

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
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Mary Van Nimwegen

H. HESS 3-1-90

H. HESS 3-21-96

HB

416

HOUSE COMMITTEE REPORT

(7)
Date Referred: January 15, 1990

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 2/2/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 416

HOUSE BILL NO. 416

PROHIBITING MINOR'S POSSESSION OF TOBACCO

"An Act relating to purchase or possession of tobacco by a minor."

RECOMMENDATIONS:

- [] be replaced with _____ [] the same title
[] have attached amendment(s) [] a new title
[X] do pass
[] do not pass
[] no recommendation
[] individual recommendations
[] additional referral to the _____ Committee

ADOPTS: _____ letter of intent

ATTACHES NEW FISCAL NOTE(S):
(Dept)

APPROVES PREVIOUS: (Date/Dept)

- [] fiscal impact _____
[X] zero fiscal note DHSS
[] zero with analysis _____

- [] fiscal note(s) _____
[] zero fiscal note(s) _____
[] zero fn/analysis _____

SIGNING DO PASS:

J. Ellis
W. A. Gumbert
Cheri Daulton

SIGNING:

(Check appropriate column)

	Do Not Pass	No Rec	Amend
<u>Mary Boyer</u>		X	
<u>Peter Jacob</u>		X	

J. Ellis
Chairman's Signature

FISCAL NOTE

REQUEST:

Revision Date: _____
Title Purchase or Possession of Tobacco
by a Minor
Sponsor: Rep. Davis
Requestor: _____

Agency Affected: H&SS
BRU: DFYS
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact for FY 90.

Prepared by: *R Webb* Russell Webb
Division: Family & Youth Services
Approved by Commissioner: *Myra M. Munson* Myra M. Munson, Commissioner
Agency: Department of Health and Social Services

Phone: 465-3170
Date: 1/31/90
Date: 2/1/90

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A&A Alcoholism Addiction

DECEMBER
1988

Serving Prevention, Treatment, and Recovery Professionals.

Controversy and Challenges

NICOTINE ADDICTION

- D I A G N O S I S
- T R E A T M E N T
- R E C O V E R Y

Tobacco Road

The Challenge of Treating Teenagers

by Emanuel Peluso and Lucy Silvay Peluso

Many of us working as drug counselors with adolescents have learned to tolerate cigarettes as a minor part of our young clients' drug problem. In treatment centers, teenage smoking is either ignored altogether, allowed on a regular schedule, or forbidden but not dealt with.

These attitudes result mainly from what we know about adult smokers. After all, compared to "harder drugs" tobacco does seem to be relatively harmless. Cigarettes don't wreck relationships, lead to bankruptcy, cause highway deaths, disrupt families, or incite violence. Of course everyone knows about cigarettes' long-term health problems. But we see no reason to rush into a coming up with quick solutions. Getting kids off cigarettes is usually not part of our immediate therapeutic goals.

When we take a hard look at behavior however, we often see that teens — who willingly enter treatment to kick a host of drugs — will start to rant, rave, or quake with fear when they are told, "No smoking allowed." And when we take a thorough drug history, we are forced to admit that nicotine — not alcohol or cannabis — is the drug of entry for most young people.

Compared to non-smokers, twelve-to-seventeen-year olds who do smoke are twice as likely to drink, nearly ten times as likely to take uppers and downers or smoke pot, and fourteen times as likely to use coke or heroin.¹ A 1984 long-term study in New York state found that teenagers who smoke cigarettes have a much greater chance of taking up pot than those who did not. One of the ways serious drug problems could be prevented, the report said, was by discouraging tobacco use by adolescents.²

Another recent long-term study vividly describes the damage that various street drugs inflict on young lives. Surprisingly, the report concluded that "the combination of cigarettes and hard drugs was the most damaging."³

Even when nicotine addiction doesn't lead to harder drugs, the effects on youth can still be significant. The National Institute on Drug Abuse reports that smoking habits are related to a student's level of accomplishment in school:

When we take a thorough drug history, we are forced to admit that nicotine — not alcohol or cannabis — is the drug of entry for most young people.

slightly more than half of all high school students with an A average have never smoked, compared with only about an eighth of those with a D average. About one in seven students with an A average are current daily smokers, compared to about half of all D students. And, while less than 2% of A students smoke a pack a day, more than 23% of D students smoke at least one pack a day.⁴

Of course, none of these statistics proves that tobacco causes later drug problems or school dysfunctions. But the data is disturbing enough to give us pause. Just as with cocaine, which did not officially become addictive until a few years ago, tobacco's late appearance on the growing list of hard-to-kick drugs has put us in a catch-up po-

sition. Reeducation is a far more formidable job than mere education. It's just plain hard for most youngsters to be serious about a drug that's available in vending machines and candy stores.

Getting kids off tobacco is a serious task. And a delicate one. Telling kids who are already hooked to Just Say No makes about as much sense as telling alcoholics or heroin abusers to go cold turkey. And going for the short term solution with tobacco substitutes or Nicorette gum just sets the stage for a different kind of abuse. *Newsweek* recently published an article about the growing number of Nicorette abusers.⁵ One adolescent in a hospital program put it this way: "All week long I'd chew my gum, but all the while I was thinking about the cigarettes I'd smoke on my weekend pass. And when I took that first puff, I was flying!"

No matter how formidable a job setting up a smoking cessation program may seem to be, we don't have to feel like pioneers in virgin territory. We have years of treating other dependencies to draw from, and we know what works and what doesn't.

In short, we now need to put as much thought and expertise into getting kids off cigarettes as we do with any other drug.

References

1. Barun, Ken and Bashe, Philip, *How To Keep the Children You Love Off Drugs*. New York: The Atlantic Monthly Press, 1988, p.4.
2. *Science News*, August 4, 1984.
3. Reports on a study by Michael Newcomb and Peter Bentler, *Los Angeles Times*, July 21, 1988.
4. Johnston, L.D. et al. *National Trends in Drug Use and Related Factors Among American High School Students and Young Adults*. NIDA, 1987, p. 251.
5. *Newsweek*, August 22, 1988.

Emanuel Peluso, M.A., and Lucy Silvay Peluso, M.A. are chemical dependency counselors, and authors of the book, *Women & Drugs: Getting Hooked, Getting Clean* (Compass).

Program Notes

Please send us news about your program (expansion, acquisition, new services, etc.) to: PROGRAM NOTES, *Alcoholism & Addiction Magazine*, P.O. Box 31329, Seattle, WA 98103.



New Recruits

Cigarette Ads Target Women, Young People

by Jean Kilbourne, Ph.D.

Cigarettes are the only product advertised which is lethal when used as intended. Indeed they are a product about which nothing good can honestly be said. They are highly addictive. The damage they do to health has been documented by over fifty thousand research studies. Smoking is the single largest preventable cause of death in America. Over one thousand people die every day due to cigarette-related diseases. In the twentieth century, tobacco has killed more people than war.

Now here is the distorted perspective of advertising — a perspective that manages to screen out almost all unpleasant reality except the strictly personal (e.g. bad breath, facial hair) — more obvious than in the cigarette ads. The contradictions abound. Youthful, healthy people frolic and play. "Alive with pleasure," proclaims the ads for Newports, as if to obliterate the haunting subtext, "Dead with cancer." Macho men owe their freedom and independence, indeed their very masculinity, to their Camels and Marlboros, although the evidence indicates that cigarettes are linked with impotence, lower testosterone count, and sterility.

The tobacco industry spends over

two and a half billion tax deductible dollars a year on advertising and promotion. At the same time, the industry ironically denies that this advertising has any effect. They insist that they do not target nonsmokers or young people and that the whole point of all that advertising is simply to get smokers to switch brands.

In fact, only 10% percent of the nation's 55 million smokers switch brands every year. It is obvious that the tobacco industry needs to aggressively recruit new smokers to replace those who die or quit. A recent study published in *Health Education Quarterly* found that proportionally more cigarette ads were placed in women's and youth-oriented magazines than in magazines targeting other population segments. This suggests that the tobacco industry is responding to decreases in the number of smokers with an increased attempt to recruit new smokers, especially young people and women.

Young people have always been an important target because at least 75% of smokers are hooked before the age of 21. Many of the cigarette advertising campaigns appeal to young people by equating smoking with sexiness, glamour, and sophistication. In addition, some campaigns seem expressly

designed to catch the attention of children. The current Camel campaign, for example, uses cartoon characters (Figure 1). Often this campaign makes light of health risks with the copy "75 years and still smoking." Although this refers to the brand's 75th birthday (a bogus "event" if there was one), it certainly implies that one can smoke and still live to a ripe old age.

The current campaign for Parliament Lights uses the slogan, "The Perfect Recess." Surely "recess" is a word with much greater meaning for children than for adults. Other Kent ads appeal to young people by offering cigarettes as "the experience you seek."

Another common theme in ads



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aimed at young people is that cigarette smoking is a risky, gutsy thing to do. Many cigarette ads feature very risky activities (Figure 3). Be a daredevil, be a rebel, the ads declare. Research indicates that smokers are more often risk-takers, extroverted, defiant, and impulsive. It is no coincidence that cigarette companies are the leading sponsors of events that appeal to risk-taking and rebellious teenagers: races of

motorcycles, dirt bikes, hot rods, rodeos, and ballooning.

The cigarette is often offered as an emblem of independence and nonconformity. The smoker is portrayed as the man or woman who dares to defy public opinion, to stand on his or her own. "No compromise" declared one series for Winston.

Teenage girls are especially vulnerable to this pitch. An American Cancer Society report found that cigarette smoking among teenage girls was highly identified with an anti-authority, rebellious syndrome in terms of the adult world. For instance, one Lucky Strike ad shows a young, very defiant-looking woman along with the caption, "Light my Lucky."

Virginia Slims cleverly plays on this attitude in many of their ads. In one ad, an older, rather Victorian looking woman is complaining about young women: "Shocking, absolutely shocking, the way young women cavort about these days," and another says, "Tsk. Tsk. Proper decent women shouldn't have fun in the sun. In fact, they shouldn't have any fun at all." A young woman replies, "Well, shame on me, 'cause I really like to have fun." Certainly these older women are meant to represent mothers, teachers, and other adults who might tell young women, among other things, not to smoke. A rebellious adolescent might hear this as an edict against having fun.

The tobacco industry is attempting to get even more mileage from this image by portraying public health advocates as anti-smoking fanatics who want to tell everybody else what to do and setting them against the courageous, independent, free-thinking smoker. Their extraordinary public relations campaign equates smoking with freedom and the criticism of smoking with totalitarianism.

The long-running Virginia Slims campaign (and other similar ones) make an amazing equation between liberation and addiction, between freedom and enslavement to tobacco. This equation is particularly ironic, given that nicotine is the most addictive drug of all, and that at least 85% of all smokers wish they could quit. The only



The only equality that smoking has given women is that they are now getting lung cancer at the same rate as men.

equality that smoking has given women is that they are now getting lung cancer at the same rate as men. One can only consider cigarette smoking liberating if one considers death the ultimate freedom.

In addition to the above techniques, ads aimed at women and girls often offer cigarettes as a form of weight control. A primary reason that many women start and do not quit smoking is their terror of gaining weight. Ads have played upon this fear for a long time. In 1928 the Lucky Strike ads said, "To keep a slender figure, no one can deny . . . Reach for a Lucky instead of a sweet."

The advertisers probably couldn't get away with such an overt message today. They can, however, use extremely thin models and copy that includes words such as "slim" and "slender," e.g. Virginia Slims. A recent campaign for Capri cigarettes features an attractive young woman and the headline, "The slimmest slim in town." This pitch is one major reason that cigarette smoking is on the increase among teenage girls, a group especially susceptible to the obsession with weight.

Unfortunately, these tactics seem to be working. The only group in which cigarette smoking is increasing is young women, and the largest new group of smokers is girls under the age of eleven. Twenty percent of young women graduating from high school smoke versus 10% of the men.

The most effective incentives against smoking for young people involve an emphasis on the importance of physical well-being and the need to be an independent thinker. It is also extremely important to fight the obsession with excessive thinness for women in our society. A recent national survey of fourth-grade girls found that 80% of them were on diets. This in itself should be regarded as a major public health problem.

The tobacco industry has insidiously positioned itself on the side of autonomy and freedom. Its critics need to expose the truth: that cigarette smoking is a dangerous addiction deliberately promoted by a callous industry that cares only for profit. We also need to help people, especially the young, realize that by smoking they are giving in to conformity rather than expressing their individuality. They are allowing themselves to be manipulated by a very powerful industry.

In 1986 the American Medical Association decided that the evidence was sufficient to warrant a total ban on cigarette advertising. Even if such a ban did not lead to an immediate drop in consumption, it would clear the way for the media to honestly report on the dangers of smoking. Censorship in the media on behalf of cigarette and alcohol advertisers is a national disgrace. The public education that is essential in solving our major drug problems is probably not possible until the media no longer depend upon the goodwill of the tobacco and alcohol industries.

Jean Kilbourne, Ph.D., created the award-winning film, *Killing Us Softly: Advertising's Image of Women* and the slide presentation entitled *Under the Influence: The Pushing of Alcohol via Advertising*. She is a Visiting Scholar at Wellesley College and is on the Board of Directors of the National Council on Alcoholism.

FREQUENCY OF ALCOHOL AND OTHER DRUG USE REPORTED BY STUDENTS IN GRADES 4-6

By Ronald D. Adams, Ed.D.
PRIDE Vice President of Research

PRIDE introduced the *PRIDE Questionnaire for Grades 4-6* in the spring of 1988 after receiving numerous requests for a questionnaire for elementary age students. Many schools emphasize alcohol and other drug education during the intermediate or upper elementary grades, an ideal time for parents to become actively involved with drug prevention programs in the school and community.

The elementary version of the PRIDE Questionnaire was designed to assist educators, parents, and other community leaders involved in drug use prevention with community awareness, program planning, and evaluation.

This grade school level questionnaire is targeted at the gateway drugs of tobacco, alcohol, marijuana, and inhalants. The elementary level questionnaire differs from the middle school and high school questionnaire by focusing on student perceptions rather than student behavior, although annual use is assessed.

The *PRIDE Questionnaire for Grades 4-6* has been field tested in varying geographical and demographical settings. Results of these field tests suggest that the data produced by the elementary level version of the PRIDE Questionnaire provide reliable information and that the questions are appropriate for the intended audience. A copy of the reliability studies may be obtained from the PRIDE office in Atlanta.

