

# LEGISLATIVE SUMMARY

During the 1930s and 1940s scientific reports began to associate smoking with cancer, heart disease, and other adverse health effects. This evidence continued to mount during the 1950s. On June 1, 1961, the presidents of the American Cancer Society, the American Public Health Association, the American Heart Association, and the National Tuberculosis Association sent a letter to President Kennedy urging the formation of a Presidential commission to study the implications of the tobacco problem. Under the leadership of Surgeon General Luther L. Terry, an advisory committee was formed to assess the available knowledge and make appropriate recommendations.

On January 11, 1964, the United States Public Health Service released the first Surgeon General's report on Smoking and Health. The Report concluded that cigarette smoking was causally related to lung cancer; was the most important cause of chronic bronchitis and increases the risk of dying from chronic bronchitis and emphysema; and that it was prudent to assume that cigarette smoking caused coronary disease. The Report concluded that cigarette smoking is a health hazard of sufficient importance to warrant appropriate remedial action. During the 1970s and 1980s subsequent Surgeon General's reports established the scientific evidence that cigarette smoking is the single largest cause of preventable morbidity and mortality in the United States.

In 1986, the Public Health Service produced a Surgeon General's Report which established the link between "passive smoking" and disease in healthy nonsmokers. In response to the growing awareness of the health hazards associated with cigarette smoking and the acknowledgement of the rights of nonsmokers to a smoke-free environment, an upsurge in tobacco-related legislation has occurred at the National, State and local level.

As of December 1987, nearly 100 congressional bills addressing smoking-or tobacco-related issues had been introduced during the 98th, 99th, and 100th sessions of Congress. Although the 100th Congress continues through 1988, for purposes of this report only those bills introduced through December 31, 1987 are mentioned. A number of bills reference smoking-and tobacco-related issues on a secondary level, or in some instances merely by inference; therefore, review of the subject indexes for legislation introduced would not necessarily reveal all of this legislation. Additionally, companion bills introduced in both the House and Senate, which are identical, may only be reported in indexes under one bill number. For these reasons, tallies of bills introduced may differ significantly from one another depending upon the depth of the index search conducted. The following discussion will focus on those bills that clearly deal with smoking issues, although instances where smoking or tobacco sale or use is implied are noted.

In addition to the Federal legislation, a comprehensive search of State statute books and legislative tracking services

indicate that nearly 600 State laws pertaining to smoking and the sale or use of tobacco products are currently in effect. This total does not necessarily include each law pertaining to the taxation of cigarettes or tobacco products, but rather laws that deal with smoking in public places, distribution to minors, schools and health education, commerce, and public health and safety regulations.

## Federal Legislation

At the Federal level, during the 98th, 99th, and 100th sessions of Congress, nearly 100 bills addressing smoking, tobacco use or both had been introduced as of December 1987. Four health-related bills passed during this time. This report will briefly describe the bills tracked by subject areas related to the smoking and health issue. Although other laws passed may be tobacco related, for the purposes of this report, the four laws passed reflect health related (smoking) implications. These bills are categorized into seven topic areas: Limitations on Smoking in Public Places; Regulation of Sale to and Use of Tobacco Products by Minors; Schools and School Health Education; Regulation of Advertising Practices; Commerce; Taxation; and Health and Safety Regulations as they pertain to smoking and tobacco use. Some bills vary in scope and intent, and are grouped in more than one category. (See Table 1. following the Federal legislative narrative.)

### Limitations on Smoking in Public Places

Five bills introduced in the House of Representatives during the 98th session of Congress applied primarily to smoking on board passenger-carrying aircraft and other forms of transportation subject to interstate commerce regulations. During the 99th session, three bills were introduced pertaining to smoking limitations: H.R. 133 would amend the Federal Aviation Act of 1958 to prohibit smoking in more than one designated area of a passenger-carrying aircraft; S. 1440 and S. 1937 would restrict smoking to designated areas in all U.S. Government buildings and impose a civil penalty for anyone who disregards this restriction. In the 100th Congress, H.R. 1008 cited as the "Nonsmoking Health Protection Act of 1987," would restrict smoking to designated areas in all buildings and sections of buildings occupied by the U.S. Government.

Five bills were introduced in the 100th Congress to amend the Federal Aviation Act of 1958 to prohibit smoking on domestic commercial aircraft flights: H.R. 1078, H.R. 3377 "Aircraft Cabin Air Quality Protection Act of 1987," H.R. 432 "Airline Anti-Smoking Act," H.R. 3018, which specifies flights of two hours or less, and H.R. 2040, which includes both domestic and international flights. H.J.R. 395, Public Law 202, was passed in December 1987 to prohibit smoking on certain domestic flights. Senate bill S. 51, cited as the "Prohibition of Smoking in Public Conveyances Act of 1987," would make it unlawful for any person to smoke in any regularly scheduled

public conveyance traveling within the U.S. and to smoke in a waiting area in a terminal for a public conveyance unless in a designated smoking area. A \$500 fine would be imposed for violation.

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

In the 100th session of Congress, H.R. 3294 would amend the Federal Food, Drug, and Cosmetic Act to regulate the sale and distribution of tobacco products. Cited as the "Comprehensive Tobacco Health and Safety Act of 1987," this act would make it unlawful to sell tobacco products to any person under the age of 18 years (or older if a state statute so declares) or to distribute free samples, misbranded or adulterated products.

Cited as the "Adolescent Tobacco Education and Prevention Act," H.R. 3658 would use grant funds provided under the Drug Free Schools and Communities Act of 1986 to provide education relating to the use of tobacco products and would make it unlawful to sell a tobacco product to any person under the age of 18 years, or older as established by a State statute. In regards to vending machines, it would be unlawful to sell or cause to be sold a tobacco product in a vending machine without a posted sign stating, "The Sale of Cigarettes to Minors is Strictly Prohibited."

#### **Schools and School Health Education**

Of the six bills introduced between the 98th and 99th sessions of Congress, two became law. S. 1574 was passed into Public Law 99-252 in February 1986. This law, cited as the "Comprehensive Smokeless Tobacco Health Education Act of 1986," directs the Secretary of Health and Human Services to develop educational programs, materials and public service announcements on the health hazards associated with smokeless tobacco and make these items available to States, local governments and school systems. These programs are to be developed by the Secretary of Health and Human Services in consultation with the Secretary of Education, medical and public health entities, consumer groups and other appropriate contacts. After developing these programs, the Secretary is required to submit an annual report to the Congress concerning the smokeless tobacco activities undertaken. In addition, this law makes it unlawful to manufacture, package or import for sale or distribution, or advertise any smokeless tobacco product unless the product bears one of three warning statements in a conspicuous location on the product.

H.R. 2370, cited as the "Nurse Education Amendments of 1985," became Public Law 99-92 in August 1985. This law amended the Public Health Service Act by directing the Secretary of Health and Human Services to make grants and contracts available for specified demonstration projects and for the education and training of nurses in the subject of smoking and health. Two additional clauses contained in the text of this bill state that:

- A manufacturer or importer of cigarettes may apply to the Federal Trade Commission for a description of the label rotation process or any other requirement of the clause; and

- Sect. 13 Section 3(c) of the Comprehensive Smoking Education Act is amended by striking out "1985" and inserting in lieu thereof "1986."

#### **Regulation of Advertising Practices**

Nineteen bills were introduced that pertain to the advertising of tobacco products: three were introduced during the 98th session, eight during the 99th session, and eight during the 100th session of Congress. The content of these bills varies from labeling, packaging, and advertising on specific media to deductions for advertising costs. Of the bills introduced, two became law.

Companion bills H.R. 3979 and S. 772, introduced in the 98th session of Congress, were passed into Public Law 98-474. Known as the Comprehensive Smoking Education Act, this law amends the Public Health Service Act to establish an Interagency Committee on Smoking and Health to coordinate Federal and private research and education activities regarding the health hazards of smoking, and amends the Federal Cigarette Labeling and Advertising Act to change the label requirements for cigarettes.

Two bills (H.R. 2950 and H.R. 3510) were introduced during the 99th session and incorporated into S. 1574, which became Public Law 99-252 in February 1986. These three bills specifically addressed the labeling of smokeless tobacco: H.R. 2950 cited as the "Comprehensive Smokeless Tobacco Education Act" would require specific warnings on all smokeless tobacco products and advertisements, H.R. 3510 cited as the "Comprehensive Smokeless Tobacco Health Risk Education Act," proposed to establish a Federal initiative to require warning labels on smokeless tobacco products and advertisements, and S. 1574 (now Public Law 99-252) makes it unlawful to manufacture, package or import for sale or distribution within the U.S. any smokeless tobacco product unless the product bears one of three health warning labels. Public Law 99-252 is cited as the "Comprehensive Smokeless Tobacco Health Education Act of 1986."

One bill in the 98th Congress (H.R. 5043), and three bills in the 99th Congress (H.R. 760, H.R. 2835, S. 1116) would amend the Federal Cigarette Labeling and Advertising Act to prohibit the advertising of any tobacco product on any medium of electronic communication and make technical changes in the rotation of warning labels, respectively. H.R. 2835 contained a technical amendment for Section 3(c) of the Comprehensive Smoking Education Act to strike out "1985" and insert "1986." H.R. 760 cited as the "Health in Advertising Act," would amend Section 6 of the Act to make it unlawful to advertise cigarettes, little cigars, and any other tobacco product on any medium of electronic communication subject to the jurisdiction of the Federal Communications Commission.

During the years of 1967-1971, broadcasters provided free air time to private and government organizations for anti-smoking public service announcements that educated the public about the dangers of cigarette smoking. H.Res. 286 was introduced in the 100th session of Congress to suggest that the Federal Government strongly encourage both print and electronic media to voluntarily print or air public service messages

describing the deadly effects of cigarette smoking. H.J.Res. 271 authorizes and directs the President to call upon radio and television broadcasters to educate the public, in cooperation with public health organizations, about the dangers of cigarette smoking.

H.R. 1272, cited as the "Health Protection Act of 1987," would amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 in regards to the advertising of tobacco products by striking out clauses that reflect or state, "...and advertisements...." Cited as the "Health Protection Act of 1987," H.R. 1532 would ban and declare all consumer sales promotion of tobacco products unlawful.

Two companion bills from the 99th Congress (H.R. 3950 and S. 1950) and four bills from the 100th Congress disallow any deductions for advertising expenses for tobacco products. H.R. 3950, from the 99th Congress, and S. 446, H.R. 3503, H.R. 1563, H.R. 2606 all include the clause that disallowed deductions for other promotional expenses with respect to sales of tobacco and tobacco products.

#### **Commerce**

Five bills were introduced in the 100th session of Congress, six bills during the 99th session, and one in the 98th session pertaining to the purchase, sale, distribution, or importation of cigarettes and tobacco products.

In the 99th session, S. 1418 would amend the Agricultural Act of 1938, and the Agricultural Act of 1949 to improve the Tobacco Price Support Program and determine market quotas for flue-cured and burley tobacco. In the 100th Congress, H.R. 1218 would require the Secretary of Agriculture to establish an advisory committee to study the economic impact of prohibiting the lease and transfer of flue-cured tobacco acreage allotments and quotas for the 1987 and subsequent crops of flue-cured tobacco.

H.R. 3629 was introduced in the 99th session of Congress to make appropriations for the Department of Defense for military functions and for other purposes. In Section 8101 of this bill it is clearly stated that none of the funds appropriated by this Act shall be available in connection with the operation of commissary stores, exchanges, and ship stores that do not sell cigarettes and tobacco products at a price equivalent to the lowest average prevailing retail price. The Conference Report by the House of Representatives stated that the conferees agreed to delete the Senate provision that would increase the price of tobacco products sold on military installations yet direct the Assistant Secretary of Defense for Health Affairs to submit a report on his recommendations concerning the health issues surrounding tobacco products and the military. This report would include how cigarette prices effect the consumption patterns, the health of military personnel and the economic cost to the military and society.

The Defense Department is to report on the economic impact of increasing the price of tobacco products in commissaries and exchanges and of including State and local taxes in the price of tobacco products. The Department is also required to inform the Committees of the status of an internal Defense Department proposal to discontinue the sale of cigarettes in commissaries.

Introduced in the 100th Congress, S. 868 would require the Secretary of Agriculture and the Secretary of Commerce to conduct a joint study of commodities and products that may be produced and marketed in conjunction with the production of tobacco. S. 471 would amend title 10 of the United States Code to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores.

