

1997 STATUS REPORT
STATE TOBACCO LEGISLATION

CIGARETTE EXCISE TAXES - Legislative

Legislation to increase the cigarette tax has been introduced in 28 states; remains pending in three:

California (37)	25 cents; 80 cents; 50 cents (raised to a 60 cent increase by 2008, initiative pending approval for the ballot)
Pennsylvania (31)	2 cents; .2 cents
Wisconsin (44)	5 cents; 19 cents (Senate Democratic Caucus proposal); 16 cents (Assembly Republican Caucus proposal)

Cigarette tax increase has passed in seven states:

ALASKA (29)	71 cents (eff: 10/1/97)
ARKANSAS (31.5)	2.5 cents (the 2.5-cent tax will not be collected so long as funding of the cancer program is available from Category A of the Arkansas Revenue Stabilization Act) (eff: 7/1/97)
HAWAII (60)	40 cents (20 cents eff: 9/1/97; 20 cents eff: 7/1/98) (Signed by Governor on 7/2/97)
MAINE (37)	37 cents (eff: 11/1/97)
NEW HAMPSHIRE (25)	12 cents (eff: 7/1/97)
RHODE ISLAND (61)	10 cents (eff: 7/1/97)
UTAH (26.5)	25 cents (eff: 7/1/97)

Cigarette tax increases have been defeated in 24 states:

Alabama (16.5)	18 cents
Alaska (29)	\$1.00
Connecticut (50)	1 cent; 5 cents; 25 cents
Delaware (24)	24 cents
Florida (33.9)	10 cents
Hawaii (60)	10 cents; 50 cents
Indiana (15.5)	2 cents; 49.5 cents
Maine (37)	10 cents; 25 cents; 37 cents (vetoed); 53 cents; \$1.00
Maryland (36)	15 cents; 25 cents; 36 cents; \$1.00
Minnesota (48)	5 cents; 10 cents
Mississippi (18)	75 cents
Montana (18)	10 cents; 18 cents
Nebraska (34)	10 cents
New Hampshire (25)	16 cents; 18 cents; 20 cents; 25 cents
New Mexico (21)	40 cents; 4 cents
New York (56)	1 cent; 2 cents; 25 cents; 50 cents; increases minimum sales price
Ohio (24)	12 cents (not approved for the ballot)
South Carolina (7)	1 cent
South Dakota (33)	10 cents
Texas (41)	20 cents; 25 cents
Utah (26.5)	10 cents

Cigarette tax increases have been defeated in 24 states (cont'd):

Virginia (2.5)	2.5 cents for 1997; 2.5 cents each year thereafter to year 2000
Washington (82.5)	1 cent
Wyoming (12)	25 cents; 4 cents; 25 cents (special session)

Legislation to repeal excise tax sunset contingency has been approved in two states:

IDAHO
OREGON

OTHER TOBACCO PRODUCT (OTP) TAXES - Legislative

New or increased OTP taxes have been introduced in 17 states; passed in three:

ALASKA	75% of wholesale price
ARKANSAS	increase by 2% of wholesale price (tax will not be collected so long as funding of the cancer program is available from Category A of the Arkansas Revenue Stabilization Act)
HAWAII	40% of wholesale price (Signed by Governor on 7/2/97)

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

Florida	increase to 32.4% of wholesale price
Idaho	increase by 5% of wholesale price
Maine	increase to 124% of wholesale price for smokeless; 39% of wholesale price on cigars and pipe tobacco
Maryland	20% of wholesale price; 25% of wholesale price; 35% of wholesale price
Minnesota	increase by 7% of wholesale price
Montana	increase by 6.9% of wholesale price
New York	increase to 20 1/2% of wholesale price
North Dakota	increase to 32% of wholesale price
South Dakota	increase to 20% of wholesale price
Texas	increase by 4.5% of wholesale price
Virginia	tax on cigars to 1966 rate; OTP rate of 2% of retail cost
Washington	tax on cigars at 25% of the wholesale price
West Virginia	40% of wholesale price
Wyoming	20% of wholesale price