In 1988-89 more than 73,000 students in grades 4-6 completed this questionnaire. Sixty-nine percent were white, 23 percent black, and the remaining 8 percent Hispanic, Asian, or Native American. Students were about evenly split between male and female. More than 95 percent of the students were between the ages of 9 and 12. Data in this sample were collected from communities in 38 states.

This article will focus on the reported frequency of gateway drug use by intermediate level students. Table 1 contains percentage data for students in grades 4 through 6.

The low use of marijuana should not be misleading. Students at this age are forming perceptions and patterns of drug use as demonstrated by the high percentage of students reporting drinking alcoholic beverages. Strong anti-drug messages from parents, teachers, older students, and others in the community are important for intermediate level students to counter the pro-drug influence. The increases in marijuana use from 1.1 percent in the intermediate grades to 21.9 percent in senior high school is epidemic in proportion and must be vigorously attacked and eliminated.

Inhalant use was about the same for all grade levels, with more than 5 percent of the students reporting sniffing glue, solvents, gas, or some other substance. These percentages are reason for concern, given the extremely dangerous practice of inhalant use. Inhalant use can cause permanent brain damage or even death with the first or any subsequent use. Therefore, 5 percent of the students in intermediate grades are at very high risk due to this type of drug use.

The percentages contained in Table 1 should raise con-

TABLE 1
Percent of Students in Grades 4-6 Reporting Use of Gateway Drugs for 1988-89

	Grade Level			Total
	4th	5th	6th	
Cigarettes	4.8	7.4	11.8	7.8
Smokeless Tobacco	3.1	4.4	5.6	4.3
Beer	12.6	14.6	19.6	15.3
Wine Coolers	10.9	14.2	20.7	15.0
Liquor	4.2	5.7	10.1	6.5
Marijuana	0.8	0.9	1.9	1.1
Inhalants	5.3	5.3	5.7	5.4
Other Drugs	1.7	1.5	2.1	1.7

cern among parents, teachers, and others involved in drug use prevention among children and young adolescents. There has been little, if any, information about the patterns of drug use among children in their age group. Certainly, these data suggest that communities serious about prevention of drug use need to assess this age level student regarding use of gateway drugs. There is little doubt that early use of alcohol and tobacco can lead to use of other drugs in adolescence and young adulthood. And, it appears, there is considerable early use of these drugs among America's nine- to 12-year-old children.

OSAP SELECTS PRIDE PLAN FOR PREVENTION PROGRAMS OF NATIONAL SIGNIFICANCE

PRIDE has worked for more than a decade to assist communities by providing accurate and current information on harmful effects of drugs, initiating practical community awareness programs, fostering parent and youth groups, and assessing student drug use. Together, these strategies form the PRIDE Community Plan of Action.

In October, PRIDE received a grant from the U.S. Department of Health and Human Services, Public Health Service, Office for Substance Abuse Prevention (OSAP) for the YOUTH ALCOHOL AND OTHER DRUG ABUSE PREVENTION PROGRAMS OF NATIONAL SIGNIFICANCE to initiate the PRIDE Community Plan of Action in 12 communities over a three-year period. With the eight PRIDE communities funded in 1988 by OSAP's Model Community-Based Alcohol and Drug Prevention Program grant, 20 communities will complete the PRIDE Community Plan of Action.

The PRIDE Plan trains parents, youth teams, and project coordinators to work in their own communities. Communities take ownership and multiply the number of people touched by the programs. Collection of annual data on adolescent prevalence and patterns of drug use provide ongoing evaluation of the impact of local efforts.

PRIDE and the participating affiliate directors will develop a strategic plan to provide information on this program to other communities.

PRIDE recognizes that it will take a family by family and community-by-community approach to prevent drug use by adolescents. As much as PRIDE would like to be able to solve the problem by state or federal decree, it remains a family/community problem and must be solved at that level.

TEENAGE TOBACCO ADDICTION: It's time to fight a nationally advertised pandemic

This year, nearly 400,000 Americans will die from tobacco caused illnesses and accidents. We hear about it every day until many of us grow tired of yet another Surgeon General's warning. After all, people have been warned about smoking for the past twenty years. If they choose to smoke, isn't it their own problem?

The reality is that most people don't choose to continue to smoke. They are addicted to a chemical much more potent than opium. In fact, if someone shot up cocaine and inhaled from a cigarette at the same time, the nicotine would get to their brain faster and in greater concentrations than the cocaine. Most of the adults who smoke today are seriously addicted to nicotine. If they smoke more than 10 cigarettes a day, they tend to smoke at appropriate intervals to maintain a steady level of nicotine in their blood stream. If they stop smoking, they go through withdrawal. Nicotine is an addictive drug and cigarettes are a drug delivery system. It serves as a gateway drug to other addictive substances.

The saddest part of the nicotine addiction story is that many people become addicted to tobacco products when they are children. And although they will publicly deny it, tobacco companies use marketing tactics that attract children. In fact, the tobacco industry is dependent upon a steady stream of new addicts in order to make a profit.

Let's first look at how tobacco is selectively marketed to children in the U.S. The first question is why? Tobacco companies repeatedly deny that they target children. They even run ads that tell teenagers not to smoke. An examination of the economics of tobacco is very revealing.

Marketing theory defines markets as being either static or dynamic. The static market is one that is saturated/stagnant because all potential consumers have been attracted. In this market, different companies struggle for better brand identification and a larger piece of the pie. One example of a stagnant market would be laundry detergents, where additional advertis-

ing attracts few new customers.

This is what the tobacco industry claims their markets represent. They claim that their 2.5 billion dollar annual advertising budget is geared toward getting a bigger market share of total sales.

But the fact is, the tobacco market, while being a mature one, is also a growth market that requires new consumers. This is because of its enormous attrition rate. Over 1,000 of their best customers die every day from using their products. Another 4,500 quit because of health concerns, the increasing lack of social acceptance toward smokers or disabilities resulting from smoking. Every year, the tobacco industry must recruit 2,000,000 new smokers just to maintain a steady volume of sales.

But let's assume that the tobacco industry is advertising only as an effort to get adult smokers to switch brands. In a given year, only 10% of

"Over half of teenagers start smoking before they are 18 and 80% start before they are 21."

smokers switch brands. In 1983, the industry spent \$482 for every smoker to switch brands. But the average smoker who switched would barely generate the same amount of money in profits to the company, assuming that all of the switchers changed to the same brand of another company. Clearly, if all of the advertising was aimed at getting smokers to switch brands, the industry wouldn't spend so much on advertising.

They need new smokers and children are the best target. Most tobacco addicts begin their habit as teenagers. Over half of them begin smoking before they are 18, and 80% start before they are 21. Some studies have shown that 60% of smokers start by the time they are 14 years old. Interestingly, as advertising and promotion budgets have increased, the onset of tobacco addiction has dropped to earlier stages of adoles-

cence and the percentage of teenage smokers has increased.

Today, 18.21% of all high school students are smokers. Many of these smokers do not know how addicting their habit is and are unaware of some of the health risks they are taking. Teenagers spend over 1 billion dollars a year on tobacco. The tobacco industry is banking on those smokers continuing to smoke for the rest of their lives.

How do they market to children?

Their best method would have been television and radio. Fortunately, the Fairness Doctrine allowed counteradvertising to be used on the air in the early 1970s. Their impact on sales was so effective that the tobacco industry agreed to "voluntarily" withdraw their ads. (Remember the William Tall/Hamilton Burger ad?) The counterads were dropped by the broadcasting industry and the tobacco advertising dollars went into media forms that did not allow the health advocates to have any input. These included giveaways, magazine ads, movie promotions and outdoor billboard ads.

From 1980 to 1983, the industry increased their free sample/give away expenditures from \$119 to \$117 million, or an increase to 18 billion cigarettes a year. Many of these are given away at sporting and music events frequented by teenagers.

The tobacco industry has studied the emotional needs of their consumers and target their ads toward these needs. In the book, *The Image Makers: Power & Persuasion on Madison Avenue*, William Meyers discussed methods used by industry to profile the psychographic characteristics of their target audience in order to create images that would most effectively exploit those emotional needs. "Based on sophisticated psychological principles, this subtle form of manipulation links products to people's most pressing vulnerabilities while offering them easy remedies for their anxieties and insecurities...In dealing with insecure consumers who are called Emulators, advertisers prey

(continues on next page)

Teenage tobacco addiction continues from previous page

on their insecurities. Tobacco ads featuring heroes and heroines, Madison Avenue's idea of role models, help unsure Emulators find themselves."

Another method of increasing tobacco sales is to run misleading ads that confuse the consumer into thinking that all of the health warnings aren't true, that the MR. FIT study showed that smoking didn't cause heart disease, that second hand smoke isn't dangerous and other distortions or lies. Just as health warnings can result in a drop in sales, smoke screens produced by tobacco companies or the Tobacco Institute can result in an increase in sales.

An evaluation of cigarette ads show how many brands have begun to target teenagers as more adult smokers die or quit. The ads show people, often youthful models, engaged in risk taking behavior. This type of activity is particularly associated with adolescence. It's an effective way to get them addicted. Many teenagers know that smoking is unhealthy, but few of them how addictive it is.

One recent study has shown that when teenagers are shown tobacco ads, the more recent ones are described as exciting while the earlier ones that targeted adults are seen as boring. Think about the Camel ads in the 1950s ("Nine out of ten doctors recommend Camels. They're toasted!"), the 1970s (Meet the Camel man, a tough young loner) and the 1980s ("75 years and still smoking!") Notice how the Camel ads now use a cartoon character? Who are they targeting today?

Many ads are placed in magazines that are read by teenagers. They show people who smoke, engaged in athletic activities. There are sexual symbols and subliminals. They associate smoking with financial success. Sports Illustrated is a typical example. It is not only filled with tobacco ads, it also includes ads in their pictures of stadiums, racing events, sports calendars and even clothing.

Tobacco is one of the most heavily advertised products and the television advertises S.L. as the perfect gift or parents to give to their high

school-age son.

Cigarettes are not only pushed in movie magazines, they're also subtly advertised in the movies themselves. It's no accident that Sylvester Stallone ate Wheaties or E.T. got drunk on Coors beer. In fact, Reese's Pieces sales increased 85% after E.T. was released. Phillip Morris paid to have the Marlboro logo featured more than 24 times in Superman II. Lois smoked them. Superman was thrown through a Marlboro truck. Cigarettes were also advertised on such adult movies as Roger Rabbit (Lucky Strike and Camel), Risky Business (Marlboro), Crocodile Dundee (Marlboro) and Baby (Marlboro).

Billboard ads display the same children's themes. The health warnings are too small for most to see. And the ads are noticed more often by the

"Today, 18-21% of all high school students are smokers."

children who don't have to pay attention to the road. Is it any wonder why two thirds of the billboards are tobacco ads?

These ads are very effective. They sell a message better than any health educator or Surgeon General. They are distributed as part of \$2.5 billion annual campaign to push their drugs.

What can we do about it?

Plenty!

In King County, a new ordinance was passed that hands out stiff fines to any vendor caught selling to a minor. Vendors must ask for age identification. Vending machines are not allowed to be operated when they are not under the direct supervision of an adult. Initial infractions result in fines. Subsequent violations can result in the temporary suspension or permanent loss of your license to sell tobacco. For a typical convenience store, that could result in a 20% drop in profits.

Washington D.O.C., a non-profit coalition of health care and media

professionals has conducted a recent study to measure the impact of this legislation. Last March, we sent a group of 14-16 year old students who had never bought cigarettes before into 59 convenience stores, grocery stores and gas stations. (Their parents waited outside.) Surprisingly, 63% of the time they had no trouble buying cigarettes. Our surprise was that it wasn't higher. In other communities, it was as high as 95%.

After the King County ordinance took effect last April 1, the students returned to the same sites and were 44% successful at buying. This indicates that a simple law can make it harder for minors to buy an addictive drug. The state legislature refused to enact a similar law. We need to educate them and help promote a better state law at the next legislative session.

But more importantly, we need to educate our store owners to demand identification from anyone who attempts to buy tobacco who may be less than 18 years old. One way to do so would be to launch a community education campaign this fall.

Washington D.O.C. is prepared to do this. But we need the help of families around the state to help us understand the best way to get the message out to tobacco vendors. We need parents and teenagers to volunteer to participate in a study this fall. The study will look at how to reduce sales to minors in your community. If you are interested in helping us learn how to reduce teenage tobacco addiction, please contact:

Robert D. Jaffe, M.D.
 Teenage Tobacco Addiction Project
 Washington D.O.C.
 P.O. Box 20065
 Seattle, WA 98102
 (206) 329-6465

(Dr. Jaffe is a family physician at Providence Medical Center in Seattle. He is also the president and co-founder of Washington D.O.C. and is studying public health approaches toward tobacco addiction at the University of Washington's School of Public Health.)

Koop: Nicotine addictive as heroin 5-16-88

WASHINGTON (AP) - The surgeon general declared Sunday that nicotine is addictive like heroin and cocaine, a finding that came as no surprise to researchers but which will provide new ammunition for anti-smoking forces.

The significance of the report by C. Everett Koop is not that it unveils new scientific evidence, but that he organized existing research into a systematic presentation lumping nicotine in with

heroin and cocaine as physiologically addictive substances.

"Careful examination of the data makes it clear that cigarettes and other forms of tobacco are addicting," Koop wrote in a preface. "An extensive body of research has shown that nicotine is the drug in tobacco that causes addiction.

"Moreover, the processes that determine tobacco addiction are similar to those that determine

addiction to drugs such as heroin and cocaine."

The report cites 171 separate studies, most of them conducted during the past decade, as references.

In a letter to Congress accompanying the report, Health and Human Services Secretary Otis R. Bowen said, "A warning label on the addicting nature of tobacco use should be rotated with other health warnings now required on cigarette and smokeless tobacco packages and advertisements."

... budgets do not have to be affected by those policies. St. Benedict's ADAPT has received one of the nation's most successful drug and alcohol outline and policy manual from the Haslett School District in Haslett, Michigan. This information can provide valuable insight into the development and implementation of drug policies. They have been tried and tested... they work. Please feel free to contact us for any or the information

Have a great summer.

Bill Upton
Administrator
St. Benedict's ADAPT Center

... Cassettes of Mr. Upton's presentation. His policy and procedures manual is also available. For more information call Bill Upton at the ADAPT Center, 773-6870.

SMOKELESS TOBACCO HIGH RISK TO ADOLESCENTS

Smokeless tobacco products, including snuff and chewing tobacco, are of growing concern because of their popularity among children and adolescents. Tobacco chewers place a golf-ball-size wad or "chaw" between the cheek and teeth. Snuff is placed between the lower lip and teeth where the carcinogens from the tobacco are in direct contact with the lining of the cheek.

