

**PRO-ACTIVE PROPOSAL**

**NEW YORK  
HIRING DISCRIMINATION**

**LEGISLATIVE ACTION**                      September 26, 1989

**STATE/LOCALITY:**                      New York

**BILL NUMBER:**                              S.6133

**ISSUE:**                                      Discrimination

**SUMMARY:**                                  Declares that discrimination by an employer or licensing agency against a person because of smoking tobacco while not working to be an unlawful discriminatory practice.

**SPONSOR:**                                  Libous

**INTRO DATE:**                              June 6, 1989

**COMMITTEE:**                                Rules

**LEGISLATIVE STATUS:**                  6/6/89 - Introduced and referred to Rules Committee. Carries over to 1990.

**INDUSTRY ACTION**                      September 26, 1989

Since S.6133 is currently a one house bill, it is important to secure sponsorship of this proposal in the Assembly. Meetings will be scheduled with members of the Assembly leadership to explain the issue and solicit their support. These meetings should be done in concert with TI labor consultants. Once support is obtained, Assembly sponsors will be secured. These Assembly sponsors must be individuals with close ties to the Speaker.

Efforts are on-going to move this legislation in the Senate. It is important to secure additional Senate sponsors from both parties.

<b>RESOURCES NEEDED</b>	<b>YES/NO</b>	<b>DATE NEEDED</b>
<b>ECONOMIC ANALYSIS/FACTSHEET?</b>	<b>NO</b>	
<b>LEGAL MEMORANDUM?</b>	<b>YES</b>	<b>Late January</b>

The memorandum should focus on the constitutional issues of discrimination against an employee or applicant because of personal preference. Not only will this memorandum be submitted to the legislature from the tobacco industry, it will be forwarded to coalition members for their submittal and as "talking points."

**EXPERT WITNESSES?**                      **POSSIBLE**

The feasibility of undertaking seminars (Fox) on this subject has merit. In order for this to be accomplished, we must solicit third-party support. The most likely organization to spearhead these seminars would be the New York State AFL-CIO. This strategy needs direction from TI labor consultants.

**COALITION ALLIES?**

**YES**

**4th Qtr 1989  
1st Qtr 1990**

The targeted groups who could be supportive of this type of measure are organized labor at the state and local levels and the ACLU. The labor unions that should be targeted are: PEF, CSEA, and the state AFL-CIO with emphasis on their teacher component. Upon support of labor, the state associations and local affiliates will pass resolutions supportive of this measure which, in turn, will be submitted to the legislature.

Since the ACLU is not a traditional ally with TI, it is important that we begin the dialogue with their contract lobbyist over the next several months. In turn, their lobbyist will assist in the efforts to have the state organization support this measure.

**TI GRASSROOTS MOBILIZATION?**

**YES**

**April 1990**

After the New York State budget has been adopted, the legislature will focus on these types of measures. A TAN mobilization will alert volunteers to the legislation. This mailing will urging volunteers to write and call their legislators both in Albany and in their home districts stating their support for the legislation and urging its passage.

**COMPANY RESOURCES?**

**YES**

**To Be Determined**

The legislative strategy for this measure should focus primarily on direct one-on-one lobbying. It is important that the industry distance itself and allow the above-mentioned groups to take the lead on this issue. The industry role is to supply background information, quietly lobby friendly legislators, and maintain direction and control over the project.

**PUBLIC AFFAIRS/MEDIA RESOURCES?**

**NO**

**ADDITIONAL NEEDS?**

**NO**

**PRO-ACTIVE PROPOSAL**

**NEW YORK  
ADVERTISING REVENUE  
MAXIMIZATION**

**LEGISLATIVE ACTION**                      September 26, 1989

**STATE/LOCALITY:**                      New York

**ISSUE:**                                      Advertising

**SUMMARY:**                                Would require mass transit authorities to maximize advertising revenues from non-fare box revenues

**LEGISLATIVE STATUS:**                To be introduced in budget or transportation legislation.

It should be noted, however, that there is legislation (A.1881) pending in the Transportation Committee of the Assembly which would prohibit state appropriations for mass transportation assistance to any system which permits promotion of tobacco or alcohol. There is no Senate companion to A.1881.

**INDUSTRY ACTION**                      September 26, 1989

This issue has generated much industry debate during 1989. The focus has been on enacting legislation that would specifically limit the Metropolitan Transportation Authority from phasing out all tobacco advertising. It has become evident that the focus should be shifted from New York City to Albany. The rationale for this is the following:

- \* The United States Supreme Court declared the Board of Estimate (comprised of the Mayor, Council President, Comptroller and the Borough Presidents) form of government unconstitutional, and the new form of government is to be presented to the voters on the November ballot. The committee charged with the responsibility of forming a new government is facing many political, as well as, "turf" problems.
- \* The political scenario is questionable, at best, since this is an election year for the Mayor, the President of the City Council, the full City Council, Comptroller and all five Borough Presidents.
- \* The inability to achieve proper contacts within the MTA so that we may develop a better understanding of the RFP process.
- \* It has been inferred that advertising revenues are a small portion of the MTA budget and MTA does not believe they will lose revenues from a tobacco advertising ban. They believe these monies will be made up through other sources.