OTP tax reduction legislation has been introduced and defeated in two states:

Connecticut	exempt cigars and pipe products from 20% OTP tax
Maine	reduce wholesale tax on pipe tobacco and cigars to 10%

Legislation to repeal tobacco taxes was introduced and 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 and defeated in two states:

Alabama
Virginia

TOBACCO TAX EARMARKING - Legislative

Earmarking bills have been filed in 26 states; remain pending in three:

California	general fund; City of El Monte for city facilities; Medi-Cal, health insurance for children, and other health care programs
Pennsylvania	Children's Health Fund; Breast Cancer Fund
Wisconsin	tobacco prevention and education program (bill draft)

Tobacco tax earmarking legislation has passed in five states:

ALASKA	children's health program account
ARIZONA	use remaining funds of health education monies to fund construction of state buildings; funding of transplants for indigent patients; grants to hospital programs for children; Health Crisis Fund
ARKANSAS	10% of funds collected go to state treasury as "general revenues"; 90% to state treasury as "special revenues," 20% credited to Breast Cancer Research Fund and 80% to Breast Cancer Control Fund
NEW YORK (pending Governor action)	Cigarette Tax Enforcement Fund; Youth Smoking Awareness Account
UTAH	\$250,000 to a tobacco/substance abuse prevention and control media campaign

Tobacco tax earmarking legislation has been defeated in 23 states:

Alabama	Children's First Trust Fund
California	Health Access & Individual Responsibility Fund
Connecticut	prostate cancer education and protection
Delaware	appropriated special fund
Florida	health care programs and services
Idaho	50% to public schools for substance abuse programs; 50% to counties for juvenile protection services
Indiana	health programs for women, children and infants; property tax replacement fund
Maine	tobacco risk education program (vetoed); anti-tobacco campaign; Youth Smoking Prevention Fund
Maryland	tobacco crop conversion program; alcohol/drug abuse prevention programs; tobacco awareness advertising; poverty grants to local school boards
Minnesota	fund DARE program; baseball stadium; tobacco education

Tobacco tax earmarking legislation has been defeated in 23 states (cont'd):

Mississippi	Medicaid Recipient's Tobacco Illness Fund
Montana	fund Medicaid and Indian health clinics
Nebraska	general fund
Nevada	chemical dependency programs
New Mexico	Cancer Center at U. of NM Medical School
New Hampshire	anti-smoking programs w/in Dept of Education; statewide kindergarten; new school improvement incentive grant program
New York	Child Health Account
North Dakota	\$400,000 to Dept of Human Services for dental services under medical assistance program
Ohio	primary and secondary education (proposed for the ballot)
Texas	fund public schools
Washington	fund youth tobacco prevention account
West Virginia	general fund
Wyoming	fund substance abuse education; School Foundation Fund; General Revenue Fund; localities (special session)

SMOKING BANS & RESTRICTIONS

Smoking ban/restriction bills have been introduced in 41 states; remains pending in seven:

California	Ohio
Illinois	Pennsylvania
Michigan	Wisconsin
New Jersey	

Smoking ban/restriction legislation has passed in nine states:

ARKANSAS
INDIANA
MAINE
MASSACHUSETTS (pending Governor action)
OKLAHOMA
RHODE ISLAND
UTAH
VIRGINIA
WASHINGTON

Smoking ban/restriction legislation has been defeated in 34 states:

Arkansas	Nebraska
Arizona	Nevada
Colorado	New Hampshire
Connecticut	New Mexico
Georgia	New York
Hawaii	North Dakota
Indiana	Oklahoma
Iowa	Oregon
Kansas	Rhode Island
Louisiana	South Carolina
Maine	South Dakota
Maryland	Tennessee

Smoking ban/restriction legislation has been defeated in 34 states (cont'd):