Data from surveys in the Western States indicate that smokeless tobacco use among teens is much higher than in other geographical areas. Between 12 and 17 percent of the high school students in the West chew tobacco or use snuff.

Smokeless tobacco users experience a temporary high from the nicotine but, as with other stimulants, they feel more melancholy when the effects of the drug wear off.

Researchers are finding that the consequences from chewing tobacco can be much more serious than the consequences from smoking it. Investigators at the National Cancer Institute observed a four fold increase of oral cancer among people who dip or chew. The increased risk for cancer of the cheek and gum is nearly fiftyfold among long-term chewers. Prolonged snuff use can also cause gums to recede and periodontal destruction.

takes his or her own life the question Why? echoes throughout the community.

In a quest to understand the whys of teen suicide, St. Benedict's ACT Corporation sponsored the Western States Teen Suicide Update Conference. In addition to St. Benedict's ACT Corporation, the conference was co-sponsored by some 31 other private and governmental institutions including Intermountain Health Care Psychiatric and Behavioral Health Division, LDS Hospital Department of Psychiatry, Primary Children's Hospital Department of Psychiatry and the Utah State Medical Association.

The Conference which was held in the Westin Hotel Utah, attracted over 400 people from the Western states. ACT President, George Dimas said he was particularly pleased with the cross section of people from the business, community, governmental and voluntary sectors of the community. "It was the hope of St. Benedict's ACT Corporation as initiating sponsors, to be a catalyst in addressing the tough question of teen suicide. We believe in deeds not just words," Dimas noted.

Cassette tapes for the 1986 Youth Suicide Update Western Conference are now available. For an order form contact Janet Gillespie at St. Benedict's ADAPT Center, 773-6870.

NOT IN MY SCHOOL!

"Not in my school!" is a cry echoed by principals and administrators in junior and senior high schools throughout the country, according to Richard R. Beal an Assistant Principal in the Haslett Public Schools in Haslett, Michigan. Mr. Beal, who has garnered nationwide attention for the drug programs he created and implemented in his high school was brought to Salt Lake by St. Benedict's ACT Corporation to speak at The Utah Federation For Drug Free Youth's Annual Parent and Youth Conference.

Beal said that it is time for administrators to acknowledge the fact that 5 to 15% of their students have a significant problem with drugs or alcohol. Beal added that schools must develop more of a "we care" attitude and work with students who are known users of alcohol and drugs. "We can no longer afford to be in the 'I'm sorry Johnny can't stay in our school anymore because we caught him doing drugs' mind set," said Beal.



Murray High student Linda Hubari presents Mrs. Colleen Bangorfer a plaque for her involvement in youth drug and suicide issues.

TOBACCO-FREE AMERICA

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STATE LEGISLATED ACTIONS ON TOBACCO ISSUES

OCTOBER 1989

A Public Policy Project Sponsored by

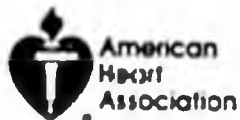


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STATE LEGISLATED ACTIONS ON TOBACCO ISSUES

"State Legislated Actions on Tobacco Issues" is a resource manual of tobacco-control legislation. The document summarizes state laws that are currently on the books with regard to restrictions on smoking in public places; tobacco excise taxes, including cigarettes and smokeless tobacco; age restrictions on sales of tobacco products; restrictions on distribution of tobacco product samples; restrictions on sales of tobacco products in vending machines; and licensing requirements.

OVERVIEW

A. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

Forty-three states and the District of Columbia restrict smoking in some manner in public places. These laws range from simple, limited prohibitions, such as no smoking on a school bus while the bus is in operation (South Carolina), to comprehensive clean indoor air laws that limit or ban smoking in virtually all public places, including elevators, public buildings, health facilities, public conveyances, gymnasiums and arenas, retail stores, and educational facilities (Massachusetts). The most extensive clean indoor air laws include restaurants and private workplaces (Minnesota). Of the states that limit or prohibit smoking in public places, 26 have comprehensive clean indoor air laws; 33 require restrictions on smoking in the public workplace, while 14 have extended those limitations to private sector workplaces. (See Appendices A through D)

Over the past two years, there has been a dramatic increase in the number of cities and counties in the United States that have enacted local ordinances to limit smoking in public places. There are now over 400 city and county smoking control laws. (See Appendix E)

Highlights of 1989 Action

Ending years of dispute, the New York State legislature overwhelmingly approved in 1989 a bill restricting smoking in public places. The New York State Clean Indoor Air Act restricts smoking in most public places, including all workplaces, public buildings, restaurants with seating capacities over 50, schools, hospitals, retail stores, theaters, museums, and libraries. It prohibits smoking in public transportation, food stores, auditoria, elevators, gymnasiums, and classrooms. This Act does not affect New York City and the seven New York counties where stringent smoking restrictions are already in effect. It ranks among the most extensive smoking restrictions in the country.

Other states that enacted restrictions on smoking in public places, include:

Delaware

By Executive Order, smoking restricted to designated areas in state owned and operated buildings, effective September 1.

- Illinois As part of the Governor's "war on drugs" package, tobacco use by students on school property will be prohibited, effective January 1, 1990. School personnel may use tobacco only in designated smoking areas.
- Maine Beginning November 16, no person may smoke in any enclosed area of a hospital. Patients or residents with written permission by a physician may smoke in designated areas. In addition, smoking is prohibited in enclosed shopping malls and in any enclosed public area on any ferry.
- Maryland Hospitals must prohibit smoking, beginning January 1, 1990.
- New Jersey As of December 15, 1989, all public schools are required to be smoke-free.
- Oklahoma Clean Indoor Air Act was amended to allow health and educational facilities to prohibit smoking or designate smoking and nonsmoking areas within the facility, beginning November 1.
- Utah The Adolescent Tobacco Prevention Act, effective July 1, prohibits the use of tobacco products in child care facilities and in elementary and secondary school buildings and on school property during school hours.
- Washington By September 1, 1991, a total ban on the use of all tobacco products will take effect.

B. TOBACCO EXCISE TAXES

CIGARETTES

Every state and the District of Columbia imposes an excise tax on cigarettes. These taxes range from a high of \$.40 per pack in Connecticut to a low of \$.02 per pack in North Carolina. (See Appendices F and G) Last year, voters in California elected to increase their state cigarette excise tax by 25 cents (from \$.10 to \$.35) as part of a November ballot initiative, Proposition 99.

Highlights of 1989 Action

In 1989, nine states increased their cigarette excise taxes. Connecticut's fourteen cent increase--from \$.26 to \$.40--was the first to take effect on April 1. New York lawmakers raised the cigarette excise tax twice in less than two months. First, they approved a 12 cent-per-pack increase in the cigarette excise tax--from \$.21 to \$.33. Then an additional three cents was tacked on, raising the tax to \$.36 cents-per pack, effective June 1.

Effective July 1, cigarette excise taxes increased in:

Alaska	13 cents-per-pack--from \$.16 to \$.29
Illinois	10 cents-per-pack--from \$.20 to \$.30
Montana	2 cents-per-pack--from \$.16 to \$.18
Nevada	15 cents-per-pack--from \$.20 to \$.35
Oregon	1 cent -per-pack--from \$.27 to \$.28
Washington	3 cents-per-pack--from \$.31 to \$.34
Wyoming	4 cents-per-pack--from \$.08 to \$.12

Iowa's cigarette excise tax decreased by 3 cents--from 34 to 31 cents-per-pack on July 1, as part of an overall tax increase that went into effect March 1, 1988. At that time the tax rose from 26 to 34 cents-per-pack.

SMOKELESS TOBACCO

Thirty-one states have excise taxes on smokeless tobacco products, including chewing tobacco and snuff. (See Appendix H) In most states, the excise tax is calculated as a percentage of the wholesale sales price to retailers, manufacturer's invoice price, or price at which the tobacco entered the state. Alabama and Arizona base their smokeless tobacco excise taxes on the weight of the tobacco package, which may vary.

Highlights of 1989 Action

In addition to increasing the cigarette excise tax, California's Proposition 99 established a tax on smokeless tobacco products at a rate of 41.67% of the wholesale price. This excise tax rate also took effect January 1. On June 1, New York's new excise tax on smokeless tobacco products--15% of the wholesale price--went into effect.

C. AGE RESTRICTIONS ON SALES OF TOBACCO PRODUCTS

Forty-four states and the District of Columbia restrict the sale of tobacco products to minors. Six states--Kentucky, Louisiana, Missouri, Montana, New Mexico, and Wyoming--have not yet acted prohibit the sales of tobacco products to young persons. (See Appendices I and J)

Highlights of 1989 Action

Effective July 1, the age of sale to minors increased from 16 to 18 years of age in Maine (for both cigarettes and smokeless tobacco products) and Maryland (for cigarettes only). Until this year, South Dakota imposed restrictions solely on smokeless tobacco products. Effective July 1, persons under the age of 18 are also prohibited from purchasing cigarettes in South Dakota. Texas increased the age of sale from age 16 to 18, effective September 1.

D. RESTRICTIONS ON DISTRIBUTION OF TOBACCO PRODUCT SAMPLES

U.S. cities have taken the lead in restricting the distribution of tobacco product samples. Since 1979, 16 cities have banned the distribution of tobacco product samples. States have been slower in addressing this issue. While many limit access of tobacco products to minors by prohibiting sales

or furnishing, only 12 states have taken action to restrict the distribution of free samples. Minnesota and Utah totally ban the distribution of cigarettes, smokeless tobacco products, cigars, pipe tobacco, or other tobacco products suitable for smoking. Kansas prohibits the distribution of sample cigarettes. Nebraska prohibits the distribution of sample smokeless tobacco products. Georgia, Indiana, Louisiana, Maine, New Hampshire, Oregon, Rhode Island, and Wisconsin ban the free distribution of tobacco product samples to minors only. (See Appendix K)

Highlights of 1989 Action

Effective July 1, Utah prohibits the distribution of cigarettes, in addition to smokeless tobacco products, except at professional conventions or in-store retail promotions. Additionally, in 1989, Nebraska banned the distribution of smokeless tobacco products; while Oregon prohibited the distribution of all tobacco products to minors.

E. RESTRICTIONS ON SALES OF TOBACCO PRODUCTS IN VENDING MACHINES

Seventeen states regulate the sale of tobacco products in vending machines. Only one, Colorado, bans the sale of smokeless tobacco products in vending machines. Fourteen states--Colorado, Georgia, Hawaii, Indiana, Maryland, Massachusetts, Minnesota, New Hampshire, Rhode Island, South Dakota, Texas, Utah, Virginia, and Wisconsin--require owners, operators, and/or supervisors of tobacco vending machines to post signs stating that minors are prohibited from making a purchase from that machine. Five states--Alaska, Idaho, Maine, New Hampshire, and Utah--require that placement of vending machines be in areas of supervision so that minors cannot use them. Wisconsin prohibits the placement of vending machines within 500 feet from a school.

Highlights of 1989 Action

Maryland, South Dakota, and Texas lawmakers approved sign-posting requirements for vending machine operators in the 1989 session.

F. LICENSING REQUIREMENTS

Forty-six states and the District of Columbia require the licensing of parties that sell tobacco products. Iowa, Kentucky, South Dakota, and West Virginia do not require licensing of such parties. Licensing regulations vary among states, and range from requiring only distributors to have licenses (California) to requiring wholesalers, distributors, manufacturers, and retailers to obtain licenses (Delaware). The licensing laws in Nebraska and Nevada include a provision that penalizes a licensee who furnishes tobacco products to minors, with an additional penalty of revocation of the license for subsequent offenses.

OCTOBER 1989

STATE-BY-STATE UPDATE

ALABAMA

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 16.5 cents

Date last changed: July 1, 1984--16 to 16.5 cents

Year first enacted: 1927

2. Smokeless Tobacco

Chewing tobacco: 3/4 cent per ounce

Snuff: (a) 5/8 ounces or less, 1/2 cent;

(b) Over 5/8 ounce not exceeding 1 5/8 ounces, 1 cent;

(c) Over 1 5/8 ounces, not exceeding 2 1/2 ounces, 2 cents;

(d) Over 2 1/2 ounces, not exceeding 3 ounces; 2 1/2 cents;

(e) Over 3 ounces, not exceeding 5 ounces (cans, packages, gullets), 3 cents;

(f) Over 3 ounces, not exceeding 5 ounces (glasses, tumblers, bottles), 3 1/2 cents;

(g) Over 5 ounces, not exceeding 6 ounces, 4 cents;

(h) One cent additional tax for each ounce or fraction thereof over 6 ounces.

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 19

Penalty: Fine of \$10 to \$50. Possible imprisonment in county jail or sentence of hard labor for not more than 30 days. Reference date 1896. ALA. CODE §13A-12-3 (1975).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Retailers and wholesalers of tobacco products must obtain a privilege license. Reference date 1935. ALA. CODE §§40-12-72 and 40-12-73.

STATE-BY-STATE UPDATEALABAMAA. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 16.5 cents

Date last changed: July 1, 1984--16 to 16.5 cents

Year first enacted: 1927

2. Smokeless Tobacco

Chewing tobacco: 3/4 cent per ounce

Snuff: (a) 5/8 ounces or less, 1/2 cent;

(b) Over 5/8 ounce not exceeding 1 5/8 ounces, 1 cent;

(c) Over 1 5/8 ounces, not exceeding 2 1/4 ounces, 2 cents;

(d) Over 2 1/4 ounces, not exceeding 3 ounces; 2 1/2 cents;

(e) Over 3 ounces, not exceeding 5 ounces (cans, packages, gullets), 3 cents;

(f) Over 3 ounces, not exceeding 5 ounces (glasses, tumblers, bottles), 3 1/2 cents;

(g) Over 5 ounces, not exceeding 6 ounces, 4 cents;

(h) One cent additional tax for each ounce or fraction thereof over 6 ounces.

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 19

Penalty: Fine of \$10 to \$50. Possible imprisonment in county jail or sentence of hard labor for not more than 30 days. Reference date 1896. ALA. CODE §13A-12-3 (1975).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Retailers and wholesalers of tobacco products must obtain a privilege license. Reference date 1935. ALA. CODE §§40-12-72 and 40-12-73.

ALASKA (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

A person who maintains a vending machine that dispenses cigarettes, cigars, tobacco, or products containing tobacco that is unsupervised or is accessible to persons under 19 years of age commits the offense of selling or giving tobacco to a minor under age 19. Reference date 1988. ALASKA REV. STAT. §11-76-100.

