

1998 STATUS REPORT  
STATE TOBACCO LEGISLATION

**CIGARETTE EXCISE TAXES**

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Legislation to increase the cigarette tax has been introduced in 30\* states; passed in one:

**CALIFORNIA (37)**                      50 cents (ballot measure)

Legislation to increase the cigarette tax remain pending in three\* states:

\*Montana (18)                      Three bill requests have been filed for the 1999 Session  
New Jersey (80)                      25 cents  
Pennsylvania (31)                      5 cents; 2 cents; .2 cents

Legislation to increase the cigarette tax has been defeated in 28 states:

Alabama (16.5)                      25 cents; 49 cents  
Alaska (1.00)                      \$1.00  
California (37)                      20 cents (2); 50 cents; 80 cents  
Connecticut (50)                      6 cents  
Delaware (24)                      25 cents; 24 cents; \$1.00  
Hawaii (80)                      10 cents; 50 cents  
Iowa (36)                      2 cents  
Kansas (24)                      50 cents  
Kentucky (3)                      25 cents  
Louisiana (20)                      40 cents; 55 cents; 65 cents; 70 cents  
Maine (37)                      10 cents; 25 cents; 37 cents; 53 cents; \$1.00  
Maryland (36)                      \$1.50 (over three and four year time periods)  
Minnesota (48)                      5 cents; 10 cents; 4 cents; 27 cents; 40 cents  
Mississippi (18)                      75 cents  
Missouri (17)                      75 cents  
Nebraska (34)                      10 cents; 5 cents; 2 cents  
New Hampshire (25)                      10 cents; 20 cents; 23 cents  
New Mexico (21)                      5 cents; 13 cents; 12 cents (VETOED)  
New York (56)                      1 cent; 2 cents; 25 cents; 50 cents; 75 cents  
Ohio (24)                      12 cents  
Oklahoma (23)                      \$1.00  
Rhode Island (71)                      10 cents  
Virginia (2.5)                      12.5 cents  
Washington (82.5)                      1 cent  
West Virginia (17)                      50 cents  
Wisconsin (59)                      41 cents  
Wyoming (12)                      13 cents; 15% sales tax

Legislation to repeal cigarette taxes has been defeated in one state:

Hawaii (1.00)                      repeals the 7/1/98 increase to \$1.00 until 1/1/99 (VETOED)

**OTHER TOBACCO PRODUCT (OTP) TAXES - Legislative**

**New or increased OTP taxes have been introduced in 15 states; passed in one:**

**CALIFORNIA** equivalent increase as on cigarettes (ballot measure)

**New or increased OTP taxes have been defeated in 14 states:**

Alabama	equivalent increase as on cigarettes for OTP except smokeless tobacco
Delaware	increase to 30% of the wholesale price
Florida	increase to 32.4% of wholesale price
Louisiana	24% of invoice price on cigars \$120/1000, 60% for cigars over \$120/1000; 39.7% of invoice price for cigars and smokeless tobacco; 99% of invoice price for smoking tobacco
Maine	increase to 124% of wholesale price for smokeless; 39% of wholesale price on cigars and pipe tobacco
Maryland	25%; 20% of the wholesale price
Massachusetts	25% of the wholesale price for cigars and smoking tobacco
Minnesota	increase by 7% of wholesale price; 55% of wholesale price
Mississippi	75 cents per box, pack or container of OTP
New Hampshire	would apply tobacco tax to all tobacco products
New York	increase to 20.5% of wholesale price
Washington	tax on cigars at 25% of the wholesale price
West Virginia	40% of the wholesale price; 50%; sales and use
Wyoming	15% of the wholesale price; 10% sales tax

**OTP tax reduction legislation has been defeated in three states:**

Alaska	reduce the excise tax on cigars, pipe tobacco, cheroots and stogies to 25% of the wholesale price if more than \$1.75
Minnesota	30% of the wholesale price
Maine	reduce wholesale tax on pipe tobacco and cigars to 10%