In order for a revenue maximization measure of this type to be enacted, it must be part of a comprehensive fiscal package. A measure that focuses solely on tobacco advertising will not generate necessary support. This plan is modeled after the recent successful effort in Massachusetts which resulted in a new law requiring the MBTA to maximize all sources of revenue.



**COMPANY RESOURCES?**

**YES**

**To Be Determined**

Currently, proposed language is being drafted by Philip Morris state counsel and will be shared with Covington & Burling upon receipt. This language will be inserted into a broad fiscal measure. It is our plan to have this language be part of the state budget and/or the Public Transportation Law.

Member companies' counsel shall work in conjunction with TI counsel in supporting the coalition's legislative strategy. Member companies, through their Media Departments, will contact the coalition group to generate their support and involvement in this strategy. Member companies have developed long standing relationships with the advertising community, and it is through these relationships that support will be supplemented.

**PUBLIC AFFAIRS/MEDIA RESOURCES?**

**NO**

**ADDITIONAL NEEDS?**

**NO**

**PRO-ACTIVE PROPOSAL**

**NEW YORK  
SMALL BUSINESS  
EXEMPTION FROM  
SMOKING LAW**

**LEGISLATIVE ACTION**

September 26, 1989

**STATE/LOCALITY:**

New York

**ISSUE:**

Smoking

**SUMMARY:**

Would create small business exemption in current state law for businesses with 25 or fewer employees and/or an exemption for retail establishments with less than 500 square feet of common space open to the public.

**INDUSTRY ACTION**

September 26, 1989

In the 1988 legislative session, contained within the "Dunne Bill", a small business exemption was agreed to by legislative leaders. In 1989, due to the quick pace of the Tully/Grannis bill which ultimately passed, the small business provision was not adequately addressed.

There exists a potential that the state smoking law could be amended to include relief for small businesses. The rationale for an exemption is that during the past several years, as well as in the Public Health Council's regulations on public smoking, small business exemptions were included in many of these proposals.

**RESOURCES NEEDED**

**YES/NO**

**DATE NEEDED**

**ECONOMIC ANALYSIS/FACTSHEET?**

**YES**

**To Be Determined**

The economic analysis should point out the economic hardships to small business to comply with the new state smoking law. This analysis will be utilized by coalition members.

**LEGAL MEMORANDUM?**

**YES**

**4th Qtr 1989**

Legal memorandum should be prepared that will be submitted to coalition members for their review. This document will be used in the solicitation of coalition members. Once coalition members have pledged their support, this memorandum will be modified to reflect their individual concerns.

**EXPERT WITNESSES?**

**YES**

**1st Qtr 1990**

An ACVA witness is requested to discuss ventilation and the improvement of air quality through increased air exchanges. Also, a witness may be needed to supplement our lobbying effort in discussing the cost factor in changing work environments to accommodate small businesses.

**COALITION ALLIES?****YES****4th Qtr 1989**

The two main allies will be the Business Council of New York State and the National Federation of Independent Business. Secondary allies that need to be cultivated are:

convenience store association  
local and regional chambers of commerce  
Retail Council of New York State  
New York State Hair Dressers Association  
other national small business organizations

Individual meetings will be scheduled to solicit their support and they will be given a copy of the legal memorandum. In January 1990, a meeting will be scheduled with all agreeing coalition members to finalize strategy and allocate specific tasks. Mailings will be sent to their memberships requesting individuals contact their specific legislator and key legislative leaders. Where appropriate, their contract lobbyists will assist in the direct lobbying effort.

**TI GRASSROOTS MOBILIZATION?****NO**

While TAN will not be mobilized on this measure, we will assist the above-mentioned associations/organizations in providing materials and mailings to educate their memberships.

Where appropriate, phone banks and direct mail campaigns will be used to supplement these activities.

**COMPANY RESOURCES?****YES****1st Qtr 1990**

While it is important that the industry does not appear to be out front on this issue, the company lobbyists in conjunction with TI lobbyists, will develop appropriate legislative strategy and assist coalition lobbyists.

Also, company sales forces will communicate to their accounts the importance of this issue and the necessity for their contacting their legislative representatives.

**PUBLIC AFFAIRS/MEDIA RESOURCES?****NO****ADDITIONAL NEEDS?****NO**