Sign posting requirement: NONE

F. Licensing Requirements

No person may sell, purchase, possess or acquire cigarettes as a manufacturer, distributor, vending machine operator, or buyer without a license. Reference date 1983. ALASKA STAT. §43.50.010.

STATE-BY-STATE UPDATE

ALABAMA

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 16.5 cents
 Date last changed: July 1, 1984--16 to 16.5 cents
 Year first enacted: 1927

2. Smokeless Tobacco

Chewing tobacco: 3/4 cent per ounce

- Snuff: (a) 5/8 ounces or less, 1/2 cent;
- (b) Over 5/8 ounce not exceeding 1 5/8 ounces, 1 cent;
- (c) Over 1 5/8 ounces, not exceeding 2 1/2 ounces, 2 cents;
- (d) Over 2 1/2 ounces, not exceeding 3 ounces; 2 1/2 cents;
- (e) Over 3 ounces, not exceeding 5 ounces (cans, packages, gullets), 3 cents;
- (f) Over 3 ounces, not exceeding 5 ounces (glasses, tumblers, bottles), 3 1/2 cents;
- (g) Over 5 ounces, not exceeding 6 ounces, 4 cents;
- (h) One cent additional tax for each ounce or fraction thereof over 6 ounces.

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 19

Penalty: Fine of \$10 to \$50. Possible imprisonment in county jail or sentence of hard labor for not more than 30 days. Reference date 1896. ALA. CODE §13A-12-3 (1975).

Signposting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Retailers and wholesalers of tobacco products must obtain a privilege license. Reference date 1935. ALA. CODE §§40-12-72 and 40-12-73.

ALASKA

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is prohibited, except in designated areas, in public transportation; elevators; any state-operated facilities, including offices, libraries, museums, theaters, concert halls, convention halls, gymnasiums, swimming pools, or other places of entertainment or recreation; public and private schools and pre-school or day care centers; courtroom or jury rooms; public meetings in state-owned buildings; health care facilities and waiting rooms; food service establishments seating at least 50 persons; grocery and retail food stores; and places of employment where the employer posts a sign prohibiting smoking.

Smoking is permitted in smoking sections designated by the persons 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 sign that states "Smoking Prohibited by Law--Maximum Fine \$50" and 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 no-smoking signs is subject to a civil fine between \$20 and \$300. Reference date 1975. ALASKA STAT. §§18.35.300 to 18.35.360 (1984).

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 29 cents
Date last changed: July 1, 1989--16 to 29 cents
Year first enacted: 1949

Effective October 1, 1985, excise tax of 5.5 mills on each cigarette imported or acquired in the state to be used principally to fund health care, health research, and health promotion and education programs. Reference date 1985. ALASKA STAT. §43.50.190.

2. Smokeless Tobacco

Chewing tobacco and snuff: 25% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 19

Penalty: Fine. Reference date 1978. ALASKA REV. STAT. §11-76-100 (1988).

Sign posting requirement: NONE

ALASKA (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

A person who maintains a vending machine that dispenses cigarettes, cigars, tobacco, or products containing tobacco that is unsupervised or is accessible to persons under 19 years of age commits the offense of selling or giving tobacco to a minor under age 19. Reference date 1988. ALASKA REV. STAT. §11-76-100.

Sign posting requirement: NONE

F. Licensing Requirements

No person may sell, purchase, possess or acquire cigarettes as a manufacturer, distributor, vending machine operator, or buyer without a license. Reference date 1983. ALASKA STAT. §43.50.010.

ARIZONA

A. Restrictions on Smoking in Public Places

1. Smoking is prohibited, except in designated areas, in all buildings owned, operated, or funded by the state. Areas within state prisons designated for inmates' use are expressly excepted. Reference date 1986. ARIZ. REV. STAT., Title 36, §36-601.02 (1987).
2. Smoking is recognized as a nuisance and a danger to public health and is prohibited, except in designated areas, in elevators, indoor theaters, libraries, art museums, lecture or concert halls, public recreational facilities, buses, health care institutions, school buildings, and public waiting rooms in health professionals' offices. Violation is a petty offense. Reference date 1973. ARIZ. REV. STAT. ANN. §36-601.01.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 15 cents
Date last changes: July 1, 1984--13 to 15 cents
Year first enacted: 1933

2. Smokeless Tobacco

Chewing tobacco and snuff: 2 cents/ounce

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Petty offense. Reference date 1901. ARIZ. REV. STAT. ANN. §13-3622 (1978).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Every person selling tobacco, cigarettes or cigars must obtain a license from the department of revenue. Reference date 1973. ARIZ. REV. STAT. ANN. §42-1203.

ARKANSAS

A. Restrictions on Smoking in Public Places

1. Smoking of tobacco, or products containing tobacco in any form, in enclosed areas, buildings, or facilities of a public elementary or secondary school is prohibited. The public school board for each district may designate as a smoking section an area or areas away from student exposure to any sidestream smoke in a public elementary or secondary school. Smoking in such designated areas by non-student persons over age 18 shall not be considered a violation of this Act for which the fine is not less than \$10 and not more than \$100. Reference date 1987. Act 854.
2. Smoking is prohibited, except in designated areas, in all departments, agencies, boards, commissions, offices, and other authorities of the state. Chief administrative officers of each state agency are required to develop a smoking policy for general office space, which is defined as space occupied by personnel performing their daily work functions. The policy must take into consideration the rights of both smokers and nonsmokers. Reference date 1987. Act 462.
3. Smoking is prohibited, except in designated smoking areas, in doctors' or dentists' waiting rooms, hospital corridors, nurses' stations, hospital rooms other than private patient rooms, licensed day care centers, and on school buses. 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. §§82-3701 to 82-3703; ARK. STAT. ANN. §83-925.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 21 cents

Date last changed: March 18, 1983--17.75 to 21 cents

Year first enacted: 1925

2. Smokeless Tobacco

Chewing tobacco and snuff: 16% of manufacturer's invoice price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Class A misdemeanor. Reference date 1975. ARK. STAT. ANN. §84-4503 (1983).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

ARKANSAS (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Retailers, salespersons, and wholesalers must be licensed. Reference date 1977. AR. CODE ANN. §26-57.201.

CALIFORNIA

A. Restrictions on Smoking in Public Places

1. Law sunset January 1, 1989. School district officials were required to designate smoking areas for teachers and other school employees who are prohibited from smoking on school grounds, except in these designated areas. Reference date 1982. CAL. EDUC. CODE §§35176.5 and 35176.6.
2. Smoking is prohibited in any vehicle of a passenger stage corporation; the National Railroad Passenger Corporation (Amtrak), except to the extent permitted by federal law; in any aircraft, except to the extent permitted by federal law; on a public transportation system; and in any vehicle or entity receiving any transit assistance from the state. Every person and public agency providing transportation services for compensation shall designate a contiguous area of not less than 75% in transit depots as a nonsmoking area. Violation of this prohibition is an infraction punishable by fines up to \$100 for a first violation, up to \$200 for a second violation within one year, or by a fine up to \$500 for a third and for each subsequent violation within one year. No-smoking signs must be posted in each vehicle or aircraft subject to this law and in areas designated no-smoking in transit depots. Reference date 1987. CAL. HEALTH & SAFETY CODE Div. 20, Ch. 10.8, Art 2, §§25948 to 25949.8.
3. All state agencies, departments, boards, and commissions must adopt policies that recognize the right of the nonsmoker to a smoke-free environment in formal and informal meetings and in work stations. Reference dates 1982 and 1987. CAL. GOVT. CODE §19262 and Executive Order D-62-87.
4. No school shall permit the smoking or use of tobacco, or any product containing tobacco or nicotine products, by pupils of the school where the pupils are on campus, while they are attending school-sponsored activities, or while under the supervision and control of school district employees. The possession of nicotine or use of any product containing tobacco or nicotine is considered grounds for suspension or expulsion. CAL. EDUC. CODE §§48900 and 48901 (1986).
5. Bus drivers are prohibited from smoking on buses in which young people ride. Reference date 1982. CAL. VEH. CODE §12523.
6. 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 that designate 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 §§1234.1235(b), 1286 and 1290.
7. Smoking is prohibited on public transportation, punishable by a fine of up to \$50 or 20 hours of community service. Reference date 1981. CAL. PENAL CODE §640.

CALIFORNIA (continued)

8. Clean Indoor Air Act -- Nonsmokers are entitled to a smoke-free area in public buildings during public meetings. Smoking is prohibited, except in designated areas, in all indoor rooms, chambers, or places of public assembly in publicly owned buildings in which public business is conducted or in which the direct participation or observation by the general public is required or provided, including public meeting rooms; restaurants in publicly owned buildings seating 50 or more persons; retail food, food production, and marketing establishments; and public entertainment and recreational facilities. No such prohibition applies to indoor sporting events. Reference date 1976. CAL. HEALTH & SAFETY CODE §§25940 to 25947.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 35 cents
Date last changed: January 1, 1989--10 to 25 cents
Year first enacted: 1959

2. Smokeless Tobacco

Chewing tobacco and snuff: 41.67% of the wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Violator subject to either a criminal action for a misdemeanor or to a civil action brought by a city attorney, a county counsel, or a district attorney, punishable by a fine of \$200 for the first offense, \$500 for the second offense, and \$1000 for the third offense. Reference date 1891. CAL. PENAL CODE §308 (1988).

Sign posting requirement: Yes. Penalty shall be a fine of \$10 for the first offense and \$50 for each succeeding violation or imprisonment for not more than 30 days. Reference date 1891. CAL. PENAL CODE §308 (1985).

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

A cigarette distributor must obtain a state license for each place of business at which he engages in the business of distributing cigarettes. Reference date 1979. CAL. REV. & T. CODE §30140.

COLORADO

A. Restrictions on Smoking in Public Places

1. Smoking in all state-owned and rented buildings and offices is prohibited, except in designated areas. Public areas, including lobbies, elevators, rest rooms, shops, cafeterias, and waiting rooms, are to be designated as no-smoking zones. The executive directors of state agencies may establish smoking areas, but such areas must accommodate nonsmokers. Reference date 1985. Executive Order D0096-85.
2. Smoking is prohibited, except in designated areas, in elevators, hospitals, public buildings, recreational facilities, public transportation vehicles, and schools. 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. COL. REV. STAT. §§25-14-101 to 25-14-105.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 20 cents
Date last changed: July 1, 1986--15 to 20 cents
Year first enacted: 1964

2. Smokeless Tobacco

Chewing tobacco and snuff: 20% of manufacturer's price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Class 2 petty offense. Fine of \$25. Reference date 1987. COL. REV. STAT. §18-13-121.

Sign posting requirement: NONE

D. Restrictions on Distributing Tobacco Product Samples

NONE

COLORADO (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

A person who sells any smokeless tobacco product by use of a vending machine commits a class 2 petty offense and shall be fined \$25. Reference date 1987. COL. REV. STAT. §18-13-121.

Sign posting requirement: Yes. Violation constitutes a class 2 petty offense punishable by a fine of \$25. Reference date 1987. COL. REV. STAT. §18-13-121.

F. Licensing Requirements

It is unlawful for any wholesaler to sell or offer cigarettes for sale without first obtaining a license. Reference date 1964. COL. REV. STAT. §39-28-102.

CONNECTICUT

A. Restrictions on Smoking in Public Places

1. Smoking is prohibited in public school buildings when school is in session or student activities are taking place. School boards are permitted to designate an area or areas for employees and to allow smoking in school rooms used for private functions. The person who controls the school building is required to post no-smoking signs in areas where smoking is prohibited. Reference date 1974. CONN. GEN. STAT. ANN. §1-21b (1987).
2. Employers of more than 50 persons must establish in each facility under their control one or more work areas where smoking is prohibited and post written rules regarding smoking in the place of business. Reference date 1983. CONN. GEN. STAT. ANN. §31-40q (1987).
3. Smoking is prohibited, except in designated areas, in government-controlled buildings while government meetings or public school or college classes are in session, public reception, or waiting rooms, and health care facilities. Notice is to be posted at institution entrances. Patients may request nonsmoking rooms. Smoking is prohibited in restaurants seating more than 75 persons, except in designated areas, and where private social functions are being held; in passenger elevators where no-smoking notices are posted; and 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 commissioner of health services regulations. Reference date 1974. CONN. GEN. STAT. ANN. §1-21b.

4. 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. Reference date 1973. CONN. GEN. STAT. ANN. §53-198.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 40 cents
Date last changed: April 1, 1989--26 to 40 cents
Year first enacted: 1935

2. Smokeless Tobacco

Chewing tobacco and snuff: 20% of wholesale sales price

CONNECTICUT (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine up to \$25 for first offense and from \$25 to \$100 for subsequent offenses. Reference date 1902. CONN. GEN. STAT. ANN. §53-344 (1987).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Every person engaging in the business of selling cigarettes as a dealer must secure a license from the commissioner of revenue. Reference date 1949. CONN. GEN. STAT. ANN. §12-287.

DELAWARE

A. Restrictions on Smoking in Public Places

1. The smoking of tobacco products shall be prohibited in state-owned or operated facilities or in any portion of any facility leased and occupied by the state under the jurisdiction of the executive branch or in state-owned vehicles, except in designated smoking areas. Designated smoking areas may be established by the appropriate cabinet secretary or agency head. Areas designated to permit smoking may not include classrooms, lecture halls, auditoriums, meeting rooms or conference rooms; and work areas and work stations during normal work hours, including individual enclosed office spaces normally occupied by a single person. Reference date 1989. Executive Order No. 71.
2. Each school district in Delaware shall have in place a policy which, at a minimum, prohibits smoking and the use, dispensing or selling of tobacco products such as snuff and chewing tobacco by students in kindergarten through grade 12 during school hours in school buildings, on school grounds, or on school buses. Teachers may smoke in designated areas. Handbook for Elementary Schools, J. Smoking Regulations, pp. A11-12. Handbook for Secondary Schools, K. Smoking Regulations, p. C-9. Delaware State Board of Education (1987).
3. Smoking on public trolleys and buses is punishable by a \$5 to \$25 fine. Reference date 1960. DEL. CODE ANN. Title 11, §1326 (1979).

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 14 cents
Date last changed: August 1, 1971--11 to 14 cents
Year first enacted: 1949

2. Smokeless Tobacco

Chewing tobacco and snuff: 15% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 17

Penalty: Class B misdemeanor. Reference date 1953. DEL. CODE ANN. Title 10, §922(14) (1974), and Title 11, §1106 (1976).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

DELAWARE (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

No person shall engage in or conduct the business of manufacturing, purchasing, selling, consigning, or distributing tobacco products without having first obtained a license. Reference date 1953. DEL. CODE ANN. Title 30, §5307.