H.R. 259 was introduced in the 99th session of Congress to amend the Federal Aviation Act of 1958 to prohibit air carriers from dispensing alcoholic beverages and tobacco products without charge to passengers.

Five bills addressed restrictions on importing tobacco; one in the 98th session, three in the 99th session, and one in the 100th session of Congress. S. 67 and H.R. 1022, both introduced in the 99th session, would amend the Agricultural Adjustment Act of 1938 to prohibit the importation of tobacco that has been grown or processed using pesticides and other chemicals whose use has been prohibited in this country for health reasons; H.R. 6418 introduced in the 98th session, addressed the same issue. H.R. 1137 would impose restrictions on the quantity of foreign unmanufactured tobacco that may be imported into the United States. In the 100th Congress, S. 969 would impose quotas on certain products of the Republic of Korea until the Republic of Korea fully opens its markets to cigarettes produced in the United States.

#### **Taxation**

Over 43 bills applicable to the taxation of cigarettes and smokeless tobacco were introduced in the House and Senate during the 99th and 100th sessions of Congress. Seventeen bills attempted to amend the Internal Revenue Code of 1954 to increase the Federal excise tax on cigarettes. Some of these bills would distribute increased tax revenues to the general fund, the Federal Hospital Insurance Trust Fund under the Social Security Act, and to research on tobacco-related diseases; others would fund the Medicare and Medicaid programs and attempt to reduce the Federal deficit.

The Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), which amended Section 5701 of the Internal Revenue Code, increased the Federal excise tax on cigarettes from 8 to 16 cents per pack of 20 cigarettes. Although several bills were passed into law extending the period of expiration for the tax increase, Public Law 99-272, passed in December 1985, instituted the 16¢-per-pack tax rate increase. During the 100th Congress, five bills were introduced to increase the tax rate on cigarettes: four of the bills (H.R. 2104, H.R. 493, H.R. 260 and S. 447) would increase the tax rate to 32 cents per pack; H.R. 1233 would increase the rate to 40 cents per pack. S. 447 would also increase the tax rate on snuff and chewing tobacco to 8 cents per pack.

During the 99th session of Congress, three bills were introduced pertaining solely to smokeless tobacco: H.R. 3064 would impose an excise tax on smokeless tobacco products with tax revenues allocated to the Medicaid program; H.R. 3078, broader in scope, would establish a Federal program to assist states in implementing programs on the dangers of smokeless tobacco and imposes an excise tax of 32 cents on all smokeless tobacco products. Proceeds from this tax would be used to establish a trust fund for cancer research and educational programs on smokeless tobacco and would

disallow a deduction for expenses incurred in advertising smokeless tobacco. Senate bill 1782 would impose a \$1.25 excise tax per pound on snuff and 40 cents per pound on chewing tobacco.

Four bills introduced in the 100th Congress would amend the Internal Revenue Code of 1986 to disallow deductions for advertising and promotional expenses for tobacco products: H.R. 2607, H.R. 1563, H.R. 3503 and S. 446. H.R. 581 would amend the Internal Revenue Code of 1986 to allow individuals and corporations to treat qualified no-net cost tobacco expenditures as a deductible expense.

#### **Health and Safety Regulations**

In the 98th Congress, two bills (H.R. 3979 and S. 772) were introduced to establish an Interagency Committee on Smoking and Health to coordinate smoking-related activities Nationally. These bills, which were previously discussed, were passed into Public Law 98-474.

One bill introduced in the 99th session entitled "Medicare Part B Premiums Nonsmoking Discounts" would provide a discount for nonsmokers participating in the Medicare program.

In the 100th Congress, H.R. 3440 cited as "Fire Safe Cigarette Act of 1987" and S. 1763 "An Act to Reduce Fires Caused by Cigarettes" would direct the Secretary of Health and Human Services to issue a fire safety standard for cigarettes to reduce the risk of ignition presented by cigarettes.

H.R. 2376 is an act to amend the Consumer Product Safety Act by removing the section exempting tobacco and tobacco products from the consumer Product Safety Commission's jurisdiction.

#### **Summary**

The following is a list of the Congressional bills passed into Federal law during the 98th and 99th Congress pertaining to smoking and the use of tobacco products. Although the 100th Congress continues through 1988, H.J.R. 395 was passed into law during the 100th Congress in December 1987.

- **Comprehensive Smoking Education Act, Public Law 98-474, 98th Congress, October 1984.** One of several health warning labels is required to be displayed on all packages of cigarettes manufactured, sold or distributed, and on all advertisements of cigarettes within the United States, excluding outdoor billboards. Location and format of these labels are specified. The Federal Cigarette Labeling and Advertising Act is amended. In addition, each cigarette manufacturer, packager or importer shall submit annually to the Secretary of Health and Human Services a confidential list of cigarette additives (ingredients), either directly or by a designated entity, which does not name either the manufacturer of the additives or the brand of cigarettes using the additives. Based on this information, the Secretary may submit to Congress a report summarizing on-going and proposed research on the health effects of cigarette additives, and in particular, discuss any ingredient the Secretary judges to pose health risks to cigarette smokers or to be of public interest. Finally, an Interagency Committee on Smoking and Health is established to increase the availability of

information on the health consequences of smoking. Federal and private research and education activities regarding the health hazards of smoking will be coordinated through this effort.

- **Nurse Education Amendments of 1985, Public Law 99-92, 99th Congress, August 1985.** The Secretary of Health and Human Services is directed to make grants and contracts available for specified demonstration projects and for the education and training of nurses in the subject of smoking and health. This law amends the Public Health Service Act.
- **The Consolidated Omnibus Budget Reconciliation Act (COBRA), Public Law 99-272, 99th Congress, April 1986, and the laws amending the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA): The Emergency Extension Act of 1985, Public Law 99-107, 99th Congress, September 1985, and Public Laws 99-181, 99-189 & 99-201, 99th Congress, December 1985.** The Federal excise tax on cigarettes is increased from 8 to 16 cents per pack of cigarettes. This increase is based according to weight per thousand, which is calculated to an amount per package.
- **Comprehensive Smokeless Tobacco and Health Education Act of 1986, Public Law 99-252, 99th Congress, February 1986.** The Secretary of Health and Human Services, through the Office on Smoking and Health and in consultation with the Secretary of Education, medical and public health entities, consumer groups and other appropriate entities, is directed to develop educational programs, materials and public service announcements on the health hazards associated with smokeless tobacco. These items will be made available to States, local governments, and school systems. In addition, through the Surgeon General of the United States, the Secretary of Health and Human Services will submit a biennial report to Congress concerning the smokeless tobacco activities undertaken and recommending legislation and administrative action. The law also requires that all packages of smokeless tobacco manufactured, sold, and distributed within the United States must display one of several health risk warning labels. Location and format of the display of these labels are specified. Smokeless tobacco companies are required to provide the Secretary of Health and Human Services with a confidential list of smokeless tobacco additives and the nicotine content of smokeless tobacco brands.
- **Prohibition Against Smoking on Scheduled Flights and Tampering with Smoke Alarm Devices, Public Law 100-202, 100th Congress, December 1987.** It is unlawful to smoke in the passenger cabin or lavatory on any flight scheduled for less than a two-hour duration. The Secretary of Transportation is directed to promulgate regulations to carry out this provision. Twenty-eight months after enactment of this law, this provision will expire. Indirectly, this law led to a ban on smoking on commuter rail lines serving New York City. The law threatened to withhold Federal funds to the New York Metropolitan Transportation Authority unless smoking was banned on the Long Island Railroad.

**TABLE 1.**  
**Legislation Introduced During the 98th-100th**  
**Sessions of Congress with Regard to Smoking and Health**

I. Limitations on Smoking in Public Places	House - 98th -		Senate
	H.R. 4395		
	H.R. 4395		
	H.R. 4955		
	H.R. 5507		
	H.R. 6217		

	House - 99th -		Senate
	H.R. 133		S. 1440
			S. 1937

	House - 100th -		Senate
	H.R. 395**		S. 51
	H.R. 432		S.R. 154
	H.R. 1008		
	H.R. 1078		
	H.R. 2040		
	H.R. 3018		
	H.R. 3377		

II. Regulation of Sale to and Use of Tobacco Products by Minors	House - 100th -		Senate
	H.R. 3658*		

III. Schools and School Health Education	House - 98th -		Senate
	H.R. 4851		

	House - 99th -		Senate
	H.R. 380	H.R. 2370**	S. 1574**
	H.R. 3510*	H.R. 2950*	
	H.R. 3769**		

	House - 100th -		Senate
	H.R. 3658*		

IV. Regulation of Advertising Practices	House - 98th -		Senate
	H.R. 5043		
	H.R. 3979**		S. 772**

	House - 99th -		Senate
	H.R. 2950*	H.R. 3950	S. 1950
	H.R. 3510*	H.R. 760	S. 1116
	H.R. 2835		S. 1574**

	House - 100th -		Senate
	H.R. 1272		S. 446*
	H.R. 1532		
	H.R. 1563*		
	H.R. 2606*		
	H.R. 3503*		
	H.Res. 286		
	H.J.R. 271		

V. Commerce	House - 98th -		Senate
	H.R. 6418		

	House - 99th -		Senate
	H.R. 259		S. 67
	H.R. 1022		S. 1418
	H.R. 1137		
	H.R. 3629		

	House - 100th -		Senate
	H.R. 1218		S. 471
	H.R. 3294		S. 868
			S. 969

VI. Taxation	House - 99th -		Senate
	H.R. 1053	H.R. 1324	S. 820
	H.R. 951	H.R. 2981	S. 874
	H.R. 844	H.R. 3451	S. 1205
	H.R. 236	H.R. 3452**	S. 1712
	H.R. 1200	H.R. 3722	S. 1732
	H.R. 1561	H.R. 3918**	S. 1633
	H.R. 1594	H.R. 3981**	S. 1782
	H.R. 3788	H.R. 3992	
	H.R. 1826	H.R. 3993	
	H.R. 2600	H.R. 3994	
	H.R. 3039	H.R. 3996	
	H.R. 1421	H.R. 4006**	
	H.R. 2548	H.R. 1826	

	House - 100th -		Senate
	H.R. 260		S. 446*
	H.R. 493		S. 447
	H.R. 581		
	H.R. 1233		
	H.R. 2104		
	H.R. 1563*		
	H.R. 2606*		
	H.R. 3503*		

VII. Health and Safety Regulations	House - 98th -		Senate
	H.R. 3979**		S. 772**

	House - 99th -		Senate
			S. 357

	House - 100th -		Senate
	H.R. 2376		S. 1763
	H.R. 3440		

\* Categorized under more than one topic in text.  
 \*\* Passed into law

## State Legislation

Within the past two years, due to increasing evidence of the health hazards associated with environmental tobacco smoke, State legislatures have been focusing on limiting smoking in public places, specifically in the workplace. Informing the general public about the health hazards of cigarette smoking and tobacco use has also been a major focus of State and local legislative efforts.

All 50 States and the District of Columbia have enacted legislation pertaining to the sale or use of tobacco products. The laws vary from State to State and range from restrictions on smoking in public places to the distribution of the sales tax on tobacco products. For purposes of analysis, the major smoking and tobacco laws have been categorized by content in the following subject areas: Limitations on Smoking in Public Places; Regulation of Sale to and Use of Tobacco Products by Minors; Schools and School Health Education; Regulation of Advertising Practices; Commerce; Taxation; and Health and Safety Regulations.

### Limitations on Smoking in Public Places

In recognition of the public health hazards of secondhand smoke, the majority of States and the District of Columbia have enacted legislation to protect the rights of nonsmokers. Various enclosed or indoor areas frequented by or accessible to the general public are required to implement strict regulations to prohibit smoking in certain areas and are required to post signs designating smoking and nonsmoking areas. As noted in Figure 1., the restrictions vary in degree from State to State.

The most comprehensive legislation of this nature has been adopted by the States of Alaska, Connecticut, Florida, Maine, Minnesota, Montana, Nebraska, New Jersey, Utah, and Washington. These States, classified as having extensive restrictions on smoking (See Figure 1.), prohibit or restrict smoking to designated areas in vehicles of public transportation, health care facilities, offices of health care practitioners, passenger elevators, cultural and recreational facilities, educational facilities, retail stores, restaurants, government buildings, public meetings, offices, and private workplaces.