Massachusetts	Texas
Minnesota	Vermont
Mississippi	Virginia
Missouri	Washington
Montana	West Virginia

SMOKING RESTRICTION PREEMPTION

Legislation to repeal/modify preemption of local smoking bans/restrictions was introduced and defeated in four states:

Florida
Iowa
Oklahoma
Nevada

Legislation to establish state preemption has been introduced and defeated in one state:

New York

INDOOR AIR QUALITY (IAQ)

Legislation to establish or change indoor air quality programs has been filed in 14 states, remains pending in four:

Illinois	Pennsylvania
Massachusetts	Wisconsin

Legislation to establish or change indoor air quality programs passed in one state:

MAINE

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

Florida
Hawaii
Minnesota
Mississippi
Missouri
New York
Oregon
South Carolina
Vermont

ADAMHA ENFORCEMENT

Legislation providing for or amending ADAMHA enforcement has been introduced in 12 states; remains pending in two:

Illinois
Michigan

Legislation providing for or amending ADAMHA enforcement has passed in seven states:

IDAHO	NEW YORK (pending Governor action)
INDIANA (S106 veto override)	NORTH CAROLINA (pending Governor action)
LOUISIANA	TEXAS
MISSISSIPPI	

Legislation providing for or amending ADAMHA enforcement has been defeated in three states:

Arizona
Hawaii
West Virginia

SELF-SERVICE DISPLAY BANS & RESTRICTIONS

Self-service display ban/restriction legislation has been introduced in 14 states and remains pending in two:

Michigan
Wisconsin

Self-service display ban/restriction legislation has passed in three states:

MINNESOTA
TEXAS
VERMONT

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

Iowa	New York
Louisiana	Oregon
Mississippi	Utah
Nebraska	Washington
Nevada	

SALES & VENDING RESTRICTIONS

Retail, vending sales restriction or licensing requirement legislation has been introduced in 41 states; remains pending in five:

Illinois	Pennsylvania
Massachusetts	Wisconsin
Michigan	

Retail, vending sales restriction or licensing requirement legislation has passed in 15 states:

ARKANSAS	NEW HAMPSHIRE
COLORADO	NORTH CAROLINA (pending Governor action)
IOWA	OKLAHOMA
LOUISIANA	SOUTH DAKOTA

Retail, vending sales restriction or licensing requirement legislation has passed in 14 states (cont'd):

MAINE	TEXAS
MARYLAND	VERMONT
MINNESOTA	VIRGINIA
MISSISSIPPI	

Retail, vending sales restriction or licensing requirement legislation has been defeated in 27 states:

Alaska	Nevada
Arizona	New Mexico (vetoed)
Connecticut	New York
Colorado (vetoed)	North Dakota
Delaware	Oklahoma
Florida	Oregon
Georgia	South Carolina
Hawaii	South Dakota
Maryland	Tennessee
Idaho	Utah
Indiana	Virginia
Iowa	Washington
Montana	West Virginia
Nebraska	

SALES TO MINORS

Thirty-seven states have introduced legislation on penalties for sales to minors and/or sign requirements; legislation remains pending in seven:

Illinois	Ohio
Massachusetts	Pennsylvania
Michigan	Wisconsin
New Jersey	

Legislation on penalties for sales to minors and/or sign requirements has passed in 12 states:

ALABAMA
 CALIFORNIA
 HAWAII
 LOUISIANA
 MINNESOTA
 NEW HAMPSHIRE
 NORTH CAROLINA (pending Governor action)
 OKLAHOMA
 TENNESSEE
 TEXAS
 VERMONT
 VIRGINIA

Legislation on penalties for sales to minors and/or sign requirements was defeated in 23 states:

Alabama	New York
Arizona	North Dakota
Connecticut	Oklahoma

Legislation on penalties for sales to minors and/or sign requirements was defeated in 23 states (cont'd):

Florida	Oregon
Hawaii	Rhode Island
Indiana	South Carolina
Iowa	South Dakota
Kansas	Utah
Maine	Virginia
Montana	Washington
Nebraska	West Virginia
Nevada	