DISTRICT OF COLUMBIA

A. Restrictions on Smoking in Public Places

1. Inhaling tobacco smoke is declared to be a health hazard, and smoking is prohibited in elevators, public transportation vehicles, educational facilities, selling areas of retail stores (except tobacco shops), health care facilities, and public assembly and hearing rooms owned by the government. Restaurants seating over 50 persons shall designate at least 25% of total seating capacity as a nonsmoking area.

No-smoking signs must 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. Reference date 1979. D.C. CODE ANN. §§6-911 to 6-917 (1987).

2. Smoking is prohibited on public passenger vehicles that seat 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 and/or by up to 10 days imprisonment for subsequent violations. Reference date 1975. D.C. CODE ANN. §§44-223(b)(1), 44-225, and 44-226.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 17 cents
Date last changed: February 28, 1987--13 to 17 cents
Year first enacted: 1949

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 16

Penalty: Fine between \$2 and \$10 or imprisonment for 5 to 20 days.
Reference date 1891. DC CODE ANN. §22-1120 (1981).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

DISTRICT OF COLUMBIA (continued)

F. Licensing Requirements

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. §47-2403.

FLORIDA

A. Restrictions on Smoking in Public Places

1. Clean Indoor Air Act -- Smoking is prohibited in public places or at public meetings except in designated smoking areas. This prohibition does not apply to 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. Local governing bodies are prohibited from enacting ordinances more stringent than this regulation.

Public places include the following indoor areas used by the general public: government buildings; restaurants that seat more than 50 persons, except those restaurants that designate smoking areas according to customer demand; retail stores, except a retail store where 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; auditoria; arenas; recreational facilities; and places of employment.

Public meetings are all meetings open to the public, including meetings of homeowners, condominium, or renter or tenant associations unless such meetings are held in a private residence. Reference date 1985. FLA. STAT. ANN. Ch. 85-257, §§1-12 (1988).

2. Possession of lighted tobacco products on an elevator is prohibited and constitutes a second-degree misdemeanor. Reference date 1983. FLA. STAT. ANN. §823.12.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 24 cents
Date last changed: July 1, 1986--21 to 24 cents
Year first enacted: 1943

2. Smokeless Tobacco

Chewing tobacco and snuff: 25% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine up to \$500 or imprisonment up to 60 days or both.
Reference date 1971. FLA. STAT. ANN §§775.082 through 775.084 (1985).

Sign posting requirement: Yes. Penalty for violation is fine up to \$500 or imprisonment up to 60 days or both. Reference date 1907. FLA. STAT. ANN 859-061 (1989).

FLORIDA (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

No person shall engage in the business of selling or dealing in tobacco products as a distributor in any place of business without first having received a license to engage in such business. FLA. STAT. ANN. §210.35.

GEORGIA

A. Restrictions on Smoking in Public Places

1. Smoking is prohibited in public elevators, public transportation, and any other public areas designated by a no-smoking sign. Violators may be fined \$10 to \$100. Reference date 1975. GA. CODE ANN. §26-9910.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 12 cents
Date last changed: April 1, 1971--8 to 12 cents
Year first enacted: 1923

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 17

Penalty: Misdemeanor. For a first offense, the sentence shall be suspended. Reference date 1987. GA. CODE ANN. §16-12-171.

Sign posting requirement: Yes. Violation constitutes a misdemeanor. Reference date 1987 GA. CODE ANN. §16-12-172.

D. Restrictions on Distribution of Tobacco Product Samples

It is unlawful for any person knowingly to sell or distribute tobacco products to a minor under the age of 17. Any person who violates this subsection shall be guilty of a misdemeanor; provided for a first offense the sentence shall be suspended. Reference date 1987. GA. CODE ANN. §16-12-171.

E. Restrictions on Sales of Tobacco Products in Vending Machines

It is unlawful for any person under the age of 17 to operate a vending machine that dispenses cigarettes or tobacco-related objects. Reference date 1987. GA. REV. STAT. §16-12-173.

Sign posting requirement: Yes. Violation constitutes a misdemeanor; penalty for the first offense is a fine not to exceed \$300. Reference date 1987. GA. REV. STAT. §16-12-173.

F. Licensing Requirements

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. §48-11-4.

GEORGIA

A. Restrictions on Smoking in Public Places

1. Smoking is prohibited in public elevators, public transportation, and any other public areas designated by a no-smoking sign. Violators may be fined \$10 to \$100. Reference date 1975. GA. CODE ANN. §26-9910.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 12 cents
Date last changed: April 1, 1971--8 to 12 cents
Year first enacted: 1923

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 17

Penalty: Misdemeanor. For a first offense, the sentence shall be suspended. Reference date 1987. GA. CODE ANN. §16-12-171.

Sign posting requirement: Yes. Violation constitutes a misdemeanor. Reference date 1987 GA. CODE ANN. §16-12-172.

D. Restrictions on Distribution of Tobacco Product Samples

It is unlawful for any person knowingly to sell or distribute tobacco products to a minor under the age of 17. Any person who violates this subsection shall be guilty of a misdemeanor; provided for a first offense the sentence shall be suspended. Reference date 1987. GA. CODE ANN. §16-12-171.

E. Restrictions on Sales of Tobacco Products in Vending Machines

It is unlawful for any person under the age of 17 to operate a vending machine that dispenses cigarettes or tobacco-related objects. Reference date 1987. GA. REV. STAT. §16-12-173.

Sign posting requirement: Yes. Violation constitutes a misdemeanor; penalty for the first offense is a fine not to exceed \$300. Reference date 1987. GA. REV. STAT. §16-12-173.

F. Licensing Requirements

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. §48-11-4.

HAWAII

A. Restrictions on Smoking in Public Places

1. Clean Indoor Air Act -- Smoking is prohibited, except in designated areas, in elevators, health care facilities, retail stores, banks and similar business establishments serving the public, enclosed auditoria and sport arenas, restaurants seating 50 or more persons, theaters, libraries, museums and other cultural facilities, taxicabs carrying nonsmokers, all public areas in state and county buildings, public rest rooms, and public meeting and waiting rooms. Violators are subject to a fine up to \$20. Reference date 1987. Act 234.
2. State and county government agencies with three or more employees must adopt, implement, and maintain a written smoking policy that either accommodates both smokers and nonsmokers or reflects the preference of a simple majority of the employees in each affected work area. Violators are liable for civil fines up to \$500. Reference date 1987. Act 245.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 40% of wholesale price
Date last changed: July 1, 1965
Year first enacted: 1939

2. Smokeless Tobacco

Chewing tobacco and snuff: 40% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine of \$100 to \$1,000. Reference date 1890. HAWAII REV. STAT. §§445-212 to 445-213 (1987).

Sign posting requirement: Yes. Reference date 1890. HAWAII REV. STAT. §§445-212 to 445-213 (1987).

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

Sign posting requirement: Yes. Reference date 1890. HAWAII REV. STAT. §§445-212 to 445-213 (1987).

F. Licensing Requirements

It is unlawful for any wholesaler or dealer to sell tobacco products without having first received a license issued by the department of taxation. Reference date 1939. HAWAII REV. STAT. §245-2 (1976).

IDAHO

A. Restrictions on Smoking in Public Places

1. Clean Indoor Air Act -- Smoking is prohibited in public places and at public meetings except in designated smoking areas. Public places are any enclosed, indoor areas used by the public, including, but not limited to, restaurants with seating capacities of 30 or more, retail stores, grocery stores, stores that sell food primarily for off-site consumption, public conveyances, educational facilities, hospitals, nursing homes, auditoria, arenas, and meeting rooms. Smoking is prohibited in elevators. Violation is punishable by a fine not to exceed \$50. Reference date 1985. IDAHO CODE §§39-5501 to 39-5509.
2. Smoking is prohibited, except in designated areas, in public buildings controlled by government agencies while public meetings are in progress. Violation is punishable by a fine between \$5 and \$10. No-smoking signs are to be displayed. Reference date 1975. IDAHO CODE §§18-5904 to 18-5906.
3. Smoking is not allowed in restaurants, except in rest rooms, 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, and/or six months' imprisonment. Reference date 1925. IDAHO CODE §§39-1612 & 39-1613.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 18 cents

Date last changed: April 1, 1987--9.1 to 18 cents

Year first enacted: 1945

Part of the revenue collected by the cigarette tax goes to a Cancer Control Account created by §57-1702. Reference Date 1974. IDAHO CODE §63-2520(b)(4).

The Cancer Control Account promotes cancer control through research, screening, and treatment. Reference Date 1979. IDAHO CODE §57.1702.

2. Smokeless Tobacco

Chewing tobacco and snuff: 35% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine from \$50 to \$100 for first offense; \$300 or up to 6 months in jail for second offense. Reference date 1981. IDAHO CODE §18-1502A (1985).

Sign posting requirement: NONE

IDAHO (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

Making tobacco vending machines accessible to minors under 18 years, or otherwise making tobacco available to minors, is punishable as a misdemeanor. Reference date 1972. IDAHO CODE §§18-1503 to 18-1504.

Sign posting requirement: NONE

F. Licensing Requirements

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 §§63-2501-63-2503.

ILLINOIS

A. Restrictions on Smoking in Public Places

Each school board shall prohibit the use of tobacco on school property and tobacco use shall be prohibited when such property is being used for any school purposes. Each school board and local school council may exempt outdoor spectator areas of school property during scheduled school interscholastic or extracurricular athletic activities; a designated area within or outside the school building for use by spectators during indoor scheduled school interscholastic or extracurricular athletic activities; and, a designated area within the school building for use by school personnel. Reference date 1961. ILL. REV. STAT. Ch. 122, §10-20.5b and §34-18.9 (1989), as added to "The School Code."

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 30 cents
Date last changed: July 1, 1989--20 to 30 cents
Year first enacted: 1941

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine up to \$50 for the first offense and up to \$100 for subsequent offenses. Reference date 1982. ILL. REV. STAT. Ch. 23, §2358-1 to 2358-5 (1983).

Sign posting requirement: Yes. Violation is a Class C misdemeanor. Reference date 1982. ILL. REV. STAT. Ch. 23, §§2358-1 to 2358-5 (1983).

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Distributors of cigarettes must be licensed. ILL. REV. STAT., Ch. 120, §453.4.

INDIANA

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is prohibited, except in designated areas, in public buildings. A public building is an enclosed structure, or the part of an enclosed structure, that is occupied by any agency of state or local government; used as a classroom building at a state educational institution, used as a public school; and licensed as a health facility. Reference date 1987. IND. STAT. CODE §13-1-13.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 15.5 cents
Date last changed: July 1, 1987--10.5 to 15.5 cents
Year first enacted: 1947

2. Smokeless Tobacco

Chewing tobacco and snuff: 15% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Class C infraction. Reference date 1980. IND. STAT. CODE §35-46-1-10 (1987).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

A person who knowingly sells or distributes tobacco to a person under the age of 18 commits a Class C infraction. "Distributes" means to give tobacco to another person as a means of promoting, advertising, or marketing the tobacco to the general public. Reference date 1983. IND. CODE ANN. §35-46-1-10 (1987).

E. Restrictions on Sales of Tobacco Products in Vending Machines

Those under 16 years of age are forbidden to buy cigarettes.

Sign posting requirement: Yes. Violation is a Class C infraction. Reference date 1983. IND. CODE ANN. §35-46-1-11.

F. Licensing Requirements

Cigarette distributors must obtain registration certificates from the department of state revenue. Reference date 1947. IND. CODE ANN. §6-7-1-16.

IOWA

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is prohibited, except in designated areas, in any enclosed indoor area used by the general public or serving as a place of work, including but not limited to, retail stores; offices containing 300 or more square feet of floor space, including waiting rooms of three hundred or more square feet of floor space; and other commercial establishments; public conveyances with departures, travel, and destination entirely within this state; educational facilities; hospitals, clinics, nursing homes, and other health care and medical facilities; and indoor theaters, libraries, art museums, concert halls, auditoria, and indoor arenas; meeting rooms; and elevators.

Public places not covered by this law include restaurants, retail stores at which 50 percent or more of the sales result from the sale of tobacco or tobacco products; the portion of a retail store where tobacco or tobacco products are sold; a private, enclosed office occupied exclusively by smokers even though the office may be visited by nonsmokers; lobbies and malls which encompass floor space of 300 or less square feet; a room used primarily as the residence of students or other persons at an educational facility; a sleeping room in a motel or hotel; or each resident's room in a health care facility. The person in custody or control of the facility shall provide a sufficient number of rooms in which smoking is not permitted to accommodate all persons who desire such rooms.

Signs must be posted that designate smoking and nonsmoking areas. A violator of this act must pay a civil fine. Reference date 1987. IOWA CODE ANN. §§98A.1 to 98A.6.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 31 cents
Date last changed: July 1, 1989--34 to 31 cents*
Year first enacted: 1921

2. Smokeless Tobacco

Chewing tobacco and snuff: 19% of wholesale sales price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: First violation is a simple misdemeanor and subsequent violations are serious misdemeanors. Reference date 1894. IOWA CODE ANN. §§98.2 to 98.3 (1984).

Sign posting requirement: NONE

IOWA (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

NONE

This excise tax decrease was scheduled as part of an overall tax increase that went into effect March 1, 1988. The tax rose to 34 cents-per-pack--from 26 cents--for the period beginning March 1, 1988 through June 30, 1989. Beginning July 1, 1989, the tax then decreased to 31 cents-per-pack. Reference date 1988. IOWA CODE ANN. Ch. 1005, §98.6-2.

KANSAS

A. Restrictions on Smoking in Public Places

1. The use of tobacco products in any public school building is prohibited. A school building is defined as an enclosed building used by the school district board for pupil attendance purposes. Not included are buildings or portions thereof used for residential purposes or leased from the school district for non-school-sponsored activities. Reference date 1988. KAN. House Bill No. 2823.
2. Clean Indoor Air Act -- No person shall smoke in a public place or at a public meeting, except in designated smoking areas. Public places are enclosed, indoor areas open to the public or used by the general public, including, but not limited to, restaurants, retail stores, public means of transportation, elevators, educational facilities, courtrooms, state, county or municipal buildings, rest rooms, grocery stores, school buses, theaters, libraries, museums, auditoria, arenas, recreational facilities, and health care institutions or any other place where health care services are provided to the public.

