS MOBILIZATION?			
COMPANY RESOURCES?			
PUBLIC AFFAIRS/MEDIA RESOURCES?			
ADDITIONAL NEEDS?			

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TIOK 0019219

TO: George Minshew
 FROM: Stan Boman

LEGISLATIVE ACTION REPORT

UPDATE: March 18, 1992

STATE/LOCALITY: Oklahoma
 BILL NUMBER: HB 1999
 ISSUE: Indoor air quality
 SUMMARY: Would grant extensive regulatory of the State Department of Health to "audit" indoor air quality in virtually all buildings open to the public, and to order "remediation" of air quality problems.

SPONSOR: Representative Hudson
 INTRO DATE: January 8, 1992
 COMMITTEE: Referred to Health & Mental Health Committee
 HEARING DATE:
 BILL COPY TO DC: Mailed 1/24/92
 LEGISLATIVE STATUS: Bill passed out of committee on 2/5 amended and was placed on the Consent Calendar.
 UPDATE: February 26, 1992 - Was removed from the Consent Calendar on 2/13/92. Was placed on General Order.
 UPDATE: March 18, 1992 - Bill was dropped from Calendar on March 11, 1992. Was re-referred to Health & Mental Health Committee.

INDUSTRY ACTION PLAN

UPDATE: >
 SUMMARY: >

RESOURCES TO BE USED	YES/NO	DATE NEEDED	DATE USED
ECONOMIC ANALYSIS/FACTSHEET?	>	>	>
>			
LEGAL MEMORANDUM?	>	>	>
>			
EXPERT WITNESSES?	>	>	>
>			
COALITION ALLIES?	>	>	>
>			
TI GRASSROOTS MOBILIZATION?	>	>	>
COMPANY RESOURCES?	>	>	>
PUBLIC AFFAIRS/MEDIA RESOURCES?	>	>	>
ADDITIONAL NEEDS?	>	>	>

TO: George Minshe

FROM: Stan Boman

LEGISLATIVE ACTION REPORT

UPDATE: March 18, 1992

STATE/LOCALITY: Oklahoma
BILL NUMBER: SB 658 (Similar to HB 1999)
ISSUE: Indoor air quality
SUMMARY: Department of Health empowered to conduct IAQ audits and order remediation of deficiencies.

SPONSOR: Senator Robinson
INTRO DATE: January 23, 1992
COMMITTEE: Placed in Government Operations & Agency Oversight Committee on 2/4/92.

HEARING DATE:
BILL COPY TO DC: Mailed February 6, 1992
LEGISLATIVE STATUS: Bill out of committee and on General Order 2/24/92.

UPDATE: March 11, 1992 - Bill passed out of Senate 42/2 today. Will go to House on March 12, 1992.

UPDATE: March 18, 1992 - Bill was referred to House Health & Mental Health Committee on March 16, 1992.

INDUSTRY ACTION PLAN

UPDATE: >
SUMMARY: >

Table with 4 columns: RESOURCE TO BE USED, YES/NO, DATE NEEDED, DATE USED. Rows include Economic Analysis/Factsheet, Legal Memorandum, Expert Witnesses, Coalition Allies, TI Grassroots Mobilization, Company Resources, Public Affairs/Media Resources, and Additional Needs.