

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990 8672
5673 HOUSE HEALTH, EDUCATION & SOCIAL SERVICES 77

OKLAHOMA

A. Restrictions on Smoking in Public Places

1. Beginning November 1, 1989, a health facility or educational facility may prohibit all smoking in such facility or may designate smoking and nonsmoking areas within the facility. Primary and secondary educational facilities may prohibit the use of tobacco products in the buildings and on the grounds of the facility. In primary and secondary educational facilities, smoking areas may only be designated for adults. In those facilities that designate a smoking area, a nonsmoking area shall also be designated for use by school personnel for breaks, lunch, or similar activities. Reference date 1987. OKLA. STAT. ANN. Title 63, Ch. 151, §1-1523 (1989).
2. Clean Indoor Air Act -- No person shall smoke in a designated nonsmoking area in a public place or at a meeting of a public body. Public places are enclosed, indoor areas owned or operated by a state or local governmental agency and used by the general public or serving as places of work for public employees or meeting places for a public body, including offices, educational facilities, auditoria, arenas, meeting rooms, or public conveyances; enclosed, indoor areas that are not owned or operated by a state or local governmental agency used by the general public and serving as auditoria, arenas, educational facilities, theaters, museums, restaurants seating 50 or more persons, licensed premises, concert halls, or performance or exhibition facilities; elevators; buses; libraries.

Smoking and nonsmoking areas shall be designated by the state or local governmental agency or the person who owns or operates a public place, except in a public place in which smoking is prohibited by law. Local governing bodies are prohibited from enacting ordinances more stringent than this regulation. Reference date 1987. OKLA. STAT. ANN. Title 63, Ch. 151, §§1-1521 to 1-1527.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 18 cents
Date last changed: July 1, 1979--13 to 18 cents
Year first enacted: 1933

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 of between \$25 and \$200 and imprisonment for 10 to 90 days.
Reference date 1981. OKLA. STAT. ANN. Title 21, §1241 (1985).

Sign posting requirement: NONE

OKLAHOMA (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Each manufacturer, wholesaler, warehouseman, jobber, or distributor of cigarettes must obtain a license from the tax commission. Reference date 1975. OKLA. STAT. ANN. Title 68, §304. ,

OREGON

A. Restrictions on Smoking in Public Places

1. Clean Indoor Air Act -- Nonsmoking areas are required in public places, including restaurants, indoor recreational facilities, retail stores, banks, commercial business, educational facilities, nursing homes, meeting rooms, grocery stores, and rooms in which jury deliberation occurs.

The person in charge of the public place is to designate nonsmoking areas and to post appropriate signs. No public place allows smoking in all areas except bars, offices occupied exclusively by smokers, private social functions under sponsor's control, retail tobacco businesses, and restaurants with 30 or fewer seats.

The health division is responsible for adopting and implementing rules and for enforcing compliance by actions to enjoin repeated violations. Violation of provisions relating to improper designation of smoking areas and sign-posting requirements are punishable by a fine totaling no more than \$100 within a 30-day period. Reference date 1981. OR. REV. STAT. §§433.835 to 433.990(5).

2. Smoking is prohibited in hospital rooms and other patient care areas, unless specifically designated otherwise. Reference date 1977. OR. REV. STAT. §441.815.
3. Smoking is restricted in state-operated places of employment to designated smoking areas. The state's personnel division is required to adopt rules and standards to implement this provision. This section also requires state agencies and departments providing employee lounges to provide smoke-free lounge areas and to prohibit smoking in nonsmoking areas. Offices occupied exclusively by smokers are exempt. Reference date 1977. OR. REV. STAT. §§243.345 and 243.350.
4. Smoking is prohibited in public elevators and no-smoking signs must be posted. Violation of the smoking prohibition is punishable by a \$10 fine for each violation, and violation of the sign posting requirement is punishable by a fine of \$100. Reference date 1975. OR. REV. STAT. §479.015.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 28 cents
Date last changed: November 1, 1989--27 to 28 cents
Year first enacted: 1966

2. Smokeless Tobacco

Chewing tobacco and snuff: 35% of wholesale price

OREGON (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Class A misdemeanor. Reference date 1971. OR. REV. STAT. §163.575 (1983).

Sign posting requirement: Yes. Violation constitutes a civil penalty not to exceed \$500. Reference date 1989. OR. REV. STAT. §205.130.

D. Restrictions on Distribution of Tobacco Product Samples

It is unlawful to distribute free tobacco products to persons under 18 years of age as part of a marketing strategy to encourage the use of tobacco products. Reference date 1989. OR. REV. STAT. §205.130.

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Every person desiring to engage in the sale of cigarettes as a distributor or wholesaler must obtain a license from the department of revenue. Reference date 1965. OR. REV. STAT. §§323.105 and 323.107.