Any person found guilty of smoking in violation of this act is guilty of a misdemeanor punishable by a fine of not more than \$20 for each violation. Any person found guilty of failing to post signs as required by this act, is guilty of a misdemeanor punishable by a fine of not more than \$50. Reference date 1987. KAN. STAT. ANN. §21-4008.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 24 cents
Date last changed: October 1, 1985--16 to 24 cents
Year first enacted: 1927

2. Smokeless Tobacco

Chewing tobacco and snuff: 10% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine of \$500 to \$2500 or up to one year in prison or both.
Reference date 1933. KAN. STAT. ANN. §§79-3321 and 79-3322 (1984).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

Distribution of sample cigarettes to persons under the age of 18 is punishable by a fine of \$500 to \$2500 or up to one year in prison or both. Reference date 1933. KAN. STAT. ANN. §§79-3321 to 79-3322.

KANSAS (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

.. F. Licensing Requirements

Each person engaged in the business of selling cigarettes must secure a license from the division of taxation. Reference date 1933. KAN. STAT. ANN. §79-3303.

KENTUCKY

A. Restrictions on Smoking in Public Places

Smoking is prohibited in school buildings or on school grounds, except in designated smoking areas. The superintendent or principal may designate smoking areas. Violation is punishable by a fine of \$1 to \$5. Reference date 1972. KY. REV. STAT. §438.050 (1988).

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 3 cents
Date last changed: July 1, 1970--2.5 to 3 cents
Year first enacted: 1936

One-half cent of the cigarette excise tax is earmarked to the Tobacco Research Trust Fund. Funds appropriated for the Fund go to the University of Kentucky Tobacco and Health Research Institute and are applied exclusively to projects and programs directed toward improvements in the tobacco industry and proving or disproving questions of health hazards to tobacco users. KY. REV. STAT. §248.520(5). A 14-member Tobacco Research Board authorizes and reviews the research projects and makes yearly reports. Reference Date 1978. KY. REV. STAT. §§248.510 to 248.570.

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: NONE

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

NONE

LOUISIANA

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 16 cents

Date last changed: July 1, 1984--11 to 16 cents

Year first enacted: 1926

One million dollars from the tax levied on cigarettes goes annually to the Cancer and Lung Trust Fund. The monies in the fund are used solely for "cancer research and research on cardiopulmonary disease and clinical investigation and training in the field of cancer and cardiopulmonary diseases." The fund is administered by the Department of Health and Human Resources. Reference Date 1980. LA. REV. STAT. ANN. §47:869 and §40:1299.88.

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: NONE

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

No person shall distribute or cause to be distributed to persons under 18 years of age a promotional sample of any tobacco product. Violators shall be fined not less than \$100 nor more than \$500. Reference date 1988. LA. REV. STAT. Title 14, §91.6.

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Every person who sells at wholesale or by vending machine, who is about to engage in the business of receiving unstamped or non-tax paid cigarettes, cigars and smoking tobacco, or who is engaged in the business of receiving stamped cigarettes at wholesale must obtain a permit from the collector of revenue. Reference date 1974. LA. REV. STAT. ANN. §47-844.

MAINE

A. Restrictions on Smoking in Public Places

1. Beginning November 16, 1989, no person may smoke tobacco or any other substance in any enclosed area of any hospital, except in designated areas within the hospital if a licensed physician has written an order permitting the patient or resident to smoke. Reference date 1989. ME. REV. STAT. ANN. Title 22, §1580-B.
2. Smoking is prohibited in enclosed shopping malls, except in designated smoking areas. Reference date 1989. ME. REV. STAT. ANN. Title 22, §1672-A.
3. Smoking is prohibited in any enclosed area in which the public is allowed on any ferry. Failure to post a notice or smoking in an area where it is prohibited is a civil violation punishable by a fine up to \$100. Reference date 1989. ME. REV. STAT. ANN. Title 22, §1580-B.
4. Tobacco use by students in school buildings and on school property is prohibited. Employees and the public are governed by sections 1580-A and 1578-A, respectively. Any designated smoking area for school employees shall be located away from areas frequented by students. Reference date 1988. ME. REV. STAT. ANN. Title 22, §1578-B.
5. Restaurants are required to provide for their patrons a no-smoking area reasonable calculated to address the needs of the nonsmoking public. Failure to post a sign or announce a policy; to provide a no-smoking area as required, or to comply with rules promulgated is a civil violation of not less than \$100 nor more than \$500. Reference date 1987. ME. REV. STAT. ANN. Title 22, §1579A (1989).
6. Smoking is prohibited in any public area of any publicly owned building, except in any portion of publicly owned buildings used exclusively for nonpublic purposes or leased by private organizations, corporations or entities, in any enclosed indoor restaurant or cafeteria that serves food for consumption on the premises of the publicly owned building that makes available a no-smoking area reasonable calculated to address the needs of the nonsmoking public; and in hallways and lobby areas of civic auditoria, as long as a no-smoking area is maintained between the main entrance to the building and one or more doors to the auditorium or area where performances or other events occur. Reference date 1987. ME. REV. STAT ANN. Title 22, §1578A.
7. Every employer must establish, or may negotiate through the collective bargaining process, a written policy on smoking. To protect the employer and employees from the detrimental effects of smoking by others, the policy shall prohibit smoking, except in designated areas. Failure to establish, post, or supervise the implementation of a policy is a civil violation punishable by a fine of not more than \$100. Reference date 1985. ME. REV. STAT. ANN. Title 22, §1580-A.

MAINE

A. Restrictions on Smoking in Public Places

1. Beginning November 16, 1989, no person may smoke tobacco or any other substance in any enclosed area of any hospital, except in designated areas within the hospital if a licensed physician has written an order permitting the patient or resident to smoke. Reference date 1989. ME. REV. STAT. ANN. Title 22, §1580-B.
2. Smoking is prohibited in enclosed shopping malls, except in designated smoking areas. Reference date 1989. ME. REV. STAT. ANN. Title 22, §1672 A.
3. Smoking is prohibited in any enclosed area in which the public is allowed on any ferry. Failure to post a notice or smoking in an area where it is prohibited is a civil violation punishable by a fine up to \$100. Reference date 1989. ME. REV. STAT. ANN. Title 22, §1580-B.
4. Tobacco use by students in school buildings and on school property is prohibited. Employees and the public are governed by sections 1580-A and 1578-A, respectively. Any designated smoking area for school employees shall be located away from areas frequented by students. Reference date 1988. ME. REV. STAT. ANN. Title 22, §1578-B.
5. Restaurants are required to provide for their patrons a no-smoking area reasonable calculated to address the needs of the nonsmoking public. Failure to post a sign or announce a policy; to provide a no-smoking area as required, or to comply with rules promulgated is a civil violation of not less than \$100 nor more than \$500. Reference date 1987. ME. REV. STAT. ANN. Title 22, §1579A (1989).
6. Smoking is prohibited in any public area of any publicly owned building, except in any portion of publicly owned buildings used exclusively for nonpublic purposes or leased by private organizations, corporations or entities, in any enclosed indoor restaurant or cafeteria that serves food for consumption on the premises of the publicly owned building that makes available a no-smoking area reasonable calculated to address the needs of the nonsmoking public; and in hallways and lobby areas of civic auditoria, as long as a no-smoking area is maintained between the main entrance to the building and one or more doors to the auditorium or area where performances or other events occur. Reference date 1987. ME. REV. STAT. ANN. Title 22, §1578A.
7. Every employer must establish, or may negotiate through the collective bargaining process, a written policy on smoking. To protect the employer and employees from the detrimental effects of smoking by others, the policy shall prohibit smoking, except in designated areas. Failure to establish, post, or supervise the implementation of a policy is a civil violation punishable by a fine of not more than \$100. Reference date 1985. ME. REV. STAT. ANN. Title 22, §1580-A.

MAINE (continued)

8. Smoking is prohibited in all sections of retail stores over 4,000 square feet open to the public. Violation is punishable by a fine up to \$50. Reference date 1985. ME. REV. STAT. ANN. Title 22, §1682.
9. Smoking is prohibited in nursing homes, except in designated smoking areas. Reference date 1983. ME. REV. STAT. ANN. Title 22, §1825.
10. Smoking is prohibited in jury rooms, unless all members consent. No penalty is provided. Reference date 1983. ME. REV. STAT. ANN. Title 22, §1580.
11. Smoking is prohibited at indoor public meetings where no-smoking signs are posted, except where all members present consent. Reference date 1981. ME. REV. STAT. ANN. Title 22, §1578.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 28 cents
Date last changed: October 1, 1985--20 to 28 cents
Year first enacted: 1941

2. Smokeless Tobacco

Chewing tobacco and snuff: 45% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Civil violation not less than \$10 or more than \$100 for each violation. Reference date 1983. ME. REV. STAT. Title 22, §1579 (1989).

Sign posting requirement: Yes. Reference date 1983. ME. REV. STAT. Title 22, §1579 (1989).

D. Restrictions on Distribution of Tobacco Product Samples

No person in the business of selling or otherwise distributing cigarettes or other tobacco products for profit, or an employee or agent of such a person, may, in the course of his business, distribute any cigarette or other tobacco product free to any children under the age of 18 years in any place, including, but not limited to, a public way or sidewalk, public park or playground, public school or other public building, or an entrance, lobby, hall or other common area or a private building, shopping center or mall. Violation of this section shall result in a fine of not less than \$10 nor more than \$100 for each violation. Reference date 1983. ME. REV. STAT. ANN. Title 22, Ch. 239, §1579 (1989).

MAINE (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

It is unlawful for any person, firm, or corporation to knowingly distribute or sell cigarettes by the use of a vending machine to minors or in a locations other than on that is at all times under direct supervision by an adult during the hours the machine is accessible. Violators are subject to fines of \$100 to \$500. Reference date 1987. ME. REV. STAT. Title 22 §1628-2 (1989).

Sign posting requirement: NONE

F. Licensing Requirements

Each person engaging in the business of selling cigarettes must secure a license from the tax assessor. Reference date 1954. ME. REV. STAT. ANN. Title 36, §4362.

MAINE (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

It is unlawful for any person, firm, or corporation to knowingly distribute or sell cigarettes by the use of a vending machine to minors or in a locations other than on that is at all times under direct supervision by an adult during the hours the machine is accessible. Violators are subject to fines of \$100 to \$500. Reference date 1987. ME. REV. STAT. Title 22 §1628-2 (1989).

Sign posting requirement: NONE

F. Licensing Requirements

Each person engaging in the business of selling cigarettes must secure a license from the tax assessor. Reference date 1954. ME. REV. STAT. ANN. Title 36, §4362.

MARYLAND

A. Restrictions on Smoking in Public Places

1. Beginning January 1, 1990, an individual may not smoke in any area of a hospital. This prohibition does not apply to patients who are in a facility for the treatment of mental disorders or where the average patient stay is more than 30 days; or in an acute care hospital when a physician authorizes smoking, in writing, as part of the care for the patient. No penalty is provided. Reference date 1989. MD. HEALTH CODE ANN. §24-205.
2. Smoking is prohibited in public sections of retail stores with 20 or more full-time employees. Violators are subject to a fine of \$25. Reference date 1988. MD. ANN. CODE Ch. 297.
3. Smoking in state offices and public colleges and universities by all employees and visitors is prohibited in those areas governed by state law and in general public access areas, government-operated shuttle buses, and designated areas of cafeterias and dining rooms. Reference date 1987. Executive Order No. 01.01.1987.13.
4. Smoking is prohibited in any intrastate motor bus carrier. Maximum fine is \$25. Reference date 1975. MD. ANN. CODE Article 78, section 35A.
5. Smoking is prohibited on public elevators. No-smoking signs must be posted. Maximum fine is \$25. Reference date 1975. MD. ANN. CODE Article 89, section 64.
6. Directors of nursing homes, health clinics, and physicians' offices are required to establish and implement a plan to protect the health of nonsmoking patients by regulating smoking on the premises. No penalty is provided. Reference date 1957. MD. HEALTH AND ENV. CODE ANN. §11-205.
7. Smoking or carrying lighted tobacco products is prohibited in a public mass transit bus, railcar, or transit station. Maximum penalty is \$250 for each offense. Reference date 1957. MD. TRANSP. CODE ANN. §7-705.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 13 cents
Date last changed: July 1, 1980--10 to 13 cents
Year first enacted: 1958

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

MARYLAND (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine not more than \$100 for each and every offense. Reference date 1988. MD. ANN. CODE Article 27, §§404 and 405 (1989).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

It is unlawful to sell tobacco products through vending machines to any individual under the age of 18, punishable by a fine not more than \$100 for each and every offense. Reference date 1888. MD. ANN. CODE Article 27, §§404 and 405.56 (1989).

Sign posting requirement: Yes. Reference date 1989. MD. ANN. CODE Article 56, §617(b).

F. Licensing Requirements

A license is required to manufacture cigars or cigarettes. Violation brings a fine between \$5 and \$100, or imprisonment between 10 days and one year or both. Reference dates 1884 and 1904. MD. ANN. CODE Article 27, §§327, 330, and 333.

MASSACHUSETTS

A. Restrictions on Smoking in Public Places

1. Clean Indoor Air Act -- Smoking is prohibited in public elevators; supermarkets or retail food outlets; courtrooms; public mass transit vehicles, including any indoor or enclosed outdoor platforms; and open meetings of most governmental bodies. Smoking is restricted to designated areas in museums; libraries; waiting areas of health care facilities; courthouses; public or private schools, colleges, and universities; trains; airplanes; waiting areas of airports; restaurants seating over 75 persons; nursing homes; group child care centers; school-age and family day care centers; and publicly-owned buildings. The person in control of these facilities must post no-smoking notices. Reference date 1975. MASS. GEN. LAWS Ch. 270, §22 (1987).
2. Smoking is prohibited, except in designated areas, in all workplaces and public areas where state executive branch agencies are located. Reference date 1987. Executive Order, Administrative Bulletin 87-1.
3. Students in primary or secondary public schools in the commonwealth are prohibited from using tobacco products of any type on school grounds during normal school hours. Reference date 1987. MASS. GEN. LAWS Ch. 71, §2A.
4. All public and private nursing homes shall designate no-smoking sections in certain common areas, including lobbies, cafeterias, conference rooms and employee lounges. Smoking by employees is prohibited in all patient care areas. Reference date 1987. MASS. GEN. LAWS Ch. 111, §72W.
5. Smoking is prohibited in jury deliberation rooms, except when a majority of the members of such jury consent to smoking. Reference date 1986. MASS. GEN. LAWS ANN. §234-34C.
6. No person shall smoke on a school bus while such bus is being used to transport school pupils. Reference date 1976. MASS. GEN. LAWS Ch. 90, §7B(10).
7. Smoking is prohibited during an election in polling places or in places where town meetings are held. Reference date 1946. MASS. GEN. LAWS Ch. 54, §73.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 26 cents

Date last changed: July 11, 1983--21 to 26 cents

Year first enacted: 1939

2. Smokeless Tobacco

Chewing tobacco and snuff: 25% of wholesale price

MASSACHUSETTS (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine of not less than \$100 for the first offense, not less than \$200 for a second offense, and not less than \$300 for any third or subsequent offense. Reference date 1909. MASS. GEN. LAWS Ch. 270, §6 (1985).

