

CONFIDENTIAL:  
MINNESOTA TOBACCO LITIGATION

January 17, 1991

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*Melanie*  
*Lots of State*  
*bills but no action*  
*yet* *cy*

STATE HEADLINES

① → Chicago, IL City Council gave final passage to limits on tobacco vending and sampling last week...first rejected ban on sale to persons under age 19, leaving minimum age at 18. As passed, ordinance eliminates vending machines in places open to public, except taverns... limits distribution of samples or coupons, but exempts coupons in publications...provides for suspension of all business licenses for violation of sale to minors law.

TAXES

- North Dakota Senate Finance Cmte held hearing this week on bill to reduce tobacco and alcohol excises...S2085 would allow cigarette and OTP tax sunsets to take effect as scheduled 7/1, then further reduce state tax rates by amount of federal increases.
- Missouri Senate Ways & Means Cmte took first look this week at 6-cent cigarette tax hike in S44...would use revenues for state "Progress Fund"...requires voter approval to take effect. Wyoming H236 would raise cigarette tax by 11 cents per pack...would impose sales tax on cigarettes, now exempt.
- Among first bills filed for Alaska session, H2 would raise state cigarette tax from 29 to 41 cents per pack...H3 would change current 25-percent of wholesale price tax on smokeless tobacco products to a rate "equivalent" to cigarette excise. Connecticut H5281 would hike cigarette excise by 2 cents per pack to fund anti-smoking media campaign...state's current 40-cent excise is one of highest in nation. New York bill to fund treatment of infants with AIDS and drug-related illnesses has been reintroduced...A1251 would hike cigarette tax by 25 cents...add 12.5-percent to OTP levy.

INITIATIVES & REFERENDA

• Legislation is pending in several states to establish citizen initiative process: New Hampshire H354 and HCR1...Vermont S34...Mississippi H72, HCR35, HCR37, HCR38...Delaware S9...West Virginia HJR3.

② → City Clerk of Kansas City, MO, officially announced that petitions for referendum on employment discrimination ordinance were short approximately 600 valid signatures... proponents have until next week to provide supplemental petitions.

*Was this in last week?*

EMPLOYMENT DISCRIMINATION

• New Hampshire S1002 would prohibit discrimination based on smoking...H947 would protect state government workers from discriminatory actions. Massachusetts H4728 would prohibit discrimination for off-the-job smoking.

*Ordinance passed by City Council last fall prohibits discrimination based on legal, off-the-job activity.*

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SMOKING RESTRICTIONS

- Massachusetts H4729 would require smoking policies in workplaces to accommodate both smokers and nonsmokers...bills addressing preferences of nonsmoking workers only include H2949, H3295 and S245.
- Delaware H7 would restrict smoking in workplaces...would require nonsmoking areas in restaurants, other public places. Arkansas H1079 would enact law banning smoking in all legislative committee rooms. Colorado H1035 would ban smoking in state prisons. Oklahoma H1016 would designate smoking and nonsmoking areas in outdoor theaters and stadiums. Maryland H42 would allow smoking in no more than 10-percent of seating in new outdoor baseball stadium...would also prohibit tobacco advertising in facility.