PENNSYLVANIA

A. Restrictions on Smoking in Public Places

1. Tobacco use, including cigarette smoking and smokeless tobacco use, by pupils is prohibited in school buildings and school buses and on school property owned by, leased by, or under the control of a school district. The board of school directors may designate smoking areas for employees and shall establish a policy to enforce the prohibition of tobacco use. Local governing bodies, except for the city of Pittsburgh, are prohibited from enacting ordinances more stringent than this regulation. Reference date 1988. Act 168 of 1988, §3.5.

2. No person shall smoke in an area designated nonsmoking by the proprietor or person in charge in a public place or at a public meeting. Public places include enclosed, indoor areas owned or operated by state or local governmental agencies and used by the general public or serving as workplaces for public employees or meeting places for public bodies, including offices, educational facilities, health facilities, auditoria, arenas, meeting rooms, or public conveyances; and, enclosed, indoor areas not owned or operated by state or local governmental agencies used by the general public, including workplaces, educational facilities, health facilities, auditoria, arenas, theaters, museums, restaurants with seating capacities greater than 75, and concert halls.

Restaurants with seating capacities greater than 75 shall provide for their patrons smoking and nonsmoking areas reasonably calculated to address the needs of their clientele, the size of which may be increased or decreased, by the proprietor or person in charge, according to need.

Exempt from this act are private social functions where the area utilized is under the control of the sponsor and not the proprietor; factories, warehouses, and similar places of work not frequented by the general public; restaurants with seating capacities less than 75; bar areas in liquor licensee establishments; areas in public places commonly referred to as lobbies and hallways; hotel and motel rooms, and tobacco retail stores.

Employers shall develop, post, and implement policies to regulate smoking in the workplace, provided that nothing in this section or any local law, rule, or regulation shall be construed as to impair or diminish or otherwise affect any contractual agreement, collective bargaining agreement, rights, or procedures. The employer shall provide a copy of the policy to any employee upon request.

Violation shall be punishable by a civil fine of not more than \$50. Local governing bodies, except for the city of Pittsburgh, are prohibited from enacting ordinances more stringent than this regulation. Reference date 1988. Act 168 of 1988, §10.1 and 15.1.

PENNSYLVANIA (continued)

3. Smoking is prohibited in hospital patient care areas, nonsmoking patient rooms, and designated nonsmoking public areas of hospitals. Only patients may smoke in designated smoking patient rooms. One who violates this section is subject to a \$10 fine and costs of prosecution. Reference date 1977. PA. STAT. ANN. Title 35, §361.
4. City councils in first- through third-class cities may prohibit smoking or carrying lighted tobacco products in retail stores accommodating 300 persons or more, or employing 25 or more workers. Regulation may be imposed in stores accommodating 100 or more persons and 10 or more employees in third-class cities. However, city councils may not, under this Act, prohibit smoking in any restaurant, restroom, beauty parlor, executive office, or any designated smoking room. Reference date 1946. PA. STAT. ANN. Title 53, §§3702 and 37403(33).
5. Smoking is prohibited in any auditorium, balcony, or gallery of any theater. Reference date 1927. PA. STAT. ANN. Title 35, §1225.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 18 cents
Date last changed: January 1, 1970--13 to 18 cents
Year first enacted: 1935

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 up to \$25 for the first offense; up to \$100 for the second offense. Subsequent offenses constitute a third degree misdemeanor. Reference date 1972. PA. STAT. ANN. Title 18, §§6305 to 6306 (1983).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

PENNSYLVANIA (continued)

3. Smoking is prohibited in hospital patient care areas, nonsmoking patient rooms, and designated nonsmoking public areas of hospitals. Only patients may smoke in designated smoking patient rooms. One who violates this section is subject to a \$10 fine and costs of prosecution. Reference date 1977. PA. STAT. ANN. Title 35, §361.
 4. City councils in first- through third-class cities may prohibit smoking or carrying lighted tobacco products in retail stores accommodating 300 persons or more, or employing 25 or more workers. Regulation may be imposed in stores accommodating 100 or more persons and 10 or more employees in third-class cities. However, city councils may not, under this Act, prohibit smoking in any restaurant, restroom, beauty parlor, executive office, or any designated smoking room. Reference date 1946. PA. STAT. ANN. Title 53, §§3702 and 37403(33).
 5. Smoking is prohibited in any auditorium, balcony, or gallery of any theater. Reference date 1927. PA. STAT. ANN. Title 35, §1225.
- B. Tobacco Excise Taxes
1. Cigarettes
Tax rate per pack: 18 cents
Date last changed: January 1, 1970--13 to 18 cents
Year first enacted: 1935
 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 up to \$25 for the first offense; up to \$100 for the second offense. Subsequent offenses constitute a third degree misdemeanor. Reference date 1972. PA. STAT. ANN. Title 18, §§6305 to 6306 (1983).
Sign posting requirement: NONE
- D. Restrictions on Distribution of Tobacco Product Samples
NONE
- E. Restrictions on Sales of Tobacco Products in Vending Machines
NONE

PENNSYLVANIA (continued)

F. Licensing Requirements

No person, unless all of his sales of cigarettes are exempt from tax, shall sell any cigarettes within the state without a license. Reference date 1964. PA. STAT. ANN. Title 72, §3168.401.