Moderate restrictions are less extensive in that they do not regulate or restrict smoking in private workplaces. Basic restrictions include States regulating smoking in four or more areas, and States classified as nominal restrict smoking in one to three areas. While Georgia's criminal code specifically prohibits smoking on public transportation and in elevators only, it also prohibits smoking in any public area where a no-smoking sign is posted. Mississippi restricts smoking on public transit, South Carolina prohibits smoking on school buses, and Louisiana prohibits smoking in the arena of the Superdome. These States, along with Arkansas, Delaware, Kentucky, Vermont, and West Virginia, are designated as having nominal regulations in Figure 1. Seven States do not have any current laws that would restrict or regulate smoking in public places. (See Table 1.)

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**TABLE 1.**  
**STATES THAT DO NOT IMPOSE ANY LIMITS**  
**ON SMOKING IN PUBLIC PLACES**

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Alabama	Tennessee
Illinois	Virginia
Missouri	Wyoming
North Carolina	

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Smoking is most commonly prohibited or restricted in public transportation vehicles, health care offices and facilities, and elevators. Thirty-seven jurisdictions regulate smoking on public conveyances and in hospitals, nursing homes and other health care facilities, and 30 jurisdictions regulate smoking in passenger elevators. Alaska, California, Florida, Hawaii, Maryland, New Jersey, Utah, and Washington specifically prohibit smoking in transportation terminals.

Many States have also taken steps to curtail or prohibit smoking in indoor cultural and recreational facilities such as libraries, museums, theaters, galleries, arenas, and auditoriums. When smoking is permitted, it is confined to an area that the proprietor, or person in control of the facility, has designated and posted as a smoking area.

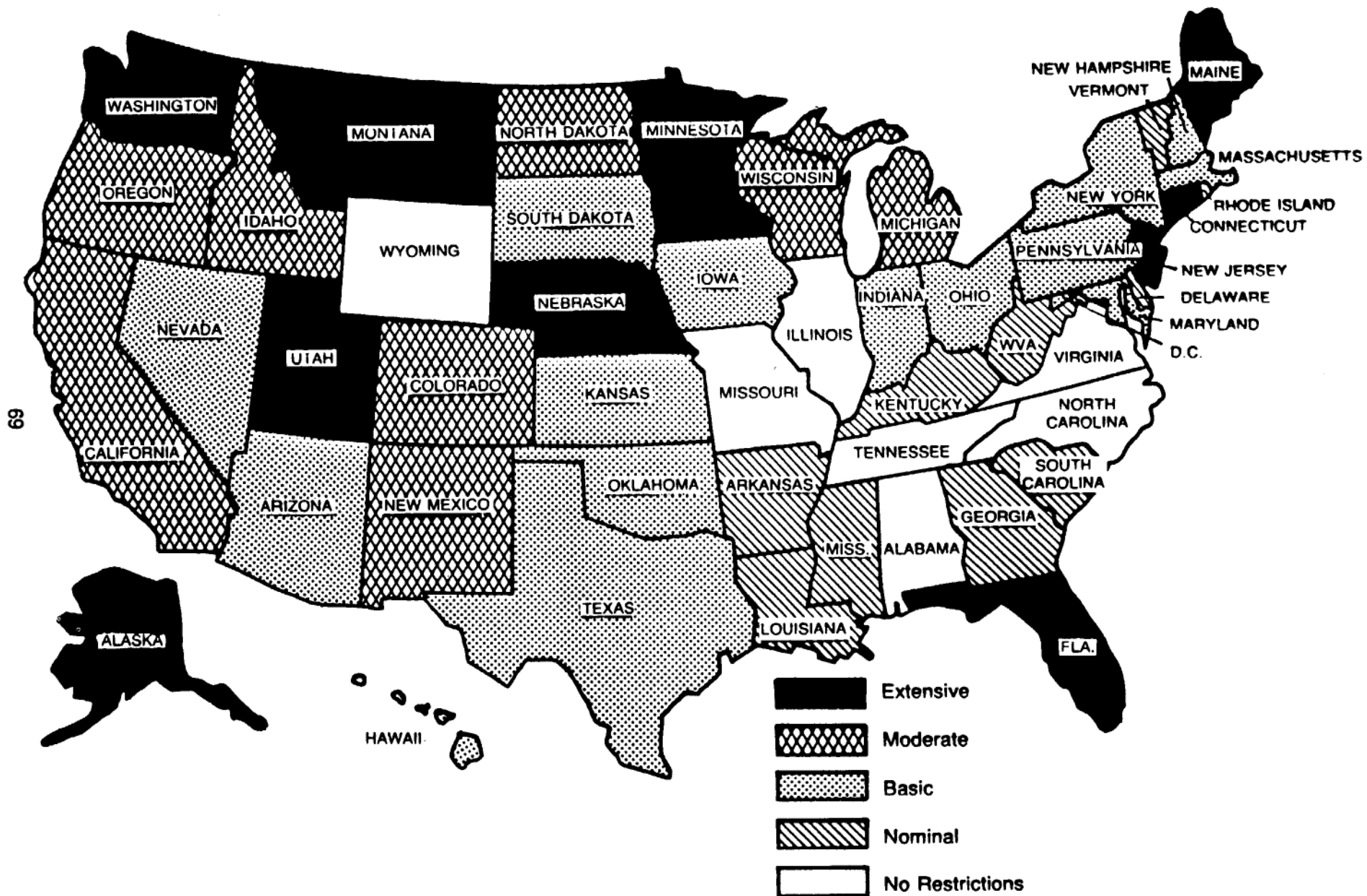
Smoking in school buildings and on school grounds is regulated by 32 States. These regulations restrict smoking for students, school personnel, and others with access to the educational facilities. Less than half of the States prohibit smoking in the public areas of supermarkets, grocery stores, or other retail stores, or require restaurants to establish nonsmoking sections for their customers. In the past two years, seven States passed legislation requiring restaurant owners to dedicate a portion of their establishment for nonsmoking patrons and to post signs indicating the area designated for smokers. Colorado does not restrict smoking in restaurants or taverns, but does encourage establishments to seat nonsmokers away from smokers. In addition, public places that sell or serve food are required to post signs at or inside their entrances indicating whether separate seating provisions have been made for nonsmokers. In the State of Washington, no public place (other than a bar, tavern, bowling alley, tobacco shop, or restaurant) may be designated as a smoking area in its entirety.

Twenty-nine States restrict smoking in public buildings owned, leased, or operated by governmental entities, and 23 States prohibit or restrict smoking in public meetings. The States of Alaska, Florida, Kansas, Maine, Massachusetts, Oregon, and South Dakota also prohibit smoking in jury deliberation rooms.

Many States are encouraging employers to establish worksite smoking policies to protect the rights of the nonsmokers and

# STATE LAWS REGULATING SMOKING

## FIGURE 1.





to provide for a smoke-free workplace. Twenty-one jurisdictions, which include the District of Columbia, have legislation governing smoking in offices and other workplaces. In some States this legislation applies only to workplaces controlled by the State or other governmental entity, while in others the legislation applies to both public and private employers. (See Table 2.)

**TABLE 2.  
STATES RESTRICTING SMOKING  
IN OFFICES AND OTHER WORKPLACES**

Alaska	New Hampshire
California	New Jersey
Connecticut	New Mexico
Florida	North Dakota
Indiana	Ohio
Maine	Oregon
Michigan	Utah
Minnesota	Vermont *
Montana	Washington
Nebraska	Wisconsin

\*Effective 7/1/88

California requires that State departments employing more than 50 workers adopt a written policy recognizing the rights of nonsmokers to a smoke-free environment in meetings and at individual work stations. New Mexico requires State agencies and political subdivisions that employ more than 15 individuals to establish and implement written smoking policies and to provide a smoke-free environment to employees who request one. Washington prohibits smoking in office reception areas and waiting rooms of any buildings owned or leased by the State, counties, cities, or other municipalities. Ohio prohibits smoking in all State office buildings, except in designated areas. New Hampshire and Oregon impose the same restrictions in all government offices.

Alaska prohibits smoking in all places of employment, public or private, where a no-smoking sign is posted. Florida, Minnesota, Montana, Nebraska, North Dakota, Utah, and Wisconsin restrict smoking to designated areas in offices and other public places serving as workplaces. In addition, Florida requires that, upon request, employers provide employees with workspaces that are not within a designated smoking area.

The statutes of Connecticut and New Jersey mandate that employers of more than 50 people establish and post written rules regarding smoking and nonsmoking within their business facilities. Maine requires that employers of one or more persons establish written policies concerning smoking and nonsmoking by employees and that they prohibit smoking, except in designated areas. Colorado does not directly regulate smoking in the workplace. However, it encourages those in charge of offices and commercial establishments to designate nonsmoking areas physically separated from the working environments where other employees smoke.

Several States also impose restrictions on smoking in workplaces not usually frequented by the general public. Minnesota, Nebraska, and Utah have directed their State health departments to establish rules to prohibit or restrict smoking in factories, warehouses, and similar places of work where the inadequacy of ventilation or the close proximity of workers causes smoke pollution detrimental to the health and comfort of nonsmoking employees.

Nevada prohibits smoking in any mill or other building in which a no-smoking sign is conspicuously posted over each principal entrance. Similarly, West Virginia prohibits smoking in any factory, mercantile establishment, mill, or workshop where a no-smoking sign is conspicuously placed over and near each principal entrance.

In Pennsylvania and Kentucky, prison officials have the discretion to either grant or withhold permission to smoke in order to control inmate behavior. Pennsylvania law provides that prisoners may be allowed to smoke as a reward for good conduct, but states that prisoners may not be deprived of the right to smoke for longer than two weeks. In Kentucky, prison wardens are authorized to permit or prohibit smoking by inmates whenever they believe such regulation will enhance or improve the discipline of the inmates.

Not only do the States differ dramatically in regulating areas where smoking is restricted, but they also impose different forms of punishment for violations. In most cases, violations are punishable by a small fine. Fines of \$25 or less are imposed in Connecticut, Delaware, Kansas, Pennsylvania, and Vermont. Kentucky and West Virginia impose the lowest fines: \$1 to \$5 for smoking on school grounds or in school buildings; Hawaii has the highest with fines up to \$500 for initial violations of smoking in public places. Arkansas, California, Georgia, Idaho, Iowa, Massachusetts, Montana, Nevada, New York, North Dakota, Oklahoma, and Oregon impose fines of up to \$100 for violating laws restricting smoking. Higher fines, from \$100 to \$300, are imposed by Alaska, Maryland, New Jersey, Rhode Island, and the District of Columbia for failing to comply with the restrictions on smoking in public places. Rhode Island increased the penalty from \$20 to \$250 for each offense.

Injunctive relief may be granted for violating smoking restrictions in Alaska, Minnesota, Nebraska, New Hampshire, and Wisconsin. Idaho, Michigan, Massachusetts, New Jersey, and New York can imprison offenders for violation of the smoking laws. A number of States do not specify the penalty in the prohibiting statutes, but instead characterize the violation as either a misdemeanor or petty offense. These States include Arizona, Florida, Mississippi, Ohio, South Dakota, Texas, Utah, and Washington.

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

The sale or distribution of cigarettes or tobacco products to minors is regulated by 45 jurisdictions, including the District of Columbia. (See Figure 2.) Missouri does not impose restrictions at the State level, but permits cities, towns, and municipalities to enact ordinances prohibiting the sale to or use of cigarettes by minors. Six States do not regulate the sale or distribution of tobacco products to minors. (See Table 3.)



**TABLE 3.  
STATES WITHOUT RESTRICTIONS ON SALE TO  
OR USE OF TOBACCO PRODUCTS BY MINORS**

Kentucky	New Mexico
Louisiana	Wisconsin
Montana	Wyoming

In the past two years, seven States specifically added smokeless tobacco in the laws pertaining to the sale and or use of tobacco products to minors. Kansas prohibits only the sale of cigarettes to minors. The other State statutes have much broader prohibitive language and randomly outlaw the sale or furnishing, or both, of cigars, cigarettes, snuff, chewing tobacco, smokeless tobacco, smoking material, and tobacco in any form to minors. Twenty-one States also prohibit the sale or furnishing of cigarette wrapping papers and other smoking paraphernalia to minors.