SAMPLING/ADVERTISING/SALES RESTRICTIONS

- Colorado House Judiciary Cmte considers vending ban bill, H1088, at hearing today. Wyoming Senate Judiciary Cmte hears S80 today...would set 18 as minimum age for sale of tobacco products...would limit vending machines to places selling alcoholic beverages. Nebraska L130 would ban all cigarette vending sales in state. Alaska H9 would eliminate distribution of sample tobacco products except in tobacco specialty stores, at conventions, or in conjunction with another tobacco sale.
- Maryland H39 would require cigarette machines in public places to be operable only by tokens. Virginia H1164 would raise minimum age from 16 to 18 years.
- New York S66 is on Senate third reading calendar...would prohibit employing persons under age 18 to give away tobacco products...would extend ban on sale to minors to giving away tobacco and provide that penalty would apply only to sellers aged 18 and over. New versions of old bills include A1351 and S679, to ban billboard advertising of tobacco products and alcoholic beverages within 1000 feet of schools...A526, to eliminate state aid to transit systems that accept tobacco advertising...A658, to prohibit sale of tobacco in multi-product vending machines.
- New Hampshire H21 would prohibit tobacco vending machines in places accessible to minors. Vermont H90 would raise minimum age from 17 to 18...would give Liquor Control Board enforcement authority. Connecticut H5283 would prohibit sampling of free cigarettes. A dozen Massachusetts bills would ban sampling...prohibit or restrict vending sales...eliminate sales in health care facilities or pharmacies...restrict tobacco advertising.
- Iowa S3 would disallow tobacco advertising expenses as deductions on state corporate income tax...is reintroduction of bill from previous sessions. Prefiled Florida H129 has similar provisions for both tobacco and alcoholic beverage advertising.

THE LOCAL LOOK

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West. Denver, CO, City Council has not voted yet on overriding Mayor's veto of ordinance providing smoking areas at Stapleton Airport...despite Council's vote for separately ventilated lounges, Mayor's order banning smoking from all areas except bars and restaurants took effect 1/1. Council's Health Cmte is scheduled to consider sampling restriction measure at 1/22 meeting. Albuquerque, NM, Council will hold hearing 21/28 on ordinance to prohibit sale of tobacco through vending machines, require tobacco retail licenses...is based on "model" bill promoted by US Dept of Health & Human Services.

Can we  
let this rest  
this week?

THE LOCAL LOOK, cont'd.

- Washington. Spokane County Board of Health today considers latest draft regulation on vending, licensing. Seattle Council meets 1/22 on ordinance limiting tobacco vending, banning sampling, suspending retail tobacco licenses for sale to minors.
- Midwest. Flushing, MI, Council passed limits on cigarette vending machines on 1/14. Noblesville, IN, holds hearing 1/28 on proposed smoking ban for city-owned buildings. Dane County, WI, Supervisors vote 2/7 on banning smoking in government facilities, vehicles...similar proposal is pending in Milwaukee Public Improvements Cmte. City Councils of Minneapolis and St. Paul, MN, are discussing possible ordinances to ban hiring of smokers as police officers or firefighters.]
- North Carolina. Two towns in New Hanover County, NC, are discussing whether to adopt broad smoking restrictions that took effect in unincorporated areas of county last October... Kure Beach Council holds hearing 2/12...Carolina Beach Town Council may take up issue 2/13...nearby Wrightsville Beach Council rejected proposed ordinance last fall...City Council of Thomasville voted last month to restrict smoking in public areas of government facilities.
- Southeast. Fairfax County, VA, Supervisors discussed possible limits on cigarette vending and sampling this week...would raise minimum age for sale from 16 to 18...asked for legal review of county authority for such action. Eufaula, AL, gave final approval to workplace, public smoking restrictions last month. Board of Aldermen of Richland, MS, buried motion for public smoking restrictions earlier this month.

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STATE SIDEBARS

- Among bills from past sessions, Massachusetts H1273 would mandate "fire-safe" cigarettes... H3294 would require death certificate forms to include question on tobacco use.
- California A212 would require study of indoor air pollution and report to legislature by 1/1/92...similar bill won Assembly passage last session. Connecticut H5124 would require report on "sick building syndrome."
- New York A477 would establish toxics warning requirements similar to California Prop 65 ...Massachusetts H3109 is similar...both bills are reintroductions from last session.
- California S6 would tackle uninsured health care crisis with state coverage...would require premium discounts for nonsmokers. All insurance policies would be required to lower rates for nonsmokers under Massachusetts H3747 and S202.
- Connecticut H5266 would prohibit investment of state funds in companies that manufacture cigarettes.
- Ins and Outs. [Legislatures in 42 states have begun 1991 regular sessions...Kentucky is holding special session. Next week, two more states begin work.]

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