RHODE ISLAND

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is declared a public nuisance and public health danger, and is prohibited, except in designated non-public areas, in elevators, indoor theaters, libraries, art galleries, museums, concert halls, buses, schools, colleges, supermarkets, medical offices, and hospitals. Eating places with seating capacities of 50 or more persons are required to have separate seating arrangements for smokers and nonsmokers.

No-smoking signs must be posted and the person in control of a public area must make reasonable efforts to prevent smoking. A violation of this section is punishable by a fine between \$10 and \$100. Bars, nightclubs, lounges, dance clubs, and privately sponsored social functions are exempt from these provisions. Reference date 1977. R.I. GEN. LAWS §§23-20.6-1, 23-20.6-2, and 23-20.6-4.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 25 cents
Date last changed: July 1, 1986--23.4 to 25 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 \$100 for first offense; \$200 for second offense within 30 days of the first offense; and \$300 for third offense within 60 days of the first offense. Reference date 1896. R.I. REV. STAT. §11-9-13 (1988).

Sign posting requirement: Yes. Violation a fine of up to \$100 for the first offense, \$200 for the second offense within 30 days of the first, and \$300 for the third offense within 60 days of the first. After three offenses, vendor may be ordered not to sell tobacco products for up to 90 days. Reference date 1896. R.I. REV. STAT. §11-9-13 (1988).

D. Restrictions on Distribution of Tobacco Product Samples

No person shall sell, give, or distribute to any person under 18 years of age any tobacco in the form of cigarettes, cigars, pipe tobacco, chewing tobacco, or snuff. Violators are fined \$100 for first offense; \$200 for second offense within 30 days of the first offense; and \$300 for third offense within 60 days of the first offense. Reference date 1896. R.I. REV. STAT. §11-9-13 (1988).

RHODE ISLAND

A. Res. ictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is declared a public nuisance and public health danger, and is prohibited, except in designated non-public areas, in elevators, indoor theaters, libraries, art galleries, museums, concert halls, buses, schools, colleges, supermarkets, medical offices, and hospitals. Eating places with seating capacities of 50 or more persons are required to have separate seating arrangements for smokers and nonsmokers.

No-smoking signs must be posted and the person in control of a public area must make reasonable efforts to prevent smoking. A violation of this section is punishable by a fine between \$10 and \$100. Bars, nightclubs, lounges, dance clubs, and privately sponsored social functions are exempt from these provisions. Reference date 1977. R.I. GEN. LAWS §§23-20.6-1, 23-20.6-2, and 23-20.6-4.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 25 cents
Date last changed: July 1, 1986--23.4 to 25 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 \$100 for first offense; \$200 for second offense within 30 days of the first offense; and \$300 for third offense within 60 days of the first offense. Reference date 1896. R.I. REV. STAT. §11-9-13 (1988).

Sign posting requirement: Yes. Violation a fine of up to \$100 for the first offense, \$200 for the second offense within 30 days of the first, and \$300 for the third offense within 60 days of the first. After three offenses, vendor may be ordered not to sell tobacco products for up to 90 days. Reference date 1896. R.I. REV. STAT. §11-9-13 (1988).

D. Restrictions on Distribution of Tobacco Product Samples

No person shall sell, give, or distribute to any person under 18 years of age any tobacco in the form of cigarettes, cigars, pipe tobacco, chewing tobacco, or snuff. Violators are fined \$100 for first offense; \$200 for second offense within 30 days of the first offense; and \$300 for third offense within 60 days of the first offense. Reference date 1896. R.I. REV. STAT. §11-9-13 (1988).

RHODE ISLAND (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

No person under eighteen years of age shall purchase tobacco in the form of cigarettes, cigars, pipe tobacco, chewing tobacco, or snuff. Reference date 1896. R.I. REV. STAT. §11-9-13 (1988).

Sign posting requirement: Yes. Violation is punishable by a fine of up to \$100 for the first offense, \$200 for the second offense within 30 days of the first, and \$300 for the third offense within 60 days of the first. After three offenses, vendor may be ordered not to sell tobacco products for up to 90 days. Reference date 1896. R.I. REV. STAT. §11-9-13 (1988).

