

April 13, 1989

STATE HEADLINES

- . Minnesota subcmte defeated "fire-safe" cigarette study measure 4/11...tie vote killed bill to appropriate \$100,000 for development of standards...Senate companion remains pending.
- . West Virginia and Kansas adjourned without passing any anti-tobacco legislation. In West Virginia, bills for OTP taxes, sampling and advertising bans died in cmte...Senate-passed government smoking restrictions died in House. Kansas bills for sampling ban and smoking restrictions died in cmte.
- . Maryland Senate killed bill to prohibit employment discrimination against smokers...final reading failed by one vote...despite Senate's earlier approval of almost identical legislation. Before adjournment, legislature sent Governor Schaefer a bill to restrict smoking in hospitals...exempts long-term care facilities. Measures for 13-cent cigarette tax increase, restaurant smoking restrictions, vending machine ban, were defeated.
- . New Mexico State Attorney General's office issued formal opinion this week calling portions of Albuquerque's 1988 smoking ordinance unconstitutional...cited ambiguities and vagueness in employers' responsibilities...potentially illegal inspection provisions.

TAXES

- . North Dakota conference cmte report with 3-cent cigarette tax and 5-percent hike in OTP rate awaits final House and Senate adoption this week...conference version of S2475 provides that tax increases would take effect 7/1/89, apply to retail and wholesale floor stocks...expire on 7/1/91.
- . Washington drug program bill awaits conference cmte action...as passed by House, H1793 would raise cigarette tax by 5 cents and OTP rate by 10 percent...Senate's version includes 2-cent cigarette tax increase and 3.5-percent hike on OTP...both increases to expire in 1993.
- . Montana House-passed 2-cent cigarette tax increase awaits Senate second reading...H202 provides that tax hike would expire when bonds for new veterans nursing homes are repaid.
- . New Hampshire House introduced and passed 4-cent cigarette tax increase in matter of minutes on 4/11...proposal goes to Senate. House has passed several other tax hikes aimed at patching up state's budget deficit. Tax measure may appear in neighboring Maine soon... would fund health care for uninsured.
- . Vermont 20-cent cigarette tax hike for "universal health care" was amended out of H378 this week in House Ways & Means Cmte...bill now funds prenatal care from general funds.

- Alaska H80, to increase cigarette tax by 19 cents and allow special local sales taxes on tobacco, is pending in Senate Community Affairs Cmte.
- Final action may be near on New York budget and revenue measure...appears that leadership compromise will include 13-cent hike in state excise, to 34 cents...possible increase in tax authority for New York City, where additional 8-cent tax is currently imposed.
- Illinois Governor Thompson's 18-cent cigarette tax increase has been introduced in S1113... would also impose new 20-percent OTP rate...another bill, S717, includes OTP tax provision. No action yet after public hearings in Ohio Senate Finance Cmte on budget measure (H111) including 7-cent cigarette tax increase...new 25 percent OTP levy. Michigan H4533 would raise cigarette tax by 4 cents to fund homeless shelters.
- Florida 10-cent cigarette tax hike to fund indigent care was reported from House Health Care Cmte today...H745 goes now to House Finance & Taxation Cmte.
- Pennsylvania S715 would earmark portion of cigarette tax revenues to volunteer firefighters. Sen. Dawida, author of 1988 smoking restriction law, held press conference 4/11 to announce introduction of bills for 10-cent cigarette tax increase to fund tobacco education in schools...to include tobacco as "contributing factor" on death certificates...to ban sampling and couponing.
- Talk again of proposal for manufacturer's tax in North Carolina...subject has cropped up occasionally since 1981...may see bill soon to replace current 2-cent excise on distributions with 2-cent levy on every pack produced in states.
- Hawaii House passed amended version of S161 last week, to earmark tobacco and liquor tax revenues to local governments...bill originally related to tolls...now in conference cmte. Earlier, House had passed H1858 with language to transfer tobacco and liquor tax authority to counties...that bill is dead for session.
- Rhode Island House Finance Cmte holds hearing today on H6652, to fund substance abuse programs with revenues generated by state's excise on cigarette rolling papers.

SMOKING RESTRICTIONS

- Connecticut House amended H7212 to provide that future contracts for rail service in state require at least one smoking car on trains with five or more cars...would overturn smoking ban imposed on Metro North line by New York Metropolitan Transportation Authority...H7212, which originally related only to smoking on school grounds, goes to Senate.