Sign posting requirement: Yes. Violation is punishable by a fine of up to \$50. Reference date 1909. MASS. GEN. LAWS Ch. 270, §7.

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

A minor is prohibited from using a vending machine that dispenses cigarettes or tobacco products. Reference date 1886. MASS. GEN. LAWS ANN. Ch. 270, §6 and Ch. 64C, §10.

Sign posting requirement: Yes. Violation punishable by a fine of up to \$50. Reference date 1886. MASS. GEN. LAWS ANN. Ch. 270, §6 and Ch. 64C, §10.

F. Licensing Requirements

No person shall sell cigarettes or act as a manufacturer, wholesaler, vending machine operator, unclassified acquirer, transporter, or retailer of cigarettes unless licensed to do so. Reference date 1945. MASS. GEN. LAWS ANN. Ch. 71, §1.

MICHIGAN

A. Restrictions on Smoking in Public Places

1. Beginning October 1, 1988, the process to eliminate smoking in all state owned and operated child caring institutions and child care centers and on the real property that houses these facilities will begin. By January 1, 1990, smoking will be prohibited in all child caring institutions and child care centers. A smoking area may be provided for in a private, enclosed office physically separated from, and out of sight of, the common and general care areas. Reference date 1986. MICH. COMP. LAWS §333.12604 (1988). (Amendment to the Michigan Clean Indoor Air Act of 1986, MICH. COMP. LAWS §§333.12601 to 333.12617.)
2. Smoking is prohibited in health facilities, including hospitals, health clinics, and doctors' offices. The medical staff of health facilities will have the authority to adopt an institutional policy for handling situations where nicotine withdrawal would be detrimental to the patient's treatment. In such cases, the patient may be permitted to smoke but would be placed in designated areas that are enclosed, ventilated, or otherwise constructed to ensure a smoke-free environment in other patient care and common areas. Reference date 1986. MICH. COMP. LAWS §333.12604a (1988). (Amendment to the Michigan Clean Indoor Air Act of 1986, MICH. COMP. LAWS §§333.12601 to 333.12617.)
3. Clean Indoor Air Act -- Smoking is prohibited, except in designated areas, in enclosed indoor areas owned or operated by a state or local government agency and used by the general public or serving as workplaces for public employees or as meeting places for public bodies, including offices, educational facilities, auditoria, arenas, meeting rooms, and public conveyances; enclosed indoor areas that are privately owned and operated and used by the general public and serving as educational, recreational, or entertainment facilities, including auditoria, arenas, theaters, museums, concert halls, and other facilities for the performance or exhibit of the arts.

Areas not covered by this act are: most private sector workplaces; bars; a private, enclosed room or office that is occupied exclusively by a smoker, even if the room or office may be visited by a nonsmoker; private functions when the seating arrangements are under the control of the sponsor of the function rather than the governmental agency or person who owns or operates the facility; and federal buildings and employees. Reference date 1986. MICH. COMP. LAWS ANN. §§333.12601 to 333.12617.
4. Smoking on a school bus within one hour of pupils' use is prohibited. Reference date 1981. MICH. COMP. LAWS ANN. §257.316a.
5. Food service establishments with seating capacities of 50 or more or groups of food service establishments that are located in shopping malls are required to post notices and designate areas for nonsmokers. Reference date 1978. MICH. COMP. LAWS ANN. §333.12905 (1988).

MICHIGAN (continued)

6. Nursing homes must adopt a policy that regulates smoking to provide patients with no-smoking rooms and designated smoking areas and prohibit tobacco sales, except as provided for by owners. Notices must be posted for smoking and nonsmoking areas. Reference date 1978. MICH. COMP. LAWS ANN. §§333.21333 and 333.21733.
7. Smoking is prohibited in retail food establishments, except in designated areas. No-smoking signs must be posted at entrances. Maximum penalty is \$100 fine. Reference date 1968. MICH. COMP. LAWS ANN. §289.707a.
8. It is unlawful for a person to smoke, or carry lighted tobacco, in any form, in a passenger elevator in any building, structure, or premises in Michigan. Signs that contain prohibition and penalty must be posted in elevators. Reference date 1967. MICH. COMP. LAWS ANN. §408.820.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 25 cents
Date last changed: January 1, 1988--21 to 25 cents
Year first enacted: 1947

The proceeds of .5 mills of the tax shall be distributed to city, district, and county health departments for use in public health prevention programs and services. This distribution is in addition to and is not intended as a replacement for any other state payments to these health departments. Reference date 1987. MICH. COMP. LAWS ANN. §205.507.

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Misdemeanor punishable by a fine of not more than \$50 for each offense. Reference date 1915. MICH. COMP. LAWS ANN. §722.641 (1988).

Sign posting requirement: Yes. Violation is a misdemeanor punishable by a fine of not more than \$50 for each offense. Reference date 1915. MICH. COMP. LAWS ANN. §722.641 (1988).

D. Restrictions on Distribution of Tobacco Product Samples

NONE

MICHIGAN (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

No person shall sell, purchase, possess or acquire cigarettes or act as a manufacturer, wholesaler, vending machine operator, unclassified acquirer, or transporter of cigarettes unless licensed to do so by the revenue division of the department of the treasury. Reference date 1949. MICH. COMP. LAWS ANN. §7.411(3)(1984).

MINNESOTA

A. Restrictions on Smoking in Public Places

1. Effective January 1, 1990--Smoking is prohibited in licensed day care centers during hours of operation. Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, or other health care-related facility, other than a nursing home, boarding care facility, or licensed residential facility. Smoking by patients in a chemical dependency treatment program or mental health program may be allowed in a separate, well-ventilated area pursuant to a policy established by the administrator of the program that identifies circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness. Smoking by a patient may be allowed if authorized in writing by the patient's attending physician. Reference date 1975. MINN. STAT. ANN. §§144.411 to 144.417 (1988).
2. Clean Indoor Air Act -- Smoking is prohibited in public places and meetings, except in designated smoking areas. Public places are any enclosed, indoor areas used by the general public or serving as places of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, auditoria, arenas, and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers, even though such offices may be visited by nonsmokers.

The law 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 place. Factories, warehouses, and similar places not usually frequented by the general public are not included, except where the public health commissioner determines the existence of smoke pollution detrimental to nonsmoking employees. No public place other than a bar may be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation must be posted conspicuously on all entrances normally used by the public.

Proprietors of public places are responsible for posting appropriate signs and for arranging nonsmoking seating areas. Violation constitutes a petty misdemeanor. Affected individuals and state officials may institute injunction actions against repeated violators. Reference date 1975. MINN. STAT. ANN. §§144.411 to 144.417 (1987).

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 38 cents
Date last changed: June 1, 1987--23 to 38 cents
Year first enacted: 1947

MINNESOTA (continued)

One cent of the cigarette excise tax (or a total of \$1.5 million) goes to the Public Health Fund, which includes funding for the Department of Health and the Department of Education Tobacco Use and Prevention Programs. Reference date 1985. MINN. LAWS 1985. 1st Special Session, Ch. 14, Article 19, §37(4).

2. Smokeless Tobacco

Chewing tobacco and snuff: 35% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Gross misdemeanor, subject to up to one year imprisonment and/or a \$3000 fine. Reference date 1981. MINN. STAT. ANN. §609.685 (1989).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

No person shall distribute promotional samples of smokeless tobacco products or cigarettes, cigars, pipe tobacco, or other tobacco products suitable for smoking, except for single serving samples of tobacco in tobacco stores. Reference date 1986. MINN. STAT. ANN. §325F.77(4) (1987).

E. Restrictions on Sales of Tobacco Products in Vending Machines

Persons under 18 years are forbidden to buy cigarettes. Reference date 1961. MINN. STAT. ANN. §325E.07.

Sign posting requirement: Yes. Violation constitutes a misdemeanor. Reference date 1961. MINN. STAT. ANN. §325E.07.

F. Licensing Requirements

No person shall engage in the business of selling, manufacturing or transporting cigarettes without first having received a license from the state commissioner of taxation. Reference date 1947. MINN. STAT. ANN. §§297.01, 297.04.

MISSISSIPPI

A. Restrictions on Smoking in Public Places

Smoking is prohibited on public buses. Persons who continue to smoke after being asked to refrain from smoking can be ejected from public buses and charged with a misdemeanor. Reference date 1942. MISS. CODE ANN. §97-35-1.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 18 cents
Date last changed: June 1, 1985--11 to 18 cents
Year first enacted: 1930

2. Smokeless Tobacco

Chewing tobacco and snuff: 15% of manufacturer's list price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine between \$20 and \$100, or imprisonment from 1 week to 3 months or both. Reference date 1892. MISS. CODE ANN. §97-5-25.

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Every distributor, wholesaler, retailer, distributing agent, vendor, and every other person engaged in the sale or use of tobacco upon which a tax is required to be paid, must receive a permit from the state tax commission allowing him to engage in such business. Reference date 1942. MISS. CODE ANN. §27-69-5.

MISSOURI

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 13 cents

Date last changed: August 13, 1982--9 to 13 cents

Year first enacted: 1955

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: NONE

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Every cigarette wholesaler must obtain a license from the director of the department of revenue. MO. ANN. STAT. §149.035.

MONTANA

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is restricted to designated areas of any enclosed public area or vehicle, including enclosed workplaces for more than one employee. Areas included are elevators, restaurants, stores, offices, trains, buses, educational or health facilities, indoor recreational facilities, museums, galleries, libraries, public meeting rooms, and state and local government buildings. In offices and work areas in buildings maintained by the state or a political subdivision, except a school or community college facility designated as tobacco-free by the board of trustees of the school district or community college district, in which seven or more employees of the state or political subdivision are employed, the manager or person in charge of the work area shall arrange nonsmoking and smoking areas in a convenient area. An entire enclosed public place may be designated nonsmoking. Rest rooms, taverns, and bars that do not serve meals, and rooms or vehicles with a capacity of six or fewer are exempted from the Act. A person required to designate smoking or nonsmoking areas who fails to do so may be fined up to \$25. Reference date 1979. MONT. CODE ANN. §§50-40-101 to 50-40-201 (1989).

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 16 cents
Date last changed: July 1, 1983--12 to 16 cents
Year first enacted: 1947

2. Smokeless Tobacco

Chewing tobacco and snuff: 12.5% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: NONE

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Every wholesaler, subjobber, retailer, or cigarette vendor shall obtain a license from the department of revenue. Reference date 1969. MONT. CODE ANN. §16-11-120.

NEBRASKA

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is prohibited in public places and at public meetings, except in designated smoking areas. Coverage includes any enclosed, indoor area used by the public or that serves as a workplace, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, hospitals, nursing homes, auditoria, arenas, and meeting rooms.

Private offices used only by employees who smoke, an entire room or hall used for a private function and controlled by the function's sponsor, and bars or restaurants with serving areas of fewer than 1200 square feet are exempted.

With respect to factories, warehouses, and similar places of work not usually frequented by the general public, the Department of Health is required to establish rules to restrict or prohibit smoking in those places of work when the close proximity of workers or the inadequacy of ventilation causes smoke pollution that is detrimental to the health and comfort of nonsmoking employees.

Notices must be posted designating smoking and nonsmoking areas. Violation is penalized as a Class V misdemeanor, or by injunction. Reference date 1979. NEB. REV. STAT. §§71-5701 to 71-5713.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 27 cents
Date last changed: March 11, 1987--23 to 27 cents
Year first enacted: 1947

One cent of the cigarette tax inures to the benefit of the Cancer Research Fund. Reference Date 1981. NEB. REV. STAT. §77-2602.

Legislative appropriations to the Department of Health are to be distributed to Nebraska medical colleges and post-secondary educational institutions for cancer and smoking disease research. The Department of Health shall establish program criteria, application procedures, and other similar administrative procedures. Reference Date 1981. NEB. REV. STAT. §§81-637 to 81-640.

2. Smokeless Tobacco

Chewing tobacco and snuff: 15% of purchase price

NEBRASKA (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Class III misdemeanor for each offense. Reference date 1885.
NEB. REV. STAT. §28-1419 (1981).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

Manufacturers, wholesalers, retailers, or their representatives, of smokeless tobacco products shall not distribute for promotional purposes. Violators shall be imposed a civil penalty of \$500 for the first offense and not less than \$600 nor more than \$3000 for a second or subsequent offense. Reference date 1989. L.B. 48, as passed by the Nebraska Legislature.

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

It is unlawful for any person, partnership, or corporation to sell, keep for sale, or give away in the course of trade, any cigars, tobacco, cigarettes, or cigarette materials without first obtaining a license. Reference date 1919. NEB. REV. STAT. §28-1420.

A licensee who furnishes cigars, tobacco, cigarettes, or cigarette material to a minor is guilty of a class III misdemeanor. An additional penalty can be revocation of license. Corporation officers, directors, or managers are subject to this section's penalty. Reference date 1919. NEB. REV. STAT. §28-1425.

NEVADA

A. Restrictions on Smoking in Public Places

Smoking is prohibited, except in designated smoking areas, in public elevators; libraries; museums; public buses; public meetings held in rooms in public buildings including university lecture and concert halls, hallways, waiting rooms, and cafeterias open to the public in state buildings; nonsmoking areas in a state facility; public waiting rooms; hallways of health care facilities; offices of health care professionals; public areas of retail food stores; and hotels, motels, and restaurants whose operators have posted signs prohibiting smoking. One who violates this section is subject to a fine between \$10 and \$100. Reference date 1975. NEV. REV. STAT. §§202.249, 202.2491, and 202.2492 (1987).

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 35 cents
Date last changed: July 1, 1989--20 to 35 cents
Year first enacted: 1947

2. Smokeless Tobacco

Chewing tobacco and snuff: 30% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine up to \$500. Subsequent violations by tobacco dealers can result in license forfeiture. Reference date 1911. NEV. REV. STAT. §202.010.

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

A person shall not engage in business as a dealer of cigarettes unless he first secures a wholesaler's or retailer's license from the state. Reference date 1947. NEV. REV. STAT. §370.080.