F. Licensing Requirements

Each person engaged in the business of selling cigarettes must secure a license from the tax administrator. Reference date 1939. R.I. GEN. LAWS, §44-20-2.

SOUTH CAROLINA

A. Restrictions on Smoking in Public Places

Smoking on school buses is prohibited while the bus is in operation.
Reference date 1937. S.C. CODE ANN. §59-67-150.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 7 cents
Date last changed: July 1, 1977--6 to 7 cents
Year first enacted: 1923

2. Smokeless Tobacco

Chewing tobacco and snuff: 5% of manufacturer's price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine \$25 to \$100 or imprisonment for 2 months to one year or both. Reference date 1889. S.C. CODE ANN. §16-17-500 (1985).

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 engaged in the business of selling, purchasing, or distributing cigars, cigarettes, snuff, or smoking or chewing tobacco at wholesale or through vending machines must obtain a license to engage in such business. Reference date 1962. S.C. CODE ANN. §12-21-660.

SOUTH DAKOTA

A. Restrictions on Smoking in Public Places

Except in designated areas, smoking is prohibited in elevators, jury rooms, medical and dental clinics, nursing homes, hospitals, indoor theaters, libraries, museums, concert halls, elementary and secondary schools, and public conveyances. Violation is punishable as a petty offense. Reference date 1974. S.D. CODIFIED LAWS ANN. §22-36-2 (1987).

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 23 cents
Date last changed: July 1, 1985--15 to 23 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: 18

Penalty: Petty offense. Reference date 1989. H.B. 1188, as enacted.
Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

Any person under 18 years of age is forbidden by law to purchase cigarettes from a vending machine. Reference date 1989. H.B. 1188, as enacted.

Sign posting requirement: Yes. Violation constitutes a petty offense. Reference date 1989. H.B. 1188, as enacted.

F. Licensing Requirements

Municipalities possess the power to license and regulate the manufacture and sale of tobacco products. Reference date 1890. S.D. CODIFIED LAWS ANN. §9-34-6.

TENNESSEE

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 13 cents

Date last changed: June 1, 1969--8 to 13 cents

Year first enacted: 1925

2. Smokeless Tobacco

Chewing tobacco and snuff: 6% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Vendors who violate any of these prohibitions on three occasions are prohibited from selling smoking materials for five years. Each violation is punishable by a fine up to \$500 and imprisonment for up to 6 months. Reference date 1981. TENN. CODE ANN. §§39-4-411 to 39-4-418 (1982).

Sign posting requirement: Yes. Vendors who violate any of these prohibitions on three occasions are prohibited from selling smoking materials for five years. Each violation is punishable by a fine up to \$500 and imprisonment for up to 6 months. Reference date 1981. TENN. CODE ANN. §§39-4-411 to 39-4-418 (1982).

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 engaged in the business of selling, distributing, or handling tobacco products must obtain a license to engage in such business. Reference date 1937. TENN. CODE ANN. §367-4-1015.

TEXAS

A. Restrictions on Smoking in Public Places

1. Students are prohibited from smoking or using tobacco products at any school-related activity on or off school property. Reference date 1987. TEX. EDUC. CODE §21.927.
2. Smoking or possession of a burning tobacco product is prohibited, except in designated areas, in primary and secondary schools; elevators; indoor theaters; libraries; museums; health care facilities; public buses, planes, and trains; theatrical productions.

Signs must be posted stating that smoking is prohibited. Failure to post the sign is a defense to prosecution, as is a failure to provide facilities to extinguish smoking materials. One who violates this section is guilty of a Class C misdemeanor. Reference date 1975. TEX. PENAL CODE ANN. §48.01.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 26 cents
Date last changed: January 1, 1988--20.5 to 26 cents
Year first enacted: 1931

2. Smokeless Tobacco

Chewing tobacco and snuff: 28.125% of manufacturer's price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Class C misdemeanor with fine between \$10 and \$100. Reference date 1899. TX. REV. STAT. Article 4476-16 (1989).

Sign posting requirement: Yes. Class C misdemeanor with fine between \$10 and \$100. Reference date 1899. TX. REV. STAT. Article 4476-16 (1989).

D. Restrictions on Distribution of Tobacco Product Supplies

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

Any person under the age of 18 is forbidden by law to purchase cigarettes or tobacco products from a vending machine

TEXAS (continued)

Sign posting requirement: Yes. Offense is a Class C misdemeanor with a fine between \$10 and \$100. Class C misdemeanor with fine between \$10 and \$100. Reference date 1899. TX. REV. STAT. Article 4476-16 (1989).

F. Licensing Requirements

A person may not engage in business as a distributor, wholesale dealer, or retail dealer of cigarettes unless he has received a permit from the comptroller of public accounts. Reference date 1935. TEX. TAX CODE ANN. §§154.001 and 154.101.