- Washington Senate will consider adding smoking restrictions to indoor air quality measure today...as passed by House, H1504 would require state government buildings to meet ventilation standards...Senate amendments would codify Governor Gardner's 1988 executive order limiting smoking in government buildings to enclosed, separately ventilated rooms.
- Illinois House Executive Cmte reported broad "clean indoor air" bill to House floor 4/12... H120 would restrict smoking in workplaces, places open to public. Senate Executive Cmte OK'd smoking restrictions in S527 same day. New introductions include H1695 and H1823, broad restrictions on smoking...H1768, smoking ban in elevators...H1415 and S985, requiring workplaces with more than 20 employees to meet ASHRAE ventilation standards.
- On Rhode Island House floor are bills to restrict smoking in transportation terminals (H5175)...to impose fines on proprietors who do not properly restrict smoking in public places (H5165)...and to require restaurateurs to ask patrons "smoking or nonsmoking?" (H5521). New Maine introductions would restrict smoking in shopping malls (L1055)...make further requirements for nonsmoking areas in restaurants (L1001)...prohibit smoking by hospital staff and visitors (L1005).
- Florida House Governmental Operations Cmte reported H755, to add enforcement procedures to current smoking law, on 4/12...goes to House Appropriations Cmte. House Health Care subcmte gave unfavorable report to H576, to expand public smoking restrictions...full Cmte reviews measure today. On Senate side, S67 was reported from Governmental Operations Cmte 4/12... relates to enforcement of smoking law.
- Minnesota Senate Health Cmte holds hearing 4/14 on S713, to make workplace, public smoking restrictions more stringent. Wisconsin Senate Agriculture Cmte has scheduled 4/19 hearing on private sector workplace smoking restrictions in S66.
- New Delaware bill introduced this week would restrict smoking in places open to the public ...allow restaurants to be posted entirely as smoking areas. Louisiana Senate Health Cmte agreed this week to introduce bill to require smoking and nonsmoking areas in state government offices...draft is result of interim hearings mandated by 1988 resolution.
- New York Governor's Program Bill on smoking restrictions was introduced last week in Assembly as A7322...other pending restriction measures include A6414 and S1169. Pennsylvania H907 would ban smoking on all public transit buses operating within state.

SAMPLING/ADVERTISING/SALES RESTRICTIONS

- Texas Senate removed language to restrict location of cigarette vending machines and to require point of sale "warning" signs from S115...passed bill as increase in minimum sales age from 16 to 18 years...goes to House.

Iowa bill to require "just compensation" for billboards removed under Highway Beautification Act was amended on Senate floor to include ban on new off-premises advertising for cigarettes and tobacco products...S438 remains on Senate calendar. Illinois S618 would restrict alcohol and tobacco advertising...will be heard 4/18 in Senate Public Health Cmte. Bill to restrict location of cigarette vending machines (H720) was heard 4/12 in House Consumer Protection Cmte...no action taken.

- . Rhode Island House Health Cmte reported bill to ban outdoor advertising of tobacco products 4/7...sent H6312 to House Finance Cmte. Massachusetts Joint Commerce & Labor Cmte holds public hearing 4/17 on bills to ban sampling (H5304, H5307)...prohibit billboard advertising for tobacco products (H5303)...vending restrictions (H5306).

THE LOCAL LOOK

- . New England. Weymouth, MA, Board of Health has put sampling ban regulation on hold... adopted in March, measure has come under fire from Town Counsel...Health Board will review situation at this month's meeting...date not set.
- . Empire State. New York City Health Cmte held oversight hearing 4/11 to mark one year of implementation of city's smoking restriction ordinance. Commissioner of Health and Mayor Koch held press conference last week to urge that small business exemptions be removed from law. Troy City Council adopted resolution last week calling for voluntary accommodation by businesses. Ithaca Common Council adopted amendments to 1988 ordinance last week...reduced mandated nonsmoking set-aside in restaurants from 70 to 50 percent.
- . Tidewater Virginia. Hampton City Council adopted amended restaurant, public smoking restrictions after public hearing 4/12. On 4/25, Portsmouth Council holds hearing on similar measure...expect introduction same day in Newport News. Also, draft city budgets for Hampton, Newport News and Chesapeake include increasing local cigarette taxes to 20 cents per pack...other area cities did so last year. First public hearings on budgets to be held last week in April.
- . Mid-America. St. Charles, MO, Public Health Cmte voted 4/11 to recommend rejection of proposed public smoking ordinance...full City Council reviews measure 4/18...defeated similar ordinance last year. Boulder, CO, City Council gave tentative approval last week to imposing restrictions on all city restaurants...currently those with seating for 30 or fewer persons are exempt...would also ban smoking in enclosed shopping malls.
- . Out West. Flagstaff, AZ, Council received new draft smoking proposal 4/10...will study and set new date for public hearing. Also 4/10, Tucson, AZ, City Council agreed to exempt hotels and shopping malls from ordinance adopted last year...City Attorney now drafting language...Pima County Board of Supervisors will meet 5/2 to look at similar amendments. San Diego, CA, City Council holds public hearing 4/19 on tough restrictions adopted by County.

STATE SIDEBARS

- . Washington S6130 would create special product liability law for actions alleging harm from exposure to tobacco products...bill is too late for passage this year...could be placed on interim study...is in Senate Law & Justice Cmte.
- . Illinois S706 was introduced last week to require tobacco "contribution" on death certificates...is pending in Senate Executive Cmte...is similar to H5.
- . Massachusetts Joint Natural Resources Cmte is scheduled to hold public hearing 4/18 on toxics bill, H5109, based on California Prop 65...next day, Joint Health Care Cmte hears H5066, to require tobacco use to be noted on death certificates. On 4/24, Joint Public Service Cmte reviews H3634, to prohibit investment of public employee pension funds in tobacco companies.
- . Michigan Toxic Substance Control Commission is considering anti-smoking resolution today... would urge Dept of Public Health to redouble smoking prevention and cessation efforts. Commission is being phased out of existence.
- . National League of Cities task force meets this weekend...will review laundry-list of possible federal revenue increases to provide funds for reimbursement of local government programs mandated by Congress...doubling FET on cigarettes will be considered.
- . Ins and Outs. West Virginia adjourned 4/8...Kansas lawmakers recessed same day...return for veto session 4/26. Maryland legislature closed session 4/10...soon to finish: Indiana... Montana...Washington. Expect special budget session to be called in Montana immediately after close of regular business...Virginia Governor has called special session for 4/24-27.