The majority of States prohibiting the sale of cigarettes or other tobacco products to minors define a minor as anyone under the age of 18 years. In the past two years, seven States passed legislation pertaining to the age of minors. Colorado, Georgia, New Hampshire, and Virginia all passed legislation establishing the age of minority as it pertains to tobacco products. Three States increased the age to 18 years: Hawaii, Indiana, and Massachusetts. Hawaii increased the age from 15 to 18 years of age. Nine jurisdictions define a minor as anyone under the age of 16 years, and five define a minor as 17 years of age or younger. Alabama and Utah prohibit such sales to anyone under the age of 19 years. (See Table 4.)

**TABLE 4.  
AGES OF MINORS PERTAINING TO THE SALE OF  
TOBACCO PRODUCTS ACCORDING TO STATE**

Alabama	19	Montana	*
Alaska	16	Nebraska	18
Arizona	18	Nevada	18
Arkansas	18	New Hampshire	18
California	18	New Jersey	16
Colorado	18	New Mexico	*
Connecticut	16	New York	18
Delaware	17	North Carolina	17
District of Columbia	16	North Dakota	18
Florida	18	Ohio	18
Georgia	17	Oklahoma	18
Hawaii	18	Oregon	18
Idaho	18	Pennsylvania	16
Illinois	18	Rhode Island	16
Indiana	18	South Carolina	18
Iowa	18	South Dakota	18
Kansas	18	Tennessee	18
Kentucky	*	Texas	16
Louisiana	*	Utah	19
Maine	18	Vermont	17
Maryland	16	Virginia	16
Massachusetts	18	Washington	18
Michigan	18	West Virginia	18
Minnesota	18	Wisconsin	*
Mississippi	18	Wyoming	*
Missouri	18		

\*Age of minors is not specified for cigarette or tobacco use.

The penalties for violation of the laws relating to selling or furnishing tobacco products to minors vary from State to State. In 14 States, such offenses are punishable only by a fine. In the remaining jurisdictions, such offenses are punishable by fine, imprisonment, or both. The heaviest penalties are imposed by Kansas: anyone convicted of the offense of selling cigarettes to a person under 18 years of age in Kansas is subject to a fine of not more than \$1000 or imprisonment for not more than one year, or both.

In addition to prohibiting the sale or furnishing of cigarettes or other tobacco products to minors, 13 States prohibit the use or possession, or both, of such products by minors. Minors found guilty of using or possessing tobacco are punishable by a fine in Idaho, Illinois, Rhode Island, and West Virginia, and by a fine or imprisonment, or both in Kansas, Michigan, and Tennessee. Louisiana does not specifically prohibit the use of tobacco by minors, but does authorize public school principals to suspend any student who uses tobacco in school buildings, on school property, or in school buses. In the remaining six States, the use of tobacco by a minor is classified as either a misdemeanor or petty offense with no specific penalty described in the statute.

Neither Iowa nor Oklahoma make possession of cigarettes by a minor a punishable offense. However, any minor under 18 years of age who has cigarettes or cigarette papers in his possession and who refuses to give information at the request of any peace officer, juvenile court officer, truant officer, or teacher as to where the articles were obtained, is guilty of a misdemeanor. Florida does not make possession of cigarettes or cigarette materials by a minor a punishable offense. Nonetheless, minors who have or have had cigarettes in their possession may be summoned by sheriffs, deputies, and police officers and compelled to testify in court as to where and from whom they obtained such articles.

Minors charged with violation of the law prohibiting smoking or possession of cigarettes or other tobacco products in Nebraska and West Virginia may obtain immunity from prosecution or punishment upon disclosure of the identity of the person or firm from whom they obtained the cigarettes or tobacco products.

Twelve States require dealers, distributors, or vendors of cigarettes or other tobacco products to post notice at the point of sale that the sale to or purchase of such products by minors is prohibited by law. Idaho, Maine, and Utah go further by forbidding any person to maintain a tobacco vending machine accessible to minors. Violation of this restriction is a misdemeanor. Colorado has passed legislation to specifically include "smokeless tobacco" as a product prohibited for distribution to minors through vending machines. New Hampshire imposes a \$25 fine for the sale of tobacco products to minors through a vending machine.

Utah and Michigan also make liable any persons who permit minors to smoke on their property. In Utah, it is a misdemeanor for the proprietor of any place of business to knowingly permit minors to use tobacco on his or her premises. In Michigan, anyone who knowingly harbors or grants a minor the privilege of gathering on his or her property for the purpose of indulging in the use of cigarettes is subject to punishment by fine or imprisonment.



### Schools and School Health Education

Concern for the health and welfare of their residents has prompted 19 States to require elementary and secondary schools to include instruction on the dangers associated with tobacco use as part of their health education programs.

Alabama, Connecticut, and Oklahoma have directed their departments of education to establish and implement in-service training programs to educate teachers, school administrators, and other school personnel about the effects of nicotine or tobacco use. These programs also provide instruction on the methods and materials necessary for effective instruction in prevention of drug abuse.

All educational institutions in Minnesota that provide teacher training must offer programs in the personal use, misuse of, and dependency on tobacco. Students must take and pass the program. Connecticut law dictates that universities that train teachers must provide instruction on the effects of nicotine and tobacco use on health, character, citizenship, and personality development and the best methods for instructing students on these topics. Connecticut will not grant a certificate to teach or supervise in any public school to any person who has not passed an examination on the effects of nicotine and tobacco use.

California and Florida have no specific statutory provisions for mandatory instruction on the effects of tobacco use in elementary and secondary schools. Both States, however, require that upon adoption of instructional materials for use in the schools, school boards shall include only instructional materials that portray accurately the physical effects of tobacco use.

Florida's Cancer Control and Research Act provides that proven causes of cancer, including smoking, should be publicized and made the subject of educational programs for the prevention of cancer. These programs are to be made available to all citizens of the State.

In Arkansas, California, Connecticut, Iowa, Louisiana, Massachusetts, New Jersey, and Texas, legislatures have taken a hard line on the use of tobacco products by students in public schools. In Iowa, the school board may suspend or expel any student who violates the rule prohibiting the use of tobacco. In California and Louisiana, school principals are authorized to suspend any student who uses tobacco in school buildings, on school grounds, or in school buses. Violations by juveniles in New Jersey are within the jurisdiction of the municipal court.

Arkansas law prohibits smoking in public schools unless in a designated area and only then by nonstudents over the age of 18 years. Connecticut and Massachusetts prohibit smoking on school grounds during school hours. Students in Texas are prohibited from smoking at any school related or sanctioned activity on or off school property.

### Regulation of Advertising Practices

In addition to the above-noted restrictions on smoking and tobacco use, there are a number of statutory provisions that are unique to individual States. For example, Minnesota forbids persons running for public office from distributing cigarettes to voters. Utah prohibits cigarette advertising on billboards, streetcars, buses, or any other displays, but does permit cigarette dealers to post signs in front of their

businesses indicating that they are cigarette dealers. California prohibits any firm manufacturing smokeless tobacco in the State to underwrite or sponsor any professional or amateur sporting event in the State. Violation is a misdemeanor punishable by a fine of up to \$500.

Delaware and Utah passed legislation requiring containers of smokeless tobacco to carry warning labels. Illinois and West Virginia passed legislation requiring outdoor billboards advertising smokeless tobacco to carry health warnings of the product. North Carolina amended their promotion statutes as they pertain to flue-cured tobacco.

### Commerce

Several States impose restrictions on the manufacturing of tobacco products in the home. These laws ensure compliance with the labor standards and regulations adopted for the industry and protect the health and welfare of industrial homeworkers. To safeguard the health and morals of minors, seven States prohibit the employment of minors to manufacture, pack, or sell tobacco products.

Texas passed legislation to prohibit neighborhood convenience stores from selling cigarette papers without the additional purchase of loose tobacco.

In recognition of the serious health hazards posed by the smoking of clove cigarettes, four States including Maryland, Nevada, New Mexico, and Utah prohibit the sale of these cigarettes. Violation of these provisions constitutes a misdemeanor. Florida prohibits the sale, use, possession, gift, or other disposition of cigarettes or other products designed for smoking made in whole or in part from cloves, clove oil, or any derivative of those substances. (See Table 5.)

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TABLE 5.  
STATES PROHIBITING SALE OR USE OF  
CLOVE CIGARETTES

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Florida	New Mexico
Maryland	Utah
Nevada	

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Michigan and Massachusetts explicitly prohibit the sale of adulterated cigarettes. Massachusetts also makes it a crime to sell exploding cigars or cigarettes. While not criminally prohibiting the sale of adulterated cigarettes, New York provides litigants with a model civil complaint form to be filed against the seller of adulterated cigarettes.

The retail price of a package of 20 cigarettes (as of November 1, 1986), including Federal and State excise taxes and State sales taxes (but not municipal taxes), ranged from a low of 90.5 cents in Kentucky to a high of \$1.34 in Washington. (The Tobacco Institute, *The Tobacco Tax Burden: Historical Compilation*, 1986, vol. 21.)

Several jurisdictions regulate tobacco use by persons committed to State institutions. In Minnesota, it is illegal to furnish cigarettes to prison inmates without permission from the Commissioner of Corrections. West Virginia prohibits giving or selling tobacco products to State mental hospital patients and to girls committed to "industrial homes" without permission of

the superintendent. It is a misdemeanor in New Jersey to sell tobacco to reformatory inmates. Conversely, South Carolina donates confiscated cigarettes (where the dealer failed to pay taxes) to mental patients in State facilities.

#### Taxation

All States tax cigarettes, and all States, with the exception of West Virginia, require that persons obtain licenses before engaging in the business of distributing, retailing, wholesaling or manufacturing cigarettes, and other tobacco products. In most cases, the licensing provisions are mechanisms by which the States can police the collection of cigarette taxes.

North Carolina has the lowest tax rate per pack of cigarettes and Minnesota the highest, 2 cents and 38 cents, respectively. (See Figure 3.) Nineteen States raised their cigarette taxes between 1985 and 1987. Even with these increases at the State level and the temporary increase from 8 cents to 16 cents per pack imposed at the Federal level, taxes amounted to only 29.9 percent of the average retail price for all States in 1986. In 1965, the combined Federal and State taxes constituted 51.4 percent of the average retail price. (The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation*, 1986 pp. 64-96.) From 1954 to 1976, the combined Federal and State taxes accounted for more than 40 percent of the retail price of cigarettes. Since that time, the combined tax as a percentage of retail price has remained below 40 percent. The ratio was lowest in 1982 when the combined Federal and State taxes were only 26.8 percent of the average retail price of cigarettes (ibid. pp. 92). (See Table 6.)

Alaska, Idaho, Kentucky, Louisiana, Nebraska, and New Jersey channel a portion of their cigarette tax revenues into health-and cancer-related programs. Kentucky credits one-half cent of its per-pack tax revenues to the University of Kentucky Tobacco and Health Research Institute to finance tobacco research programs and projects on the health hazards created by tobacco use.

Although Louisiana has no laws or pending legislation to control smoking in public places (except prohibiting smoking in the arena of the Superdome), it does devote \$1 million annually from its cigarette tax revenues to the Cancer and Lung Trust Fund. The fund is used solely to finance cancer research, research on cardiopulmonary diseases, and clinical investigation and training in the field of cancer and cardiopulmonary diseases. New Jersey also deposits \$1 million of its annual cigarette tax revenues into the New Jersey State Commission on Cancer Research.