UTAH

A. Restrictions on Smoking in Public Places

1. The use of tobacco products is prohibited in child care facilities, during the period of time when children are present, and in public or private elementary and secondary school buildings and on school property during school hours. Adult faculty and staff members may smoke in designated smoking areas during nonschool hours. Reference date 1986. UT. CODE ANN. §76-10-106 (1989).

2. Clean Indoor Air Act -- Smoking is prohibited, except in designated smoking areas, in any enclosed, indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants; health care facilities; retail stores and other commercial establishments; nursing homes; auditoria; theaters; arenas; meeting rooms; airport bus stations, and railway terminals; elevators; public conveyances, including buses, streetcars, and railway passenger cars; buildings constructed, maintained, or otherwise supported by tax revenues in whole or in part and enclosed indoor areas where the proprietor posts no-smoking signs are considered public places. Exceptions include places used for private social functions with seating arrangements controlled by the function's sponsor.

In workplaces not frequented by the public, where smoke pollution is detrimental to the health or comfort of nonsmoking employees, the local health board is to draw up smoking rules to govern workplace smoking.

Persons in control of public places may designate smoking areas, except places where smoking is prohibited by the Fire Marshall or some other law, and are responsible for posting appropriate signs and arranging for seating and ventilation to provide smoke-free areas.

Violation constitutes a Class C misdemeanor. Local health boards may also institute court actions to enjoin repeated violations. Reference date 1976. UT. CODE ANN. §§76-10-101, 76-10-106, and 76-10-108 to 76-10-110, as amended by Ch. 78, Laws of Utah 1986.

3. Smoking on any bus, except a chartered bus, constitutes a Class C misdemeanor. The passenger who is in violation may be ejected by the bus driver and other passengers from whom the driver requests assistance. Reference date 1979. UT. CODE ANN. §76-10-1506.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 23 cents
Date last changed: July 1, 1987--12 to 23 cents
Year first enacted: 1923

2. Smokeless Tobacco

Chewing tobacco and snuff: 35% of manufacturer's selling price

UTAH (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 19

Penalty: Class C misdemeanor on the first offense (maximum fine of \$1,000), a class B misdemeanor on the second offense, and a class A misdemeanor on subsequent offenses (maximum fine of \$10,000). Reference date 1974. UT. CODE ANN. 76-10-104 (1989).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

It is unlawful for a manufacturer, wholesaler, or retailer to give or distribute cigarettes or other tobacco products without charge. Cigarettes and other tobacco products may be distributed to adults without charge at professional conventions where the general public is excluded. Violation is a class C misdemeanor on the first offense and a class B misdemeanor on subsequent offenses. Reference date 1953. UT. CODE ANN. §76-10-112 (1989).

E. Restrictions on Sales of Tobacco Products in Vending Machines

The sale of cigarettes or tobacco in any form through vending machines or tobacco product machines is prohibited. A bar, or a privately owned and operated club or association that has a private club liquor license or that requires membership and charges a membership fee, may maintain cigarette or tobacco product vending machines on its premises. A workplace may maintain cigarette or tobacco product vending machines for its adult employees, in an area not available to the general public. Violation is a class C misdemeanor on the first offense, a class B misdemeanor on the second offense, and a class A misdemeanor on subsequent offenses. Reference date 1953. UT. CODE ANN. §76-10-105 1 (1989).

Sign posting requirement: NONE

F. Licensing Requirements

It shall be unlawful for any person to barter, sell, or offer for sale cigarettes or cigarette papers without having obtained a license therefore from the state tax commission. Reference date 1930. UT. CODE ANN. §59-18-1.

VERMONT

A. Restrictions on Smoking in Public Places

1. Public and private sector employers are required to establish, or shall negotiate through the collective bargaining process, a written smoking policy. The policy shall prohibit smoking throughout the workplace or restrict smoking to designated enclosed smoking areas. No smoking may be allowed in any areas that must be used or visited regularly by nonsmoking employees, such as elevators, hallways, conference rooms, and rest rooms. Employers may designate up to 30% of an employee cafeteria or lounge as a smoking area and may permit smoking in designated unenclosed areas only if the layout of the workplace is such that smoking will not be a physical irritant to any nonsmoking employee and 75% of the employees in the designated areas agree to allow smoking.

Failure to comply voluntarily with a written request to establish or post a smoking policy is punishable with a \$100 fine. Reference date 1987. VT. STAT. ANN. Title 18, §§1421-1428.

2. Smoking is prohibited in mills, factories, barns, stables, or other outbuildings belonging to another person, and in public buildings in which the person in control has posted no-smoking signs. One who violates this section is subject to a fine up to \$5. Reference date 1892. VT. STAT. ANN. Title 20, §2752.