ADVERTISING BANS & RESTRICTIONS

Twenty-two states have introduced legislation to ban or restrict tobacco advertising; remains pending in six, plus the District of Columbia:

District of Columbia	Michigan
California (resolution)	New Jersey
Illinois	Wisconsin
Massachusetts	

Legislation to ban or restrict tobacco advertising has passed in three states:

CALIFORNIA
NEW HAMPSHIRE
TEXAS

Legislation to ban or restrict tobacco advertising has been defeated in 14 states:

Florida	Mississippi
Connecticut	Missouri
Georgia	Montana
Hawaii	Nebraska
Iowa	Nevada
Maryland	New York
Minnesota	Washington

SAMPLING BANS & RESTRICTIONS

Bills to ban or limit sampling or promotional distribution have been introduced in 11 states; remains pending in two:

Illinois
 Massachusetts

Legislation to ban or limit sampling or promotional distribution has passed in three states:

NEW HAMPSHIRE
TEXAS
VERMONT

Legislation to ban or limit sampling or promotional distribution has been defeated in six states:

Florida
Georgia
Hawaii
New York
Oregon
Washington

SINGLE/UNPACKAGED CIGARETTE SALES

Legislation to ban sales of single or unpackaged cigarettes has been introduced in 14 states; remains pending in two:

Illinois
Michigan

Legislation to ban sales of single or unpackaged cigarettes has passed in six:

ARIZONA
MINNESOTA
MISSISSIPPI
NORTH CAROLINA (pending Governor action)
TEXAS
VERMONT

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

Georgia
Louisiana
Oregon
Washington
West Virginia

PREEMPT LOCAL SALES/SAMPLING/ADVERTISING BANS AND RESTRICTIONS

Legislation to preempt local sales/sampling and/or advertising bans and restrictions was introduced and defeated in one state:

Maine

Legislation to repeal preemption of local sales/sampling and/or advertising bans and restrictions has been introduced in six states, remains pending in one:

Wisconsin

Legislation to repeal preemption of local sales/sampling and/or advertising bans and restrictions has passed in one state:

MAINE

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

Iowa
Mississippi
Nevada
Oklahoma

INGREDIENTS DISCLOSURE

Legislation to require disclosure of ingredients has been introduced in 18 states; remains pending in four:

Michigan	Massachusetts
Illinois	New Jersey

Legislation to require disclosure of ingredients has passed in two states:

MINNESOTA
TEXAS

Legislation to require disclosure of ingredients has been defeated in 12 states:

Colorado	Iowa
Connecticut	Maine
Delaware	New Hampshire
Florida	New York
Illinois	Utah
Indiana	Vermont

TOBACCO MANUFACTURER LIABILITY

Tobacco manufacturer liability legislation has been introduced in 17 states; remains pending in five:

California
Massachusetts
Michigan
New Jersey
Pennsylvania

Tobacco manufacturer liability legislation has passed in two states:

CALIFORNIA
California (Governor returned to legislature requesting amendments)
DELAWARE (resolution to study whether state should sue industry for Medicaid costs adopted by legislature)

Tobacco manufacturer liability legislation has been defeated in ten states:

Alabama	Maine
Colorado	Nebraska

Tobacco manufacturer liability legislation has been defeated in ten states (cont'd):

Florida	New York
Hawaii	Rhode Island
Indiana	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 eleven states; remains pending in four:

Illinois
Massachusetts
Michigan
New Jersey

Legislation concerning the divestment of current tobacco holdings or prohibiting new investment in tobacco company has been adopted in one state:

VERMONT (resolution adopted by legislature)

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

Colorado
Connecticut
Minnesota
Louisiana
Oregon
Texas

FIRE-SAFE CIGARETTES

Legislation regarding fire-safe cigarette safety standards has been introduced in three states; remains pending in one:

Massachusetts

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

New York
Oregon

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