Repeated violation of selling tobacco products to persons under age 18 may result in forfeiture of the license. Reference date 1911. NEV. REV. STAT. §202.010.

NEW HAMPSHIRE

A. Restrictions on Smoking in Public Places

1. An employer shall establish and implement written rules governing smoking and nonsmoking in the workplace. The rules shall be readily available for viewing by the employees and may include the designation of smoking and nonsmoking areas. Upon request the employer shall provide a copy of the written rules to any employee. Workplace means any enclosed location, permanent or temporary, where an employee primarily performs any work-related duty in the course of his employment. Reference date 1986. N.H. REV. STAT. ANN §§155:50 to 155:53.
2. Smoking in grocery food stores is prohibited. Anyone who smokes in a grocery food store or who removes or defaces a sign posted under this law shall be guilty of a violation and may be subject to a fine up to \$25. Reference date 1986. N.H. REV. STAT. ANN §155:54 to 155:56.
3. Smoking is restricted to designated smoking areas in enclosed places that are publicly owned or supported by tax revenues. Included are publicly owned, operated, or supported transportation, common carrier waiting rooms, elevators, retail stores, entertainment facilities, educational facilities, government offices, polling places, health care facilities, and public meetings.

No-smoking signs are to be posted and are not to be removed or defaced. Willful refusal to obey restrictions is a violation and may be enjoined. To enforce such a violation, the attorney general may bring a civil action for appropriate relief. Reference date 1981. N.H. REV. STAT. ANN. §§155:45 to 155:49.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 17 cents
Date last changed: August 15, 1983--12 to 17 cents
Year first enacted: 1939

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine of not more than \$25 for first offense; not more than \$50 for second and subsequent offenses. Reference date 1987. N.H. REV. STAT. ANN. Title 78, Ch. 162, §12-b.

NEW HAMPSHIRE (continued)

Sign posting requirement: Yes. Violation results in fine of not more than \$25 for first offense; not more than \$50 for second and subsequent offenses. Reference date 1987. N.H. REV. STAT. ANN. Title 78, Ch. 162, §12-b.

D. Restrictions on Distribution of Tobacco Product Samples

No person shall sell tobacco products or distribute promotional samples of any tobacco product to a person under 18 years of age. Any person who is guilty of a violation is subject to a fine of not more than \$25 for the first offense, and not more than \$50 for the second and subsequent offenses. Reference date 1987. N.H. REV. STAT. ANN. Title 78, Ch. 162, §12-b.

E. Restrictions on Sales of Tobacco Products in Vending Machines

Any owner or operator of a vending machine containing tobacco products who knowingly permits a person less than 18 years of age to use such a machine, and any person having control of the location where the vending machine is located who knowingly permits a person less than 18 years of age to use such a machine shall be guilty of a violation. A fine of not more than \$25 for the first offense and not more than \$50 for the second or subsequent offenses will be imposed. Reference date 1987. N.H. REV. STAT. Title 78, C. 162, §12-b.

Sign posting requirement: Yes. Violation results in fine of not more than \$25 for first offense; not more than \$50 for second and subsequent offenses. Reference date 1987. N.H. REV. STAT. ANN. Title 78, Ch. 162, §12-b.

F. Licensing Requirements

Each manufacturer, wholesaler, subjobber, vending machine operator, and retailer of tobacco products must secure a license from the tax commissioner. Reference date 1939. N.H. REV. STAT. ANN. §78.2.

NEW JERSEY

A. Restrictions on Smoking in Public Places

1. Smoking is prohibited is prohibited in public school buildings. The board of education of each school district shall make and enforce regulations to prohibit the smoking of tobacco in its buildings, except as part of a classroom instruction or a theatrical production. Reference date 1985. N.J. STAT. ANN. §26:3D-17 (1989).

2. Smoking on passenger elevators, other than in a single-family dwelling, is prohibited, and signs must be posted to that effect. Smoking is prohibited in enclosed retail food and marketing stores. Smoking is prohibited on college, university, and professional training school premises, except in designated areas. Administrators of these institutions are to make and enforce regulations to implement the prohibition. Designated smoking areas must be clearly marked by posted signs at public entrances.

Smoking is prohibited in health care facilities, except in designated areas. Smoking is permitted in private patient rooms or where all patients have consented, in waiting rooms where nonsmoking areas can be provided, in cafeterias seating 50 or more if an adequate nonsmoking section can be provided, and enclosed employee offices if permitted by the person in control of the facility. The state, its agencies or political subdivisions, may suggest guidelines for nonsmoking areas. Smoking and no-smoking signs must be posted at entrances to health care facilities, and in health care providers' waiting rooms.

Nonsmoking areas must be established in indoor theaters, libraries, museums, concert halls, auditoria, or other similar facilities, except sporting event facilities.

Employers must establish written rules to govern smoking in the workplace. The rules must contain a written policy and procedures to protect the health, welfare, and comfort of employees from the detrimental effects of tobacco smoke. Such policy shall include designated nonsmoking areas. Local governing bodies are prohibited from enacting ordinances more stringent than this regulation.

Violation of these restrictions on smoking areas is punishable by a fine of up to \$100. Health departments are to notify the person in control of a building of violations and order compliance. Failure to comply is punishable by up to \$25 for the first offense, up to \$100 for the second offense, and up to \$200 for each subsequent offense. Reference date 1985. N.J. STAT. ANN. §§26:3D-1 to 26:3D22; N.J. STAT. ANN. §§26:3D-23 to 26:3D-45.

3. New Jersey encourages restaurants to establish nonsmoking areas. Every restaurant is required to post signs at every public entrance indicating whether or not it maintains a nonsmoking section. Reference date 1985. N.J. STAT. ANN. §§26.3E7 to 26.3E13.

NEW JERSEY (continued)

4. Anyone who smokes or carries lighted tobacco on public transportation or in a public place where municipal ordinance, or the person in control of the place, prohibits smoking is guilty of a petty offense and is subject to a fine of up to \$200. Reference date 1979. N.J. STAT. ANN. §2C:33-13.
5. The Port Authority may regulate smoking in air terminals, moored floating crafts, and marine terminals where appropriate signs are posted. Violation is punishable by a fine of up to \$50 for the first offense and/or up to 30 days imprisonment, by up to \$100 and/or 60 days imprisonment for a second offense, and by \$50 to \$200 and/or 60 days imprisonment for subsequent offenses. Reference date 1953. N.J. STAT. ANN. §§32:1-146.4 and 32:1-146.5.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 27 cents
Date last changed: July 1, 1987--25 to 27 cents
Year first enacted: 1948

One million dollars of the cigarette surtax is deposited annually in the Cancer Research Fund, to be appropriated toward funding of the New Jersey State Commission on Cancer Research. Reference Date 1982. N.J. STAT. ANN. §54.40A-37.1.

A seven-member tobacco industry advisory council of the Cigarette Tax Bureau reports to the governor, director, and supervisor of the Bureau and gives advice and counsel to the enforcement and administration of the Cigarette Tax Act. Reference Date 1968. N.J. STAT. ANN. §54.40A-45.

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine of \$250. Reference date 1904. N.J. STAT. ANN. §2A:170-51 (1987).

Sign posting requirement: Yes. Violation punishable by fine of \$250. Reference date 1948. N.J. STAT. ANN. §2A:170-51 (1987).

D. Restrictions on Distribution of Tobacco Product Samples

NONE

NEW JERSEY (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

No person shall engage in or conduct the business of manufacturing, purchasing, selling, consigning, or distributing cigarettes without having first obtained an appropriate license. Reference date 1948. N.J. STAT. ANN. §54:40A-3.

NEW MEXICO

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- It is unlawful for any person to smoke in a public place or at a public meeting, except in designated smoking areas. A public place is any enclosed indoor area in a building owned or leased by the state or any of its subdivisions. For places of employment, each employer shall adapt, implement, and maintain a written smoking policy that shall prohibit, at a minimum, smoking in elevators and nurses' aid stations, or similar facilities for treatment of employees and that shall provide for smoke-free work areas to accommodate employees who request such areas. Any person who violates the Act shall be fined not less than \$10 and not more than \$25. Reference date 1985. N.M. STAT. ANN. §§24-16-1 to 24-16-11.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 15 cents
Date last changed: July 1, 1986--12 to 15 cents
Year first enacted: 1943

2. Smokeless Tobacco

Chewing tobacco and snuff: 25% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: NONE

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Each person engaged in the business of selling cigarettes must register with the state. Reference date 1953. N.M. STAT. ANN. §7-12-9.

NEW YORK

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is prohibited in auditoria; elevator;; gymnasiums; enclosed indoor areas open to the public containing a swimming pool; indoor areas open to the public in food stores; classrooms; public transportation vehicles, including subways, underground subway stations, and when occupied by passengers, buses, vans, taxicabs, and limousines; and, ticketing and boarding areas in public transportation terminals. Smoking is prohibited, except in designated areas, in indoor areas open to the public, including but not limited to, public and private schools, colleges, and universities; hospitals and residential health care facilities; public buildings; theaters; museums; libraries; retail stores; commercial establishments; indoor arenas; waiting rooms and waiting areas; banks and other financial institutions; restrooms; waiting areas in public transportation terminals; and service areas in cafeterias and businesses selling food for on-premises and off-premises consumption.

The owner, operator or manager of a food service establishment shall designate a contiguous nonsmoking area sufficient to meet customer demand and may not determine that no such demand exists. If 70% of a food service establishment's indoor seating capacity for dining is designated as a nonsmoking area, then customer demand will be deemed to have been met.

Each employer shall adopt and implement a written smoking policy that requires, at a minimum, a smoke-free work area for nonsmoking employees; a work area for smoking if all employees assigned to the work area agree to the designation; and contiguous nonsmoking areas in employee cafeterias, lunch rooms, and lounges sufficient to meet demand. The policy must prohibit smoking in auditoria, gymnasiums, restrooms, elevators, classrooms, hallways, employee medical facilities, and company vehicles occupied by more than one person.

Any place may be designated by the owner, operator, or manager as a nonsmoking area in its entirety.

Violation is punishable by a civil penalty up to \$1000, if imposed by the state and up to \$500 if imposed by a local enforcement officer. Reference date 1989. N.Y. PUB. HEALTH LAW §§1399-n to 1399-x.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 36 cents
Date last changed: June 1, 1989--21 to 36 cents
Year first enacted: 1939

2. Smokeless Tobacco

Chewing tobacco and snuff: 15% of wholesale price

NEW YORK (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Class B misdemeanor. Reference date 1965. N.Y. PENAL LAW §260.20(5).

Sign posting requirement: Yes. Violation punishable by fine up to \$100 for the first offense and up to \$250 for all subsequent violations. Reference date 1965. N.Y. GEN. BUS. LAW §399-e.

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

No person shall be a cigarette wholesale dealer unless he has been granted and publicly displays in his place of business a license from the department of taxation and finance. Reference date 1939. N.Y. TAX LAW §480.

NORTH CAROLINA

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 2 cents

Date last changed: October 1, 1969--0 to 2 cents

Year first enacted: 1969

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 17

Penalty: Fine up to \$500 and/or imprisonment for up to 6 months.
Reference date 1891. N.C. GEN. STAT. §14-313 (1981).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

No person shall engage in the business of a distributor of cigarettes without having obtained a license from the secretary of state. Reference date 1969. N.C. GEN. STAT. §105-113.11.

NORTH DAKOTA

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is prohibited, except in designated areas, in every place of public assembly. Smoking areas must be designated by the proprietor or other person with general supervisory responsibility over the place of public assembly, except in a place in which smoking is prohibited by the state fire marshal, by other governing law, rule, or ordinance, or by corporate or private policy. A no-smoking sign must be posted in any designated smoking area.

Places of public assembly include enclosed theaters; elevators; auditoria; gymnasiums; rooms in which persons are confined as a matter of health care, including the waiting room, rest room, lobby, or hallway of a hospital, nursing home, rest home, or other health care institution or facility; libraries; public transportation vehicles and waiting areas in all public transportation terminals; any building or other enclosed structure owned or leased by the state, its agencies, or political subdivisions and all public education buildings; each portion of a building or enclosed structure, not already mentioned above, if it has the seating capacity for fifty or more persons and is available to the public, including restaurants, food service establishments, dining rooms, cafes, cafeterias, or other rooms used primarily for the service of food, regardless of whether the establishments serve alcoholic beverages. Maximum penalty for violation is \$100. Reference date 1978. N.D. CENT. CODE §523-12-09 to 23-12-11 (1987).

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 27 cents
Date last changed: July 1, 1987--24 to 27 cents
Year first enacted: 1925

2. Smokeless Tobacco

Chewing tobacco and snuff: 20% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Class B misdemeanor. Reference date 1973. N.D. CENT. CODE § 12.1-31-03 (1976).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

NORTH DAKOTA (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Each person engaged in the business of selling cigarettes, cigarette papers, snuff, cigars, or tobacco must secure a license from the attorney general. Reference date 1941. N.D. CENT. CODE §57-36-02.

OHIO

A. Restrictions on Smoking in Public Places

1. Students are prohibited from smoking, using tobacco, or possessing tobacco in any area under the control of a school district or at any school-supervised activity. Reference date 1988. OH. REV. CODE ANN. §3313.751.
2. Smoking is prohibited on public transportation vehicles where nonsmoking areas are clearly posted. Violation constitutes a minor misdemeanor. Reference date 1984. OH. REV. CODE ANN. §§2917.41(2) and (3)(E).
3. Nonsmoking areas must be designated by signs posted in places of public assembly, including enclosed theaters; indoor recreational facilities; classrooms; elevators; rooms in health care facilities; and state-owned buildings, including office buildings, public transportation vehicles, and other public nonsmoking areas. Restaurants, bowling alleys, and taverns are expressly excluded from coverage. Violation constitutes a minor misdemeanor. Reference date 1981. OH. REV. CODE ANN. §3791.031.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 18 cents
Date last changed: July 15, 1987--14 to 18 cents
Year first enacted: 1931

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 13

Penalty: First violation constitutes a fourth degree misdemeanor; subsequent violations constitute third degree misdemeanors. Reference date 1984. OH. REV. CODE ANN. §2927.02.

Sign posting requirement: Yes Violation constitutes a fourth degree misdemeanor for the first offense and a third degree misdemeanor for each subsequent violation. Reference date 1984. OH. REV. CODE ANN. §2927.02.

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

OHIO (continued)

F. Licensing Requirements

No person shall engage in the wholesale or retail business of trafficking in cigarettes without a license. Reference date 1959. OH. REV. CODE ANN. §5743.15.