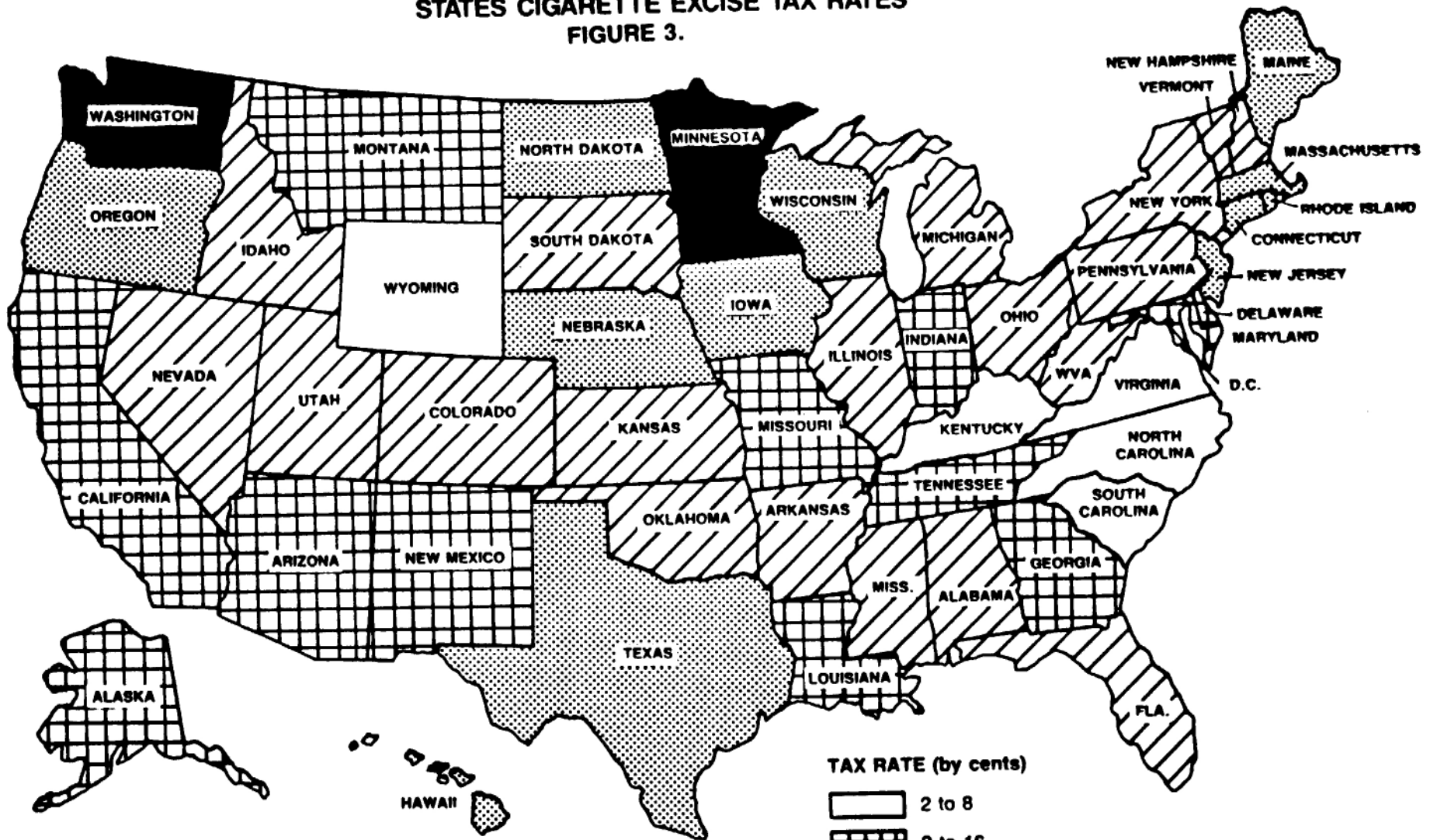
Nebraska sets aside 1 cent per pack of the special privilege tax assessed against distributors and wholesalers of cigarettes to fund the Nebraska Cancer Research Fund. Monies from the fund are earmarked exclusively for grants and contracts for research of cancer and smoking diseases. Eligibility to apply for and receive the grants and contracts is limited to the University of Nebraska and other post-secondary institutions having colleges of medicine in Nebraska.

Cigarette tax revenues are also appropriated to fund Idaho's Cancer Control Account. These funds are spent on contracting for and obtaining services that will promote cancer control for the citizens of Idaho through research, education, screening, and treatment. Finally, Alaska allocates tax revenues in

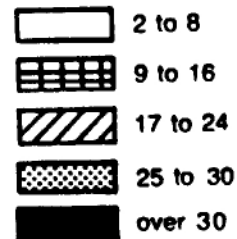
**TABLE 6.**  
**STATE CIGARETTE TAX RATE CHANGES**  
**FROM JULY 1, 1950**  
**THROUGH DECEMBER 1, 1987**

State	Year first enacted	Rate (in cents) July 1, 1950	Rate (in cents) December 31, 1987
Alabama	1927	3.0	16.5
Alaska	1949	3.0	16.0
Arizona	1933	2.0	15.0
Arkansas	1925	4.0	21.0
California	1959	0.0	10.0
Colorado	1964	0.0	20.0
Connecticut	1935	3.0	26.0
Delaware	1949	2.0	14.0
District of Columbia	1949	1.0	17.0
Florida	1943	5.0	24.0
Georgia	1923	5.0	12.0
Hawaii	1939	2.9	30.0
Idaho	1945	3.0	18.0
Illinois	1941	3.0	20.0
Indiana	1947	3.0	15.5
Iowa	1921	2.0	26.0
Kansas	1927	3.0	24.0
Kentucky	1936	2.0	3.0
Louisiana	1926	8.0	16.0
Maine	1941	4.0	28.0
Maryland	1958	0.0	13.0
Massachusetts	1939	5.0	26.0
Michigan	1947	3.0	21.0
Minnesota	1947	4.0	38.0
Mississippi	1930	4.0	18.0
Missouri	1955	0.0	13.0
Montana	1947	2.0	16.0
Nebraska	1947	3.0	27.0
Nevada	1947	3.0	20.0
New Hampshire	1939	2.5	17.0
New Jersey	1948	3.0	27.0
New Mexico	1943	4.0	15.0
New York	1939	3.0	21.0
North Carolina	1969	0.0	2.0
North Dakota	1925	5.0	27.0
Ohio	1931	2.0	18.0
Oklahoma	1933	5.0	23.0
Oregon	1966	0.0	27.0
Pennsylvania	1935	4.0	18.0
Rhode Island	1939	3.0	25.0
South Carolina	1923	5.0	7.0
South Dakota	1923	3.0	23.0
Tennessee	1925	3.0	13.0
Texas	1931	4.0	26.0
Utah	1923	2.0	23.0
Vermont	1937	4.0	17.0
Virginia	1960	0.0	2.5
Washington	1935	4.0	31.0
West Virginia	1947	1.0	17.0
Wisconsin	1939	3.0	30.0
Wyoming	1951	0.0	8.0

**STATES CIGARETTE EXCISE TAX RATES**  
**FIGURE 3.**



**TAX RATE (by cents)**



the amount of 5.5 mills per cigarette to fund health care, health research, and health promotion and education programs.

#### **Health and Safety Regulations**

In an effort to protect the public from negligent activity that could result in fires, explosions, or the contamination of food, several States have enacted legislation relating to smoking and the discarding of smoking materials under potentially unsafe and unsanitary conditions. The most common legislation of this nature prohibits the discarding of cigarettes or other smoking materials in or near forest areas. Sixteen States outlaw such activity. New Jersey, Oregon, and Virginia have compensatory provisions that make any person who negligently causes a forest fire liable for the costs of confining, extinguishing, or suppressing the fire. A smaller number of jurisdictions also seek to control behavior that may cause a fire on public or private property by prohibiting persons from discarding lighted cigarettes, cigars, matches, or other materials from moving vehicles.

Seventeen States outlaw smoking in the vicinity of flammable materials such as fireworks, explosives, and petroleum products. Restrictions on smoking in or near the surface structure of mines and upon taking smoking materials, such as matches, pipes, cigars, or cigarettes, into underground mines are imposed by 14 States. Colorado, Illinois, Kentucky, and New Mexico permit the person in charge of an underground mine to search anyone entering the mine to prevent

him or her from taking, carrying, or using any smoking materials therein.

Only nine States prohibit persons from indiscriminately disposing cigarettes or other smoking materials on public or private property. These laws are designed to control potential fire hazards and litter.

Five jurisdictions seek to protect the public's health and welfare by banning smoking in food storage or preparation areas. California outlaws smoking in ice storage areas, while Oklahoma prohibits tobacco use in rooms where dairy products are unpacked. Idaho, Indiana, and Virginia regulate smoking in food factories and processing, production, and storage areas.

California, Illinois, and Massachusetts have organized and selected special committees or commissions to study and report on the health findings and social effects pertaining to smoking and health programs and environmental pollutants. Ohio and Texas legislatures have stressed their support for a Smokefree Young America by the Year 2000.

The following is a list of the State laws pertaining to smoking and the use of tobacco and tobacco products according to category.

# STATE LEGISLATION

## Alabama

### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigarettes, cigarette tobacco or cigarette paper, or any substitute there of, to minors is prohibited. On conviction, violators are fined not less than \$10 or more than \$50, and may be imprisoned in county jail or sentenced to hard labor for not more than 30 days. Reference Date 1896. ALA. CODE Section 13A-12-3 (1975).
- A minor is defined as a person under 19 years of age. Reference Date 1975. ALA. CODE Section 26-1-1 (1977).

### Schools and School Health Education

- The Drug Abuse Education Act mandates the creation of a comprehensive drug abuse education program for students in grades one to twelve. Tobacco is expressly included. Nonpublic schools must also comply with this Act. The Act provides for the implementation of in-service education programs for teachers, administrators, and other personnel. Reference Date 1969. ALA. CODE Sections 16-41-1 to 16-41-10 (1975).

- The Comprehensive Health Education Act institutes a health education program, which expressly includes tobacco. Reference Date 1978. ALA. CODE Section 16-40-7 (Supp. 1984).

### Commerce

- Retailers and wholesalers of tobacco products must obtain a privilege license. Reference Date 1935. ALA. CODE Sections 40-12-72 and 40-12-73 (1977).

### Taxation

- The tax rate per pack is 16.5¢ and was last changed in 1984. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- A portion of the cigarette tax revenue is reallocated for the retirement of additional bonds of the State Industrial Development Authority. Reference Date 1904. ALA. CODE Section 40-25-23 (Supp. 1987).

## Alaska

### Limitations on Smoking In Public Places

- Smoking is declared a nuisance and a public health hazard. Smoking is prohibited in the following areas: public transportation; elevators; any place operated by the state, including an office, library, museum, theater, concert hall, convention hall, gymnasium, swimming pool, or other place of entertainment or recreation; public and private schools and pre-school or day care facilities; courtroom or jury rooms; places under control of the state while a public meeting is in progress; health care facilities and waiting rooms; food service establishments with seating capacity of at least 50 persons; grocery stores and places of employment where the employer posts a sign prohibiting smoking. Smoking is permitted in smoking sections designated by the person in charge of the indoor place or vehicle, cabs where the driver and all

passengers consent, and on stage as part of a theatrical production.

The person in charge of the indoor place or vehicle must display a "Smoking Prohibited by Law – Maximum Fine \$50" sign, which includes the international symbol for no smoking. Where a smoking section has been designated, signs must specify where smoking is allowed and prohibited.

A person who smokes in a prohibited area is subject to a civil fine between \$10 and \$50. A person who is required to and fails to post smoking and nonsmoking signs is subject to a civil fine between \$20 and \$300. Injunctive relief may also be obtained for repeated violations. Reference Date 1975. ALASKA STAT. Sections 18.35.300 to 18.35.360 (Supp. 1984).



### **Regulation of Sale to and Use of Tobacco Products by Minors**

- The sale or giving of cigarettes, cigars, or tobacco to one under 16 is prohibited and constitutes a "violation." Violations are punishable by fine or imprisonment or both. Reference Date 1978. ALASKA STAT. Section 11.76.100; ALASKA STAT. Sections 12.55.015, 12.55.035 (1983).

### **Schools and School Health Education**

- Effective October 1, 1985, the health promotion and education programs funded by the 5 mill excise tax on cigarettes are to include promoting the implementation of school health education programs for all grades to enhance wellness, good nutrition, and physical and mental fitness and to encourage the avoidance of unnecessary health risks, including smoking and the use of alcohol and other drugs. ALASKA STAT. Section 43.50.190 (1985).

### **Commerce**

- No person may sell, purchase, possess, or acquire cigarettes as a manufacturer, distributor, vending machine operator, or buyer without a license. ALASKA STAT. Section 43.50.010 (1983).

### **Taxation**

- The tax rate per pack is 16¢ and was last changed in 1985. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- Effective October 1, 1985, the excise tax of 5 mills on each cigarette imported or acquired in the state is to be used principally to fund health care, health research, and health promotion and education programs. Reference Date 1961. ALASKA STAT. Section 43.50.190(a) (Supp. 1987).