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: 1937

2. Smokeless Tobacco

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

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 17

Penalty: Maximum fine of \$20. Reference dates 1888 and 1900. VT. STAT. ANN. Title 13, Ch. 25 §§1308 to 1309 (1974).

Sign posting requirement: Yes. Violation punishable by fine up to \$5. Reference dates 1888 and 1900. VT. STAT. ANN. Title 13, Ch. 25 §§1308 to 1309 (1974).

D. Restrictions on Distribution of Tobacco Product Samples

NONE

VERMONT (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

Each wholesale dealer and distributor of tobacco products must obtain a license from the commissioner of taxes. Reference date 1959. VI. STAT. ANN. Title 32, §7731.

VIRGINIA

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 2.5 cents

Date last changed: September 1, 1966--3 to 2.5 cents

Year first enacted: 1960

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 not to exceed \$25. Reference date 1986. VA. REV. STAT. Art. 4, §18.2-371.2.

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

The purchase or possession of tobacco products by minors under 16 years of age is unlawful. Reference date 1986. VA. REV. STAT. Art. 4, §18.2-371.2.

Sign posting requirement: Yes. Violation punishable by a fine not to exceed \$25. Reference date 1986. VA. REV. STAT. Art. 4, §18.2-371.2.

F. Licensing Requirements

Any person who transports or distributes cigarettes must obtain a permit from the department of taxation. Reference date 1950. VA. CODE §58.1-1014.

WASHINGTON

A. Restrictions on Smoking in Public Places

1. By September 1, 1991, a total ban on the use of all tobacco products shall be enforced. To protect children in the public schools from exposure to the addictive substance of nicotine, each school district board of directors shall adopt a written policy mandating a prohibition on the use of all tobacco products on public school property. Reference date 1989. WASH. REV. CODE ANN. Title 28A, Ch. 233 §6.
2. Clean Indoor Air Act -- Smoking is prohibited, except in designated smoking areas, in elevators, public conveyances or transportation facilities, museums, concert halls, theaters, exhibition halls, indoor sports arenas, hospitals, nursing homes, health care facilities or clinics, enclosed shopping centers, retail stores, retail service establishments, financial institutions, educational facilities, ticket areas, public hearing facilities, state legislative chambers and immediately adjacent hallways, public rest rooms, libraries, restaurants, waiting areas, lobbies, and reception areas. Public place includes any portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned wholly or in part by private persons or entities, the state of Washington or other public entity, and regardless of whether a fee is charged for admission. Intentional violations of this Act are punishable by fines up to \$100. Reference date 1985. WASH. REV. CODE ANN. Title 70, Ch. 236.
2. Unlawful bus conduct, including smoking or carrying lighted smoking materials on municipal transit vehicles if the person knows that such conduct is prohibited, and is likely to cause harm to others, is a misdemeanor. Reference date 1984. WASH. REV. CODE ANN. §9.91.025.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 34 cents
Date last changed: July 1, 1989--31 to 34 cents
Year first enacted: 1935

2. Smokeless Tobacco

Chewing tobacco and snuff: 64.9% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Gross misdemeanor. Reference date 1971. WASH. REV. CODE ANN. §26.28.080 (1985).

Sign posting requirement: NONE

WASHINGTON (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 a distributor or subjcbbber of tobacco products without receiving a certificate of registration from the state. Reference date 1961. WASH. REV. CODE ANN. §82.26.050.

WEST VIRGINIA

A. Restrictions on Smoking in Public Places

1. All owners or other persons responsible for the operation of any vehicles operated for the public transportation of eight or more persons must post no-smoking signs conspicuously in the vehicles. Smoking is prohibited in any vehicle in which a no-smoking sign is posted. Violation of this section constitutes a misdemeanor punishable by a fine of not less than \$20 and not more than \$100. W. VA. CODE §16-9-9, Senate Bill No. 9, 1985.
2. Smoking cigarettes on school grounds or in school buildings is prohibited. Violation is punishable by a fine of \$1 to \$5 for each offense. Reference date 1913. W. VA. CODE §16-9-7.
3. Anyone who has lighted smoking materials or who lights smoking materials after entering a factory, business establishment, mill, or workshop where no-smoking notices are posted commits a misdemeanor, punishable by a fine of \$20 to \$100 for each violation. Reference date 1919. W. VA. CODE §21-3-8.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 17 cents
Date last changed: June 1, 1978--12 to 17 cents
Year first enacted: 1947

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 \$10 to \$25 for the first violation; \$25 to \$300 for each subsequent violation. Reference date 1891. W. VA. CODE §16-9A-3.