**Legislation to repeal tobacco taxes has been defeated in one state:**

Maine	repeal taxes on pipe and cigar tobacco
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**LOCAL AUTHORITY TOBACCO TAXES - Legislative**

**Legislation extending authority for local tobacco taxes has been introduced in three states; remain pending in one:**

Pennsylvania

**Legislation extending authority for local tobacco taxes has been defeated in two states:**

Missouri  
Virginia

**TOBACCO TAX EARMARKING**

**Earmarking bills/proposals have been filed in 29\* states; passed in four:**

<b>ARIZONA</b>	<b>Disease Control Research Fund</b>
<b>CALIFORNIA</b>	<b>Early childhood development programs (ballot measure)</b>
<b>KENTUCKY</b>	<b>Agriculture Diversification and Development Fund</b>
<b>UTAH</b>	<b>Cigarette Tax Restricted Account</b>

**Earmarking bills remain pending in three\* states:**

<b>*Montana (prefiled for 1999 session)</b>	<b>Children's Health Trust Fund; CHIP Program</b>
<b>New Jersey</b>	<b>Public school system</b>
<b>Pennsylvania</b>	<b>Stop Tobacco Use Now Fund; Children's Health Fund; Breast Cancer Fund</b>

**Earmarking bills/proposals have been defeated in 24 states:**

<b>Alabama</b>	<b>Children's First Trust Fund</b>
<b>Arizona</b>	<b>Capital project grants; Arizona Cancer Commission; Health Care Cost Containment System; community health care centers; health care programs and medical services</b>
<b>California</b>	<b>Breast and Prostate Cancer Research; Sale of Tobacco to Minors Control Account</b>
<b>Delaware</b>	<b>Appropriated special fund; Healthy Lifestyles and Tobacco-Related Disease Prevention Fund</b>
<b>Florida</b>	<b>Health care programs and services</b>
<b>Hawaii</b>	<b>Community hospitals; H. Lee Moffitt Cancer &amp; Research Center</b>
<b>Idaho</b>	<b>Department of Law Enforcement</b>
<b>Indiana</b>	<b>Medicaid tobacco related diseases fund</b>
<b>Kansas</b>	<b>Children's health care programs fund</b>
<b>Maine</b>	<b>Tobacco risk education program (vetoed); anti-tobacco campaign; Youth Smoking Prevention Fund</b>
<b>Maryland</b>	<b>Children's Opportunity Fund; Tobacco Tax Health Protection Fund; tobacco crop diversification</b>
<b>Massachusetts</b>	<b>School nursing services</b>
<b>Minnesota</b>	<b>DARE program; baseball stadium; tobacco education; offsetting reduction in taxes on hospitals, surgical centers, providers, and wholesale drug distributors</b>
<b>Mississippi</b>	<b>Medicaid Recipients' Tobacco Illness Fund</b>
<b>Nebraska</b>	<b>State College Facility Fund; Building Renewal Allocation Fund</b>
<b>New Hampshire</b>	<b>Anti-smoking programs w/in Dept of Education; statewide kindergarten; school improvement incentive grant program</b>
<b>New Mexico</b>	<b>Cancer Center &amp; Medical Trust Fund for Cancer at UNM; child health fund; Medicaid services fund</b>
<b>New York</b>	<b>Child Health Account; school construction</b>
<b>Ohio</b>	<b>Primary and secondary education</b>
<b>Virginia</b>	<b>Local governments</b>
<b>Washington</b>	<b>Youth tobacco prevention account</b>
<b>West Virginia</b>	<b>Regional jail and correctional facility investment</b>
<b>Wisconsin</b>	<b>tobacco research and prevention programs at WU and Dept of Health and Family Services</b>
<b>Wyoming</b>	<b>Tobacco use reduction program</b>

**SMOKING BANS & RESTRICTIONS**

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Smoking ban/restriction bills have been introduced in 32\* states; passed in four:

<b>COLORADO</b>	Other public places
<b>GEORGIA</b>	Public transportation and facilities
<b>INDIANA</b>	Other public places
<b>RHODE ISLAND</b>	Other public places

Smoking ban/restriction bills remain pending in three\* states:

\*Massachusetts (prefiled for the 1999 session)

New Jersey

\*Utah (prefiled for the 1999 session)

Smoking ban/restriction bills have been defeated in 28 states:

Alabama	Mississippi
Arizona	Missouri
California	Nebraska
Connecticut	New Mexico
Florida	New Hampshire
Georgia	New York
Hawaii	Oklahoma
Illinois	Rhode Island
Iowa	South Carolina
Kansas	Tennessee
Maine	Vermont
Massachusetts	Virginia
Michigan	Washington
Minnesota	West Virginia

**SMOKING RESTRICTION PREEMPTION**

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Legislation to repeal/modify preemption of local smoking bans/restrictions has been introduced in four states; pending in one\*:

\*Florida (prefiled for 1999 session)

Legislation to repeal/modify preemption of local smoking bans/restrictions has been defeated in four states:

Florida  
Iowa  
Oklahoma  
Tennessee

Legislation to establish state preemption has been introduced and defeated in three states;

Arizona  
Illinois  
New York

**INDOOR AIR QUALITY (IAQ)**

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Legislation to establish or change indoor air quality programs has been introduced in 15 states; passed in one:

**INDIANA**

Legislation to establish or change indoor air quality programs remain pending in \*three states:

\*Massachusetts (prefiled for the 1999 session)

New Jersey  
Pennsylvania

Legislation to establish or change indoor air quality programs has been defeated in 12 states:

Alabama	New York
Florida	South Carolina
Hawaii	Washington
Illinois	West Virginia
Massachusetts	Vermont
Minnesota	Virginia

**ADAMHA ENFORCEMENT**

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Legislation providing for or amending ADAMHA enforcement has been introduced in eleven\* states; passed in four:

**COLORADO**

**IDAHO**

**NORTH CAROLINA (Executive Order)**

**UTAH**

ADAMHA enforcement legislation remains pending in one\* states:

\*Texas (prefiled for the 1999 session)

ADAMHA enforcement legislation has been defeated in eight states:

Hawaii  
Illinois  
Indiana  
Michigan  
Minnesota  
Nebraska  
Rhode Island  
Utah

**SELF-SERVICE DISPLAY BANS & RESTRICTIONS**

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Self-service display ban/restriction legislation has been introduced in eleven\* states; passed in four:

**ALASKA**

**IDAHO**

**Self-service display ban/restriction legislation has been introduced in ten states; passed in four (cont'd):**

**IOWA  
UTAH**

**Self-service display ban/restriction legislation remains pending in one states\*:**

\*Florida (prefiled for the 1999 session)

**Self-service display ban/restriction legislation has been defeated in six states:**

Michigan  
Minnesota  
Nebraska  
New York  
Washington  
Wisconsin

**SALES & VENDING RESTRICTIONS**

**Retail, vending sales restriction or licensing requirement legislation has been introduced in 30\* states; passed in eight:**

**ALASKA  
COLORADO  
HAWAII  
IDAHO  
MISSISSIPPI  
UTAH  
VIRGINIA  
WISCONSIN**

**Retail, vending sales restriction or licensing requirement legislation remain pending in five\* states:**

\*Massachusetts (prefiled for the 1999 session)

New Jersey  
Ohio  
Pennsylvania  
Texas\* (prefiled for the 1999 session)

**Retail, vending sales restriction or licensing requirement legislation has been defeated in 21 states:**

Alabama	Michigan
Arizona	Minnesota
Connecticut	Nebraska
Delaware	New York
Georgia	Oklahoma
Illinois	South Carolina
Indiana	Tennessee
Iowa	Utah
Maryland	Virginia
Massachusetts	Washington
	West Virginia



Legislation to ban or restrict tobacco advertising has been defeated in 16 states:

Florida	Minnesota
Hawaii	Missouri
Georgia	Nebraska
Illinois	New Hampshire
Indiana	New York
Iowa	Rhode Island
Maryland	Washington
Massachusetts	Wisconsin

### SAMPLING BANS & RESTRICTIONS

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Bills to ban or limit sampling or promotional distribution have been introduced in ten states; passed in two:

IDAHO  
WISCONSIN

Bills to ban or limit sampling or promotional distribution have been defeated in eight states:

Florida  
Georgia  
Hawaii  
Illinois  
Kansas  
Massachusetts  
New York  
Washington

### SINGLE/UNPACKAGED CIGARETTE SALES

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Legislation to ban sales of single or unpackaged cigarettes has been defeated in four states:

Georgia  
Illinois  
Michigan  
Washington

### PREEMPT LOCAL SALES/SAMPLING/ADVERTISING BANS AND RESTRICTIONS

Legislation to preempt local sales/sampling and/or advertising bans and restrictions has been defeated in three states:

Maine  
Mississippi  
West Virginia



Legislation to repeal preemption of local sales/sampling and/or advertising bans and restrictions has been defeated in eight states:

Colorado  
Kentucky  
Iowa  
New York  
Oklahoma  
Tennessee  
Utah  
Wisconsin

**INGREDIENTS DISCLOSURE**

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Legislation to require manufacturers to disclose ingredients in tobacco products has been introduced in 15 states; remain pending one:

\*Massachusetts (prefiled for the 1999 session)  
New Jersey

Legislation to require disclosure of ingredients has been defeated in 14 states:

Connecticut	Michigan
Delaware	Minnesota
Illinois	Missouri
Indiana	New Hampshire
Iowa	New York
Maine	Utah
Massachusetts	Vermont

**TOBACCO MANUFACTURER LIABILITY**

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Tobacco manufacturer liability legislation has been introduced in 15 states, passed in three:

**FLORIDA**  
**MARYLAND**  
**VERMONT**

Tobacco manufacturer liability legislation is pending in one state:

New Jersey

Tobacco manufacturer liability legislation has been defeated in 11 states:

Alabama	Massachusetts
California	Michigan
Hawaii	Missouri
Iowa	New York
Maine	Rhode Island
	South Carolina

**DIVESTMENT/PROHIBITION ON INVESTMENT IN TOBACCO COMPANIES**

Legislation concerning the divestment of current tobacco holdings or prohibiting new investment in tobacco company holdings has been introduced in nine states; remain pending in two:

New Jersey  
Pennsylvania

Legislation concerning the divestment of current tobacco holdings or prohibiting new investment in tobacco company holdings has been defeated in seven states:

California  
Connecticut  
Illinois  
Michigan  
Minnesota  
New Mexico  
Washington

**FIRE-SAFE CIGARETTES**

Legislation regarding fire-safe cigarette safety standards has been defeated in four states:

California  
Massachusetts  
New York  
Vermont

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**THE STATE STATUS REPORT WILL NOT BE PUBLISHED ON 12/25 IN RECOGNITION OF  
THE CHRISTMAS HOLIDAY**

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STATE TOBACCO LEGISLATION

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**TOBACCO TAX EARMARKING**

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<b>CALIFORNIA</b>	<b>Early childhood development programs (ballot measure)</b>
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<b>UTAH</b>	<b>Cigarette Tax Restricted Account</b>

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<b>New Jersey</b>	<b>Public school system</b>
<b>Pennsylvania</b>	<b>Stop Tobacco Use Now Fund; Children's Health Fund; Breast Cancer Fund</b>

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<b>Indiana</b>	<b>Medicaid tobacco related diseases fund</b>
<b>Kansas</b>	<b>Children's health care programs fund</b>
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<b>Massachusetts</b>	<b>School nursing services</b>
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<b>New York</b>	<b>Child Health Account; school construction</b>
<b>Ohio</b>	<b>Primary and secondary education</b>
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<b>Washington</b>	<b>Youth tobacco prevention account</b>
<b>West Virginia</b>	<b>Regional jail and correctional facility investment</b>
<b>Wisconsin</b>	<b>tobacco research and prevention programs at WU and Dept of Health and Family Services</b>
<b>Wyoming</b>	<b>Tobacco use reduction program</b>

**SMOKING BANS & RESTRICTIONS**

---

Smoking ban/restriction bills have been introduced in 31 states; passed in four:

<b>COLORADO</b>	Other public places
<b>GEORGIA</b>	Public transportation and facilities
<b>INDIANA</b>	Other public places
<b>RHODE ISLAND</b>	Other public places

Smoking ban/restriction bills remain pending in two\* states:

\*Massachusetts (prefiled for the 1999 session)  
New Jersey

Smoking ban/restriction bills have been defeated in 28 states:

Alabama	Mississippi
Arizona	Missouri
California	Nebraska
Connecticut	New Mexico
Florida	New Hampshire
Georgia	New York
Hawaii	Oklahoma
Illinois	Rhode Island
Iowa	South Carolina
Kansas	Tennessee
Maine	Vermont
Massachusetts	Virginia
Michigan	Washington
Minnesota	West Virginia

**SMOKING RESTRICTION PREEMPTION**

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Legislation to repeal/modify preemption of local smoking bans/restrictions has been introduced in four states; pending in one\*:

\*Florida (prefiled for 1999 session)

Legislation to repeal/modify preemption of local smoking bans/restrictions has been defeated in four states:

Florida  
Iowa  
Oklahoma  
Tennessee

Legislation to establish state preemption has been introduced and defeated in three states;

Arizona  
Illinois  
New York

**INDOOR AIR QUALITY (IAQ)**

---

Legislation to establish or change indoor air quality programs has been introduced in 15 states; passed in one:

**INDIANA**

Legislation to establish or change indoor air quality programs remain pending in two states:

New Jersey  
Pennsylvania

Legislation to establish or change indoor air quality programs has been defeated in 12 states:

Alabama	New York
Florida	South Carolina
Hawaii	Washington
Illinois	West Virginia
Massachusetts	Vermont
Minnesota	Virginia

**ADAMHA ENFORCEMENT**

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Legislation providing for or amending ADAMHA enforcement has been introduced in eleven\* states; passed in four:

**COLORADO**  
**IDAHO**  
**NORTH CAROLINA (Executive Order)**  
**UTAH**

ADAMHA enforcement legislation remains pending in one\* states:

Texas\* (prefiled for the 1999 session)

ADAMHA enforcement legislation has been defeated in eight states:

Hawaii  
Illinois  
Indiana  
Michigan  
Minnesota  
Nebraska  
Rhode Island  
Utah

**SELF-SERVICE DISPLAY BANS & RESTRICTIONS**

---

Self-service display ban/restriction legislation has been introduced in eleven\* states; passed in four:

**ALASKA**  
**IDAHO**





**SALES TO MINORS**

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**37\* states have introduced legislation on penalties for sales to minors and/or sign requirements and/or purchase/possession restrictions of tobacco products by minors; passed in nine:**

**ALASKA  
COLORADO  
HAWAII  
IDAHO  
KENTUCKY  
SOUTH DAKOTA  
UTAH  
WASHINGTON  
WEST VIRGINIA**

**Legislation on penalties for sales to minors and/or sign requirements and/or purchase/possession restrictions of tobacco products by minors remain pending in six\* states:**

**\*Georgia (prefiled for the 1999 session)**

**\*Massachusetts (prefiled for the 1999 session)**

**New Jersey**

**Pennsylvania**

**Ohio**

**Texas\* (prefiled for the 1999 session)**

**Legislation on penalties for sales to minors and/or sign requirements and/or purchase/possession restrictions of tobacco products by minors has been defeated in 23 states:**

<b>Alabama</b>	<b>Minnesota</b>
<b>Connecticut</b>	<b>Missouri</b>
<b>Delaware</b>	<b>Nebraska</b>
<b>Illinois</b>	<b>New Hampshire</b>
<b>Indiana</b>	<b>New York</b>
<b>Iowa</b>	<b>Oklahoma</b>
<b>Kansas</b>	<b>Rhode Island</b>
<b>Maryland</b>	<b>South Carolina</b>
<b>Massachusetts</b>	<b>Tennessee</b>
<b>Maine</b>	<b>Virginia</b>
<b>Michigan</b>	<b>Utah</b>
	<b>Wisconsin</b>

**ADVERTISING BANS & RESTRICTIONS**

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**18 states and Washington, DC have introduced legislation to ban or restrict tobacco advertising; passed in one:**

**MICHIGAN (pending Governor action)**

**Legislation to ban or restrict tobacco advertising remain pending in one state:**

**New Jersey**

**Legislation to ban or restrict tobacco advertising has been defeated in 16 states:**

**Florida**

**Minnesota**

**Hawaii**

**Missouri**

Legislation to ban or restrict tobacco advertising has been defeated in 16 states (cont'd):

Georgia	Nebraska
Illinois	New Hampshire
Indiana	New York
Iowa	Rhode Island
Maryland	Washington
Massachusetts	Wisconsin

#### SAMPLING BANS & RESTRICTIONS

---

Bills to ban or limit sampling or promotional distribution have been introduced in ten states; passed in two:

IDAHO  
WISCONSIN

Bills to ban or limit sampling or promotional distribution have been defeated in eight states:

Florida  
Georgia  
Hawaii  
Illinois  
Kansas  
Massachusetts  
New York  
Washington

#### SINGLE/UNPACKAGED CIGARETTE SALES

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Legislation to ban sales of single or unpackaged cigarettes has been defeated in four states:

Georgia  
Illinois  
Michigan  
Washington

#### PREEMPT LOCAL SALES/SAMPLING/ADVERTISING BANS AND RESTRICTIONS

Legislation to preempt local sales/sampling and/or advertising bans and restrictions has been defeated in three states:

Maine  
Mississippi  
West Virginia

Legislation to repeal preemption of local sales/sampling and/or advertising bans and restrictions has been defeated in eight states:

Colorado  
Kentucky  
Iowa  
New York  
Oklahoma  
Tennessee  
Utah  
Wisconsin

**INGREDIENTS DISCLOSURE**

---

Legislation to require manufacturers to disclose ingredients in tobacco products has been introduced in 15 states; remain pending one:

\*Massachusetts (prefiled for the 1999 session)  
New Jersey

Legislation to require disclosure of ingredients has been defeated in 14 states:

Connecticut	Michigan
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Iowa	New York
Maine	Utah
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**TOBACCO MANUFACTURER LIABILITY**

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Tobacco manufacturer liability legislation has been introduced in 15 states, passed in three:

FLORIDA  
MARYLAND  
VERMONT

Tobacco manufacturer liability legislation is pending in one state:

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Tobacco manufacturer liability legislation has been defeated in 11 states:

Alabama	Massachusetts
California	Michigan
Hawaii	Missouri
Iowa	New York
Maine	Rhode Island
	South Carolina

**DIVESTMENT/PROHIBITION ON INVESTMENT IN TOBACCO COMPANIES**

**Legislation concerning the divestment of current tobacco holdings or prohibiting new investment in tobacco company holdings has been introduced in nine states; remain pending in two:**

New Jersey  
Pennsylvania

**Legislation concerning the divestment of current tobacco holdings or prohibiting new investment in tobacco company holdings has been defeated in seven states:**

California  
Connecticut  
Illinois  
Michigan  
Minnesota  
New Mexico  
Washington

**FIRE-SAFE CIGARETTES**

**Legislation regarding fire-safe cigarette safety standards has been defeated in four states:**

California  
Massachusetts  
New York  
Vermont

# # #