### **Health and Safety Regulations**

- Throwing a lighted cigarette or other burning material on forest land during fire season is a misdemeanor punishable by a \$25 to \$500 fine or by imprisonment of from 10 days to six months or both. Operators of sawmills and public conveyances must post copies of the statutory provisions. Conveyances operated on forest land must have suitable disposal receptacles for burning materials. Reference Date 1961. ALASKA STAT. Sections 41.15.070, 41.15.080, & 41.15.140 (1983).

## **Arizona**

### **Limitations on Smoking in Public Places**

- Smoking is recognized as a nuisance and a danger to public health, and is prohibited in elevators, public recreational facilities, buses, health care institutions, public waiting rooms in health professionals' offices, and in school buildings. Smoking is, however, permitted in designated areas. Violation of this section is a petty offense. Reference Date 1973. ARIZ. REV. STAT. ANN. Section 36-601.01 (Supp. 1984-1985).
- It is required for state buildings to post rules designating smoking and nonsmoking areas within buildings and to prohibit smoking in meeting rooms, classrooms, restrooms, waiting areas, and half the area of cafeterias and lounges. It also makes it illegal to smoke in buses, museums, stores, elevators, hospitals, libraries, courtrooms, and 50-seat restaurants. Reference Date 1986. ARIZ. REV. STAT. ANN. Section 36-601.02 (West Supp. 1987).

### **Regulation of Sale to and Use of Tobacco Products by Minors**

- The sale or furnishing of cigars, cigarettes or cigarette papers, and smoking or chewing tobacco to minors is prohibited. Minors are prohibited from possessing or

accepting cigars, cigarettes or cigarette papers, and smoking or chewing tobacco. Violation of this section constitutes a petty offense. Reference Date 1901. ARIZ. REV. STAT. ANN. Section 13-3622 (1978).

- A minor is defined as a person under 18 years of age. Reference Date 1972. ARIZ. REV. STAT. ANN. Section 8-201 (1974).

### **Schools and School Health Education**

- Schools are required to educate students about the harmful effects of tobacco use. Reference Date 1981. ARIZ. REV. STAT. ANN. Section 15-712 (1984).

### **Commerce**

- Every person selling tobacco, cigarettes, or cigars must obtain a license from the Department of Revenue. Reference Date 1973. ARIZ. REV. STAT. ANN. Section 42-1203 (1980).

### **Taxation**

- The tax rate per pack is 15¢ and was last changed in 1984. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

## Arkansas

### Limitations on Smoking in Public Places

- Smoking is prohibited in doctors' or dentists' waiting rooms, in hospital corridors, nurses' stations, in hospital rooms other than private patient rooms, in day care centers licensed by the Human Services Department, and on school buses. Smoking is permitted in designated smoking areas. This Act expressly excludes hotels, motels, and restaurants. Violation of this provision constitutes a misdemeanor punishable by a \$10 to \$100 fine. Reference Date 1977. ARK. STAT. ANN. Sections 82-3701 to 82-3703 (Supp. 1983); ARK. STAT. ANN. Section 83-925 (Supp. 1985).
- All state agencies are required to take into consideration both nonsmokers and smokers when establishing and implementing a smoking policy for the general office space of each state agency. Reference Date 1987. ARK. CODE OF 1987 ANN. Section 25-1-102 (Supp. 1987).
- Smoking is prohibited in day care centers licensed by the Division of Social Services, Human Services Department. Reference Date 1985. ARK. CODE OF 1987 ANN. Section 20-78-217 (1987).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Any adult, other than the parent or guardian, is prohibited from contributing to the delinquency of a minor by furnishing tobacco in any form or cigarette papers to anyone under 18 years of age. Violation of this prohibition is a class A misdemeanor. Reference Dates 1975 and 1929. ARK. STAT. ANN. Sections 41-2406 & 41-2465 (1977).

### Schools and School Health Education

- Smoking in public schools is prohibited unless in a designated smoking area provided for non-students over the age of 18 years. Violation is a misdemeanor punishable by a fine of \$10 to \$100. Reference Date 1987. ARK. CODE OF 1987 ANN. Section 6-21-609 (Supp. 1987).

### Commerce

- The Health Department is provided with more regulatory control over quality of tobacco products; penalties for possession of untaxed tobacco products are increased. Reference Date 1977. ARK. CODE OF 1987 ANN. Sections 26-57-202, 26-57-207, 26-57-216, 26-17-218, 26-57-248 & 26-57-254 (1987).

### Taxation

- The tax rate per pack is 21¢ and was last changed in 1983. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The enactment of the Tobacco Products Tax Act recognizes that "the smoking of cigarettes is detrimental to the health of the smoker." The legislative intent and purpose of the Act is "to provide for the close supervision and control of the licensing of persons to sell cigarettes in order to assure that cigarettes are fresh and not contaminated...." Reference Date 1977. ARK. STAT. ANN. Sections 26-57-202, 26-57-216, 26-57-218 & 26-57-254.
- Smokeless tobacco, snuff, and smoking tobacco are defined as tobacco products and are taxable under 16 percent of the Arkansas Tobacco Products Tax. Reference Date 1983. ARK. CODE OF 1987 ANN. Sections 26-57-203 & 26-57-208 (Supp. 1987).
- Every person under the Arkansas Tobacco Products Tax Act is required to pay the excise tax on tobacco products and every wholesaler selling cigarette papers shall pay an excise tax of 25¢ per package of 32 sheets. Reference Date 1983. ARK. CODE OF 1987 ANN. Section 26-57-801 (Supp. 1987).
- In cities separated by the state line, the cigarette tax rate imposed is the same as the adjoining city across the Arkansas state line. Reference Date 1983. ARK. CODE OF 1987 ANN. Section 26-57-208 (1987).

## California

### Limitations on Smoking in Public Places

- A nonsmoking area of not less than 50 percent of passenger seats is required on trains, airplanes, and street railroad cars departing from the state. Signs must be posted designating nonsmoking areas. A violation of this section, however, is not a crime. Reference Date 1971. CAL. PUB. UTIL. CODE Section 561 (West Supp. 1985).

- Bus drivers are prohibited from smoking on buses in which "young people" ride. Reference Date 1982. CAL. VEH. CODE Section 12523 (West Supp. 1985).
- School district officials are required to designate smoking areas for teachers and other school employees who are prohibited from smoking on school grounds, except in these designated areas. Effective until January 1, 1989.

Reference Date 1982. CAL. EDUC. CODE Sections 35176.5 & 35176.6 (West Supp. 1985).

- Each state department must adopt a policy recognizing the right of nonsmokers to a "smoke-free environment" in formal and informal meetings and in work stations. Reference Date 1982. CAL. GOV'T. CODE Section 19262 (West Supp. 1985).
- Smoking is prohibited in patient care areas and waiting rooms of clinics, except in designated smoking areas. Smoking is prohibited in patient rooms unless all persons assigned to the room consent. Signs designating smoking and nonsmoking areas must be posted except in patient rooms. Smoking in prohibited areas is an infraction punishable by a fine up to \$100. Skilled nursing and intermediate care facilities are excluded. Reference Date 1980. CAL. HEALTH & SAFETY CODE Sections 1234, 1235(b), 1286 & 1290 (West Supp. 1985).
- Smoking is prohibited on public transportation and is punishable by fines up to \$50 or 20 hours of community service. Reference Date 1981. CAL. PENAL CODE Section 640 (West Supp. 1985).
- The California Indoor Clean Air Act provides that nonsmokers are entitled to a smoke-free area in public buildings during public meetings. Smoking is prohibited during performances in publicly owned buildings, except in the lobby. No such prohibition applies to indoor sporting events. Nonsmoking areas must be provided in restaurants where capacity is 50 or more if the restaurant is in a publicly owned building. The legislative intent is not to preempt local regulation of smoking. In fact, the statute states that "a local governing body may ban completely the smoking of tobacco." Smoking is prohibited in retail food production and marketing establishments, except in designated areas. Reference Date 1976. CAL. HEALTH & SAFETY CODE Sections 25940 to 25947 (West 1984).
- The regulation of smoking in public places is necessary to protect the health, safety, welfare, comfort, and environment of nonsmokers; therefore, smoking of tobacco or any plant product in any vehicle of the public transit system is a misdemeanor. Reference Date 1987. CAL. HEALTH & SAFETY CODE Sections 25948 to 25949.8 (West Supp. 1988).
- A city or county is permitted to enforce its ordinance regulating the smoking of tobacco in a private residence that is licensed as a child day care facility during hours of operation with respect to those areas of the facility where children are present. Reference Date 1986. CAL. HEALTH & SAFETY CODE Section 1596.795 (West Supp. 1988).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing tobacco, cigarettes, cigarette papers, or any other preparation of tobacco, or any other smoking instrument or paraphernalia to one under 18 years of age is prohibited. Violation of this prohibition constitutes a misdemeanor. Tobacco dealers and sellers must post a copy of this Act. Failure to post a copy of the Act is punishable

by a \$10 fine for the first violation, and \$50 or up to 30 days in jail for subsequent violations. Reference Date 1991. CAL. PENAL CODE Section 308 (West Supp. 1985).

#### **Schools and School Health Education**

- This section authorizes the selection of instructional materials on the effects of smoking, along with other environmental and health topics. When adapting instructional materials for use in the schools, governing boards shall include only instructional materials that accurately portray the effects on the human system of the use of tobacco. Reference Date 1976. CAL. EDUC. CODE Section 308 (West Supp. 1985).
- A community college student may be suspended for persistently smoking in prohibited areas. Reference Date 1983. CAL. EDUC. CODE Sections 76030 to 76034 (West Supp. 1985).
- A pupil may be suspended or recommended for expulsion if the superintendent or principal of the school determines that the pupil has, among others, possessed or used tobacco. This law also repeals the authority of the governing board of any school district maintaining a high school to adopt rules and regulations permitting the smoking and possession of tobacco on the campus of a high school or while under the authority of the school principal. Reference Date 1983. CAL. EDUC. CODE Section 48901 (West Supp. 1988).

#### **Regulation of Advertising Practices**

- Any person, firm, or corporation engaged in the manufacture or sale of smokeless tobacco products within the state that sponsors or underwrites any professional or amateur sporting event is guilty of a misdemeanor punishable by a fine of \$500. Reference Date 1986. CAL. BUS. & PROF. CODE Section 17537.3 (West Supp. 1987).

#### **Commerce**

- Tobacco may not be manufactured at home. Reference Date 1939. CAL. LAB. CODE Section 2651 (West Supp. 1985).
- A cigarette distributor must obtain a state license for each place of business at which he or she engages in the business of distributing cigarettes. CAL. REV. & T. CODE Section 30140 (West 1979).
- Not more than two percent of the discounts granted to distributors of cigarettes by manufacturers of cigarettes for cash payments may be used to reduce costs. Reference Date 1985. CAL. BUS. & PROF. CODE Section 17026.5 (West Supp. 1987).

#### **Taxation**

- The tax rate per pack is 10¢ and was last changed in 1967. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol 21. p. 9.

- Sales of cigarettes by the original importer to the licensed distributor are exempt from the taxes imposed by the Cigarette Tax Law if they are manufactured outside the United States. Reference Date 1959. CAL. REV. & T. CODE Section 30105 (West Supp. 1988).

### Health and Safety Regulations

- Smoking is prohibited in or around a vehicle carrying explosives. Violation is punishable as a misdemeanor by a fine up to \$1,000, six months imprisonment, or both. Reference Date 1959. CAL. VEH. CODE Sections 31614 & 31618 (West Supp. 1985).
- Smoking is prohibited within a hazardous fire area. Smoking is prohibited in national forests, except at times and places designated by U.S. Secretary of Agriculture regulations. Reference Date 1965. CAL. PUB. RES. CODE Sections 4255 & 4331 (West 1984).
- Smoking is prohibited in ice-storage rooms as a sanitation requirement. A violation is punishable by a fine between \$50 and \$1,000, six months imprisonment, or both. Reference Date 1953. CAL. HEALTH & SAFETY CODE Sections 4004 & 4009 (West 1979 & Supp. 1985).
- One who carelessly or negligently throws or places a lighted cigarette on something that may cause a fire is guilty of a misdemeanor. Reference Date 1939. CAL. HEALTH & SAFETY CODE Sections 13001 (West 1984).
- Discarding a lighted or nonlighted cigarette upon any highway, sidewalk, or upon any public or private property is prohibited. Violation is punishable by a mandatory fine of \$20 to \$40 for the first conviction, \$50 to \$1,000 for the

second conviction, and \$100 to \$1,000 for subsequent convictions. A second conviction may result in requiring the offender to pick up litter for not less than four hours; the third conviction authorizes not less than eight hours of such work. Reference Date 1939. CAL. HEALTH & SAFETY CODE Section 13002 (West 1984).

- Restaurant employees are prohibited from smoking where food is prepared or utensils are cleaned or stored. Employers must post "No Smoking" signs in working areas. No penalty is provided under this section. Reference Date 1961. CAL. HEALTH & SAFETY CODE Section 27605 (West Supp. 1985).
- A proclamation pursuant to Section 4423.1 shall not be issued preventing smoking on public or private land, unless smoking is specifically banned by proclamation or county ordinance. Smoking is permitted within areas where all flammable vegetation has been cleared to mineral soil, in established public campgrounds, and in motor vehicles. Reference Date 1976. CAL. PUB. RES. CODE Section 4423.4 (West 1984).
- People in vehicles and pedestrians are prohibited from throwing lighted or unlighted tobacco products onto roads and adjoining areas. Reference Date 1959. CAL. VEH. CODE Section 23111 (West 1971).
- The State Department of Health Services is requested to appoint a scientific advisory board to conduct a scientific study of the causal relationship of lung injuries, fatal and otherwise, and health problems associated with the smoking of clove cigarettes. Uncodified. Reference Date 1987.

## Colorado

### Limitations on Smoking in Public Places

- Smoking is declared to be a "matter of public concern," and is prohibited in the following public places: elevators, hospitals, public buildings, recreational facilities, public transportation vehicles, and schools, except in designated smoking areas. While restaurants, taverns, and commercial establishments are not covered by the statute, the legislature expressly encourages owners of such establishments to designate nonsmoking areas. Those in charge of public places must post notices designating smoking and nonsmoking areas. Private businesses are urged to designate nonsmoking work areas. Statutory provisions may also be adopted as local regulations. Reference Date 1977. COLO. REV. STAT. Sections 25-14-101 to 25-14-105 (1982).

shall be fined \$25. In addition, any person who sells or offers to sell any smokeless tobacco products by use of a vending machine shall be punished by a fine. Reference Date 1987. COLO. REV. STAT. Section 18-13-121 (Supp. 1988).

### Commerce

- It is unlawful for any wholesaler to sell or offer cigarettes for sale without first obtaining a license. Reference Date 1964. COLO. REV. STAT. Section 39-28-102 (1974).

### Taxation

- The tax rate per pack is 20¢ and was last changed in 1986. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The time at which the cigarette tax is payable and the penalties imposed for late payment are clarified. Reference Date 1964. COLO. REV. STAT. Section 39-28-105 (Supp. 1988).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Any person who knowingly furnishes any cigarettes or tobacco products to any person under the age of 18 years

- Penalties are imposed for failure to file cigarette and tobacco products tax returns when they are due. Reference Date 1986. COLO. REV. STAT. Sections 39-28-108, 39-28.5-106 & 39-28.5-110 (Supp. 1987).

### Health and Safety Regulations

- Taking cigarettes into a mine is prohibited. Mine operators may search miners if they believe cigarettes are being

taken into the mine. Violation of these provisions is a misdemeanor. COLO. REV. STAT. Sections 34-29-103 & 34-29-104 (1984).

## Connecticut

### Limitations on Smoking in Public Places

- Smoking is prohibited in government-controlled buildings, while a governmental meeting or public school or college class is in session, public reception or waiting rooms and health care facilities, except in posted smoking areas. Notice is to be posted at institution entrances. Patients may request no-smoking rooms. Except in designated areas, smoking is also prohibited in restaurants with seating capacity for more than 75, except where private social functions are being held, and in passenger elevators where no-smoking notices are posted. Smoking is prohibited in any area of a retail food store open to the general public.
- Violation of these provisions constitutes an infraction. Restaurants in violation shall have three demerit point items deducted from their rating score under the commissioner of health services regulations. Reference Date 1974. CONN. GEN. STAT. ANN. Section 1-21b (West Supp. 1988).
- Smoking is prohibited in buses, railroad cars, and school buses, unless a special compartment of such vehicle is designated as a smoking area. The maximum fine for violation of this section is \$25. This is an infraction that eliminates the necessity of court appearance. Reference Date 1949. CONN. GEN. STAT. ANN. Section 53-198 (1985).
- Employers of more than 50 people must establish and post written rules regarding smoking in the place of business. Such rules must designate smoking and nonsmoking areas. Reference Date 1987. CONN. GEN. STAT. ANN. Section 31-40q (West Supp. 1988).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing tobacco in any form to a person under 16 years of age is prohibited. Violation of this provision is punishable by a fine up to \$25 for the first offense, and from \$25 to \$100 for subsequent offenses. Reference Date 1902. CONN. GEN. STAT. ANN. Section 53-344 (West 1958).

### Schools and School Health Education

- The effects of cigarette smoking are to be taught to public school students. Teacher training institutions must provide instruction to teachers about the best methods to educate students concerning the health effects of cigarettes. The State Board of Education and the Board of Governors, in consultation with the Commissioner of Mental Health and the State Alcohol and Drug Abuse Commission, must develop health education programs for elementary and secondary schools and for the training of teachers, administrators, and guidance personnel with reference to the effects of nicotine or tobacco. Reference Date 1977. CONN. GEN. STAT. ANN. Section 10-19 (West Supp. 1985).
- Prospective teachers must pass an examination on the effects of cigarette smoking before being issued a certificate to teach in the public schools. Reference Date 1977. CONN. GEN. STAT. ANN. Section 10-145a (West Supp. 1985).

### Commerce

- Every person engaging in the business of selling cigarettes in the State of Connecticut as a dealer must secure a license from the Commissioner of Revenue Services. Reference Date 1949. CONN. GEN. STAT. ANN. Section 12-287 (1983).
- The Commissioner of Revenue Services may refuse or revoke a license under certain conditions for distributors under the motor fuels tax, cigarette tax, and alcoholic beverages tax. Reference Date 1984. CONN. GEN. STAT. ANN. Sections 12-286, 12-436 & 12-456 (West Supp. 1988).

### Taxation

- The tax rate per pack is 26¢ and was last changed in 1983. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

## Delaware

### Limitations on Smoking in Public Places

- Smoking on public trolleys and buses is punishable by a fine between \$5 and \$25. Reference Date 1960. DEL. CODE ANN. Title 11, Section 1326 (1979).

### Regulation of Sale to and Use of Tobacco Products by Minors

- The Family Court has exclusive original criminal jurisdiction over matters that include the furnishing of tobacco to a child. Furnishing tobacco in any form to one under 17 years of age, except when furnished by the minor's parent or guardian, is prohibited. Reference Date 1953. DEL. CODE ANN. Title 10, Section 922(14) (1974) and Title 11, Section 1106 (1979).

### Regulation of Advertising Practices

- Smokeless tobacco products shall not be sold without a product warning label as required by Federal law. Reference Date 1953. DEL. CODE ANN. Title 30, Sections 5301 & 5321 (Supp. 1986).

### Commerce

- No person shall engage in or conduct the business of manufacturing, purchasing, selling, consigning, or distributing tobacco products in the State of Delaware without having first obtained a license. Reference Date 1953. DEL. CODE ANN. Title 30, Section 5307 (1974).

### Taxation

- The tax rate per pack is 14¢ and was last changed in 1971. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- A tax is imposed on the sale or use of tobacco products other than cigarettes, including smokeless tobacco and cigars at a rate of 15 percent of the wholesale price. Reference Date 1953. DEL. CODE ANN. Title 30, Section 5305 (Supp. 1987).
- The definition of "wholesale price" is clarified to aid in the enforcement of the tobacco products tax. Reference Date 1953. DEL. CODE ANN. Title 30, Sections 5301 & 5305 (Supp. 1986).

## District of Columbia

### Limitations on Smoking in Public Places

- Inhaling tobacco smoke is declared to be a health hazard, and smoking is prohibited in elevators, selling areas of retail stores (except tobacco shops), public assembly, and hearing rooms owned by the government, schools, public transportation, and health care facilities. "No-smoking" signs are required to be posted. Violations of no-smoking provisions are punishable by a \$10 to \$50 fine for the first offense, and \$50 to \$100 for subsequent offenses. Failure to post signs or mutilation of signs is punishable by a \$300 fine. On-site inspection and injunctive relief are also available enforcement options. Reference Date 1979. D.C. CODE ANN. Sections 6-911 to 6-917 (1981).
- Smoking is prohibited on public passenger vehicles seating 12 or more. Carriers may refuse to transport violators. Violation is also punishable by a fine of \$10 to \$50 for the first offense, and by a fine of \$50 to \$100, up to 10 days imprisonment for subsequent violations, or both. Reference Date 1975. D.C. CODE ANN. Sections 44-223 (b)(1), 44-225 & 44-226 (1981 & Supp. 1985).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigars, cigarettes, or tobacco in any form to a person under 16 years of age is prohibited. Violators are fined between \$2 and \$10, or imprisoned for between 5 and 20 days. Reference Date 1891. D.C. CODE ANN. Section 22-1120 (1981).

### Commerce

- No person shall manufacture for sale, keep for sale, sell or offer to sell cigarettes, or display cigarettes for sale in vending machines without first having obtained a license. Reference Date 1949. D.C. CODE ANN. Section 47-2403 (1981).

### Taxation

- The tax rate per pack is 17¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.

## Florida

### Limitations on Smoking in Public Places

- Florida's Clean Indoor Air Act prohibits smoking in public places or at public meetings except in designated smoking areas. This prohibition does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the room or hall.

Public place means the following indoor areas used by the general public: government buildings; restaurants that seat more than 50 persons, except restaurants that designate smoking areas according to customer demand; retail stores, except a retail store where the primary business is the sale of tobacco products; public means of mass transportation and their associated terminals; elevators; hospitals; nursing homes; educational facilities; libraries; courtrooms; jury waiting and deliberation rooms; grocery stores; public school buses; museums; theaters; auditoriums; arenas; recreational facilities; and places of employment.

Public meeting means all meetings open to the public including meetings of homeowner, condominium or renter or tenant associations unless such meetings are held in a private residence. Reference Date 1986. FLA. STAT. ANN. Section 386.201 (Supp. 1986).

- Possession of lighted tobacco products on an elevator is prohibited, and constitutes a second degree misdemeanor. Reference Date 1983. FLA. STAT. ANN. Section 823.12 (West Supp. 1985).
- Elevator certificates of operation must contain a prescribed no-smoking provision. Reference Date 1974. FLA. STAT. ANN. Section 399.07(d)(3) (West Supp. 1985).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigarettes, cigarette wrappers, or any other tobacco product to minors or compelling them to smoke is prohibited. Violation is punishable as a second degree misdemeanor. Law enforcement officials may compel a minor to testify as to where he or she obtained cigarettes. Reference Date 1985. FLA. STAT. ANN. Sections 859.06 & 859.07 (Supp. 1986).
- One who furnishes cigarettes to a minor is subject to a fine up to \$500 or imprisonment up to 60 days or both. Reference Date 1971. FLA. STAT. ANN. Sections 775.082(4)(b) & 775.083(1)(e) (West 1976 & Supp. 1985).
- A minor is defined as a person under 18 years of age. Reference Date 1973. FLA. STAT. ANN. Section 743.07 (West Supp. 1985).

### Schools and School Health Education

- The State Instructional Materials Council's duties include evaluation and recommendation of materials for schools about the effects of smoking. When recommending instructional materials for use in the schools, each council shall include only instructional materials that accurately portray the effects of the use of tobacco on the human system. To be repealed October 1, 1991. Reference Date 1981. FLA. STAT. ANN. Section 233.09(4)(b) (West Supp. 1985).
- This section authorizes cancer research, recognizes that smoking is a cause of cancer and encourages programs to educate people on the prevention of cancer. Reference Date 1979. FLA. STAT. ANN. Section 381.371(2)(c) (West Supp. 1985).