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

WISCONSIN

A. Restrictions on Smoking in Public Places

Clean Indoor Air Act -- Smoking is prohibited, except in designated areas, in public conveyances, educational facilities, inpatient health care facilities, indoor theaters, offices, public passenger elevators, restaurants, retail stores, public waiting rooms, and public buildings. Exceptions include offices privately owned and occupied, and occupied exclusively by smokers, rooms used for private functions under the sponsor's control, restaurants where liquor sales account for more than 50% of the receipts or where the seating capacity is less than 50 persons, privately owned offices, prisons, and manufacturing plants.

If the person in control of a building willfully fails to comply with provisions regulating, designating, and posting notices of smoking areas on or after April 1, 1985, a \$25 forfeiture may be levied. After July 1, affected parties or government officials may sue to enjoin repeated violations. Reference date 1983. WIS. STAT. ANN. §101.123.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 30 cents
Date last changed: September 1, 1987--25 to 30 cents
Year first enacted: 1939

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: Fine up to \$500 for first 3 offenses; loss of license by retailer for subsequent offenses. Reference date 1988. WIS. STAT. ANN. §134.66.

Sign posting requirement: Yes. Violation is punishable by a fine of \$25. Reference date 1988. WIS. STAT. ANN. §134.66.

D. Restrictions on Distribution of Tobacco Product Samples

No manufacturer, distributor, jobber, subjobber or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person except within the place of business of the manufacturer, distributor, jobber, subjobber or retailer. Reference date 1988. WIS. STAT. ANN. §134.66.

WISCONSIN (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

The purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful. No person may place a vending machine within 500 feet of a school. Reference date 1988. WIS. REV. STAT. §134.66.

Sign posting requirement: Yes. Violation is punishable by a fine of \$25. Reference date 1988. WIS. STAT. ANN. §134.66.

F. Licensing Requirements

It is unlawful for a person to manufacture cigarettes or sell cigarettes as a distributor, jobber, vending machine operator, or multiple retailer without first obtaining the proper permit from the department of justice to perform such operations. Reference date 1965. WIS. STAT. ANN. §139.34.

WYOMING

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 12 cents

Date last changed: July 1, 1989--8 to 12 cents

Year first enacted: 1951

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 wholesaler who sells or offers to sell cigarettes must have a license to do so. Reference date 1951. WYO. STAT. §39-6-102.

RESOURCES

1. Information received from state offices of the American Cancer Society, the American Heart Association, and the American Lung Association, 1989.
2. State departments of health, 1989.
3. State departments of revenue, bureaus of tobacco and miscellaneous taxes, 1989.
4. The Tax Burden on Tobacco: Historical Compilation, Vol. 23, The Tobacco Institute, 1988.
5. "Tobacco-Free America State Component Survey," data received from state offices of the American Cancer Society, the American Heart Association, and the American Lung Association regarding legislative and coalition activity, September 1988.
6. U.S. Dept. of Health and Human Services, Public Health Service, Centers for Disease Control, Center for Health Promotion and Education, Office on Smoking and Health, Smoking and Health: A National Status Report. A Report to Congress, 1986.

APPENDICES

- APPENDIX A: STATES WITH LAWS THAT LIMIT SMOKING IN PUBLIC PLACES (TABLE)
- APPENDIX B: STATE LAWS RESTRICTING SMOKING IN PUBLIC PLACES (MATRIX)
- APPENDIX C: STATE LAWS RESTRICTING SMOKING IN PUBLIC PLACES (MAP)
- APPENDIX D: COMPREHENSIVENESS/RESTRICTIVENESS INDEX
- APPENDIX E: SELECTED CITY/COUNTY RESTRICTIONS ON SMOKING IN PUBLIC PLACES (MATRIX)
- APPENDIX F: STATE CIGARETTE EXCISE TAXES (TABLE)
- APPENDIX G: STATE CIGARETTE EXCISE TAXES (MAP)
- APPENDIX H: STATE SMOKELESS TOBACCO EXCISE TAXES (TABLE)
- APPENDIX I: STATE AGE RESTRICTIONS FOR SALES OF TOBACCO PRODUCTS (TABLE)
- APPENDIX J: STATE AGE RESTRICTIONS FOR SALES OF TOBACCO PRODUCTS (MAP)
- APPENDIX K: STATES AND CITIES WITH RESTRICTIONS ON THE DISTRIBUTION OF TOBACCO PRODUCT SAMPLES (TABLE)

APPENDIX A

STATES WITH LAWS THAT LIMIT SMOKING IN PUBLIC PLACES (44)

ALASKA	KANSAS	NORTH DAKOTA
ARIZONA	KENTUCKY	OHIO
ARKANSAS	MAINE	OKLAHOMA
CALIFORNIA	MARYLAND	OREGON
COLORADO	MASSACHUSETTS	PENNSYLVANIA
CONNECTICUT	MICHIGAN	RHODE ISLAND
DELAWARE	MINNESOTA	SOUTH CAROLINA
DISTRICT OF COLUMBIA	MISSISSIPPI	SOUTH DAKOTA
FLORIDA	MONTANA	TEXAS
GEORGIA	NEBRASKA	UTAH
HAWAII	NEVADA	VERMONT
IDAHO	NEW HAMPSHIRE	WASHINGTON
ILLINOIS ¹	NEW JERSEY	WEST VIRGINIA
INDIANA	NEW MEXICO	WISCONSIN
IOWA	NEW YORK	

STATES WITH COMPREHENSIVE CLEAN INDOOR AIR LAWS (26)

ALASKA	MAINE	NEW YORK ¹
CALIFORNIA	MASSACHUSETTS	NORTH DAKOTA
COLORADO	MICHIGAN	OKLAHOMA
CONNECTICUT	MINNESOTA	OREGON
FLORIDA	MONTANA	RHODE ISLAND
HAWAII	NEBRASKA	UTAH
IDAHO	NEVADA	WASHINGTON
IOWA	NEW HAMPSHIRE	WISCONSIN
KANSAS	NEW JERSEY	

STATES WITH LAWS RESTRICTING SMOKING IN PUBLIC WORKPLACES (33)

ALASKA	KANSAS	NEW MEXICO
ARIZONA	MAINE	NEW YORK ¹
CALIFORNIA	MARYLAND ¹	NORTH DAKOTA
COLORADO	MASSACHUSETTS	OHIO
CONNECTICUT	MICHIGAN	OKLAHOMA
DELAWARE ²	MINNESOTA	OREGON
FLORIDA	MONTANA	RHODE ISLAND
HAWAII	NEBRASKA	UTAH
IDAHO	NEVADA	VERMONT
INDIANA	NEW HAMPSHIRE	WASHINGTON
IOWA	NEW JERSEY	WISCONSIN

STATE WITH LAWS RESTRICTING SMOKING IN PRIVATE WORKPLACES (14)

ALASKA	MINNESOTA	NEW YORK ¹
CONNECTICUT	MONTANA	RHODE ISLAND
FLORIDA	NEBRASKA	UTAH
IOWA	NEW HAMPSHIRE	VERMONT
MAINE	NEW JERSEY	

¹Effective January 1, 1990

²Executive Order

³Effective April 1, 1990

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APPENDIX B

STATE LAWS RESTRICTING SMOKING IN PUBLIC PLACES

		Public Transit	Elevators	Government Buildings	Gymnasiums/ Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings	Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)	Intra-State Commercial Transit		
Alabama		NONE																		
Alaska	(1975)	X	X	X	X	X		X	X	X		X	X	X	X	X	X			
Arizona	(1973)	X	X	X	X	X		X	X		X		X		X	X	X			
Arkansas	(1977)			X		X									X ¹					
California	(1976)	X		X	X	X				X		X	X	X	X				X ⁴	
Colorado	(1977)	X	X	X	X	X									X					
Connecticut	(1973)	X	X	X		X				X		X	X		X		X			
Delaware	(1960)	X													X					
D.C.	(1975)	X	X			X				X		X	X		X					
Florida	(10/85)	X	X	X	X	X		X	X	X	X	X	X		X	X	X			
Georgia	(1975)	X	X																	
Hawaii	(4/87)	X	X	X	X	X		X	X	X	X	X	X			X				
Idaho	(1975)	X	X	X	X	X				X	X	X	X		X					
Illinois	(1989)														X					
Indiana	(1987)			X		X									X					
Iowa	(7/87)	X	X	X	X	X		X	X	X	X		X		X	X	X	X		
Kansas	(7/87)	X	X	X	X	X		X	X	X	X	X	X		X	X				
Kentucky	(1972)														X					
Louisiana		NONE																		
Maine	(1981)			X		X				X	X	X	X		X		X			
Maryland	(1957)	X	X	X		X							X						X	
Massachusetts	(3/88)	X	X	X	X	X		X	X	X	X	X	X ³		X				X	
Michigan	(1968)	X	X	X	X	X			X	X	X	X	X		X	X				
Minnesota	(1975)	X	X	X	X	X				X	X	X	X		X		X			
Mississippi	(1942)	X																		
Missouri		NONE																		
Montana	(1979)	X	X	X	X	X		X	X	X	X	X	X		X		X	X		
Nebraska	(1979)	X	X	X	X	X				X	X	X	X		X		X			
Nevada	(1975)	X	X	X		X	X	X	X	X			X		X					
New Hampshire	(1981)	X	X	X		X				X			X		X		X			
New Jersey	(1985)	X	X	X		X		X	X		X	X	X		X	X	X			
New Mexico	(1985)		X	X		X				X	X	X	X		X	X	X			
		Public Transit	Elevators	Government Buildings	Gymnasiums/ Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings	Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)	Intra-State Commercial Transit		