### Commerce

- No person shall engage in the business of selling or dealing in tobacco products as a distributor in any place of business in Florida without first having received a license to engage in such business. FLA. STAT. ANN. Section 210.35 (West FLA. Session Law Service, Ch. 85-141, 1985).
- No person shall sell, use, possess, give away, or otherwise dispose of cigarettes, made in whole or in part from, or containing cloves, clove oil, eugenol, or any derivative thereof. FLA. STAT. ANN. Section 859.09 (West FLA. Session Law Service, Ch. 85-151, 1985).
- The uniform standards for sales, pricing, advertising of, and calculation of cost of cigarettes are defined and penalties for violations are prescribed. Uncodified. West FLA. Session Law Service, Ch. 87-353 (1987).
- An advisory council shall advise the department on the condition of the tobacco crop. The composition and method of appointment of members of the advisory council are defined; exemptions to tobacco producers and handlers are listed. Reference Date 1970. FLA. STAT. ANN. Sections 573.858 to 573.878 (Supp. 1988).

### Taxation

- The tax rate per pack is 24¢ and was last changed in 1986. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The rate of tax imposed on cigarettes is increased in an amount equal to the scheduled reduction in the rate of the Federal cigarette tax. Reference Date 1982. FLA. STAT. ANN. Sections 210.02, 210.11 & 210.20 (Supp. 1986).
- Taxes are imposed on certain tobacco products; license fees and surety bonds are defined. Reference Date 1985. FLA. STAT. ANN. Sections 210.25 to 210.75 (Supp. 1986).



- The cigarette tax rate is revised to eliminate a credit against the tax. It deletes authorization for credit for taxes paid on cigarettes shipped to another state or that are unsalable or have been destroyed. It also revises the distribution of tax proceeds. Reference Date 1982. FLA. STAT. ANN. Sections 210.02, 210.05, 210.20 & 210.55 (Supp. 1986).

#### Health and Safety Regulations

- Discarding cigarettes (defined as litter) is prohibited on public roadways, in state waters or on private property without the consent of the owner. Violation constitutes a

second degree misdemeanor, and the court may impose additional penalties of picking up litter or other commensurate labor. Reference Date 1975. FLA. STAT. ANN. Section 403.413 (West Supp. 1985).

- Discarding lighted smoking materials from a vehicle is prohibited. Willful violation is a third degree felony, and careless violation is a second degree misdemeanor. Penalties may be imposed against both individuals and businesses. Reference Dates 1935 and 1972. FLA. STAT. ANN. Sections 590.10 & 590.14 (West 1962 & Supp. 1985).

## Georgia

#### Limitations on Smoking in Public Places

- As part of the criminal code, smoking is prohibited in public elevators, public transportation, and any other public area designated by a no-smoking sign. This section is punishable by a fine between \$10 and \$100. Reference Date 1975. GA. CODE ANN. Section 26-9910 (1983).

#### Regulation of Sale to and Use of Tobacco Products by Minors

- The sale or furnishing of cigarettes or tobacco-related objects to any minor under the age of 17 years is prohibited. The purchase or procurement of such for any minor is also prohibited. Reference Date 1987. GA. CODE ANN. Sections 16-12-170 to 16-12-173 (Supp. 1987).

#### Schools and School Health Education

- A prescribed health education course of study in the schools may include cigarette abuse instruction. The State Superintendent of Schools is responsible for the preparation or approval of a manual detailing the course of study. Reference Date 1971. GA. CODE ANN. Section 32-1901 (Supp. 1984).

#### Commerce

- No person shall engage in the business of manufacturing, purchasing, selling, consigning, vending, dealing in, or distributing cigars or cigarettes without a license. Reference Date 1955. GA. CODE ANN. Section 48-11-2 (Supp. 1987).
- The U.S. Congress is urged to enact legislation that permits tobacco growers to purchase poundage allotments from flue-cured owners in their tobacco belt. Uncodified. Reference Date 1987.

#### Taxation

- The tax rate per pack is 12¢ and was last changed in 1971. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The rate of taxation on cigars is changed from 15 to 13 percent of the wholesale price. Reference Date 1955. GA. CODE ANN. Section 48-11-2 (Supp. 1987).

#### Health and Safety Regulations

- It is unlawful to start a fire by discarding a lighted cigarette. Violation is punishable as a misdemeanor. Reference Date 1971. GA. CODE ANN. Sections 26-9926a & 26-9927a (1983).

## Hawaii

#### Limitations on Smoking in Public Places

- Smoking is prohibited in state operated enclosed meeting rooms, elevators, enclosed arenas, and enclosed community centers. Maximum penalty is \$100. Other enforcement provision includes ejection from the no-smoking area of anyone issued a citation or summons who con-

tinues to smoke. Reference Date 1976. HAWAII REV. STAT. Sections 321-201 to 321-206 (1976 & Supp. 1984).

- Smoking is prohibited in certain public places, including, but not limited to, certain areas of public and private health care facilities, restaurants, theaters, museums, libraries,

galleries, state- or county-owned buildings, and other areas open to the public. Reference Date 1987. HAWAII REV. STAT. Sections 328K-6 & 328K-125 (Supp. 1987).

- Each employer who operates an office or offices in the state is required to adopt, implement, and maintain a written smoking policy in the workplace. Reference Date 1987. HAWAII REV. STAT. Sections 328K-11 to 328K-16 (Supp. 1987).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing tobacco in any shape or form to a person under 15 years of age is prohibited and is punishable by a fine up to \$100. Tobacco dealers forfeit their license after a second offense. Reference Date 1890. HAWAII REV. STAT. Sections 445-212 & 445-213 (1976).

- The age at which a person may purchase tobacco products is increased from 15 years to 18 years of age. Reference Date 1890. HAWAII REV. STAT. Sections 445-212, 445-212.5 & 445-213 (Supp. 1987).

#### **Commerce**

- It is unlawful for any wholesaler or dealer to sell or use tobacco products in Hawaii without having first received a license issued by the Department of Taxation. Reference Date 1939. HAWAII REV. STAT. Section 245-2 (1976).

#### **Taxation**

- The tax rate per pack is 30¢ as the rate is 40 percent of the wholesale price. This was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.

## **Idaho**

#### **Limitations on Smoking in Public Places**

- Smoking is prohibited in public places and at public meetings except in designated smoking areas. Public place is defined as any enclosed indoor area used by the public including, but not limited to, restaurants with a seating capacity of 30 or more, retail stores, grocery stores, and stores that sell food primarily for off-site consumption, public conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas, and meeting rooms. Smoking is also prohibited in elevators. Violation is punishable by a fine not to exceed \$50. Reference Date 1985. IDAHO CODE Sections 39-5501 to 39-5509 (1985).
- Smoking is prohibited in public buildings controlled by governmental agencies while public meetings are in progress, except in designated smoking areas. Violation is punishable by a fine between \$5 and \$10. No-smoking signs are to be displayed. Reference Date 1975. IDAHO CODE Sections 18-5904 to 18-5906 (Supp. 1985).
- Smoking is not allowed in restaurants, except in restrooms or by members of the public in the dining rooms. Notices forbidding tobacco use, except as provided, are to be posted. Violation is punishable by a fine between \$10 and \$100, six months imprisonment, or both. Reference Date 1925. IDAHO CODE Sections 39-1612 & 39-1613 (1977).
- Smoking of tobacco or other products in or upon any bus, except a charter, is prohibited and punishable by a fine. Reference Date 1987. IDAHO CODE Section 39-5510 (Supp. 1987).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- A person under 18 years of age who possesses cigars, cigarettes, or tobacco in any form, or cigarette papers, or a person who furnished cigars, cigarettes, or tobacco in any form, or cigarette papers to anyone under 18 years, is guilty of a misdemeanor. The person furnishing tobacco is fined from \$50 to \$100 for the first offense, and \$300 or up to six months in jail for the second offense. Reference Date 1981. IDAHO CODE Section 18-1502A (Supp. 1985).
- Making tobacco vending machines accessible to minors under 18 years, or otherwise making tobacco available to minors is punishable as a misdemeanor. Also, any person violating this provision is deemed guilty of keeping and maintaining a nuisance; abatement and injunctive relief may be obtained. Reference Date 1972. IDAHO CODE Sections 18-1503 & 18-1504 (1977).

#### **Schools and School Health Education**

- Public school education should include instruction on the effects of smoking. The State Board of Education is responsible for preparation of study guides and materials. Reference Date 1963. IDAHO CODE Section 33-1605 (1981).

#### **Commerce**

- Retailers, wholesalers, and vending machine operators who purchase, sell, offer for sale, distribute, or store cigarettes must receive a license or permit from the state tax commission. Reference Date 1974. IDAHO CODE Sections 63-2501 to 63-2503 (Supp. 1987).

## Taxation

- The tax rate per pack is 18¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.
- The rate of the cigarette tax is increased by 89/200 of 1¢ for each cigarette. The distribution of the cigarette tax revenues is provided. Reference Date 1974. IDAHO CODE Sections 63-2506, 63-2520 & 63-2522 (Supp. 1987).
- Part of the revenue collected by the cigarette tax goes to a Cancer Control Account created by Section 57-1702. Reference Date 1974. IDAHO CODE Section 63-2520(b)(4) (Supp. 1985).
- The Cancer Control Account is to promote cancer control through research, screening, and treatment. Reference Date 1979. IDAHO CODE Section 57.1702 (Supp. 1985).

## Health and Safety Regulations

- Smoking is prohibited in food products factories. Violation is punishable by fines between \$25 and \$500, six months imprisonment, or both. Reference Date 1921. IDAHO CODE Sections 37-2006 & 37-2008 (1977).
- Discarding lighted cigarettes from a vehicle or in an area where a fire may be caused is prohibited. Violation is a misdemeanor. Reference Date 1972. IDAHO CODE Section 18-7005 (1977).
- Discarding lighted tobacco in a forest or range land during the closed season is prohibited. Violation is a petty misdemeanor. Reference Date 1972. IDAHO CODE Section 38-117 (1977).

## Illinois

### Regulation of Sale to and Use of Tobacco Products by Minors

- The purpose of the Tobacco Accessories and Smoking Herbs Control Act is to control sale and possession of tobacco and illegal drugs because of their potential health hazard. Furnishing a person under 18 years of age with "tobacco accessories" or "smoking herbs" is prohibited. A warning to minors must be posted where tobacco accessories and smoking herbs are sold. Violation is a class C misdemeanor. Minor's use of a false identification to obtain prohibited items is also a violation. Reference Date 1982. ILL. REV. STAT. Ch. 23, Paragraphs 2358-1 to 2358-5 (1983).
- Persons under 18 years of age are prohibited from buying cigars, cigarettes, or tobacco in any form unless upon the written order of the minor's parent or guardian. Furnishing cigars, cigarettes, or tobacco in any form to one under 18 years is prohibited unless upon the written order of the minor's parent or guardian or unless sold in the presence of such parent or guardian. One who violates this section is subject to a fine up to \$50 for the first offense and up to \$100 for subsequent offenses. Reference Date 1887. ILL. REV. STAT. Ch. 23, Paragraphs 2357 & 2358 (West Supp. 1987).
- The Smokeless Tobacco Limitation Act prohibits the distribution of sample cigarettes or smokeless tobacco to persons under the age of 18 years. Reference Date 1887. ILL. REV. STAT. Ch. 23, Paragraphs 2358-1 to 2358-5 (West Supp. 1987).

### Schools and School Health Education

- The health education program in schools is to include instruction about tobacco use. Reference Date 1971. ILL. REV. STAT. Ch. 122, Paragraph 863 (1983).

### Regulation of Advertising Practices

- Outdoor billboard advertisements for smokeless tobacco are required to bear one of three health warning statements. Reference Date 1987. ILL. REV. STAT. Ch. 23, Paragraphs 2358-1 & 2358-2 (West Supp. 1987).

### Commerce

- Distributors of cigarettes in the State of Illinois must be licensed. ILL. REV. STAT. Ch. 120, Section 453.4 (1970).

### Taxation

- The tax rate per pack is 20¢ and was last changed in 1985. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p.9.

### Health and Safety Regulations

- Smoking is prohibited in gassy and underground mines, and in or near any magazine. Reference Date 1953. ILL. REV. STAT. Ch. 96-1/2, Paragraphs 1302, 2003, 2105, 2107, & 3115 (1983).
- Various organizations are requested to report on the findings and evaluations of the smoking programs within the State of Illinois. Uncodified. Reference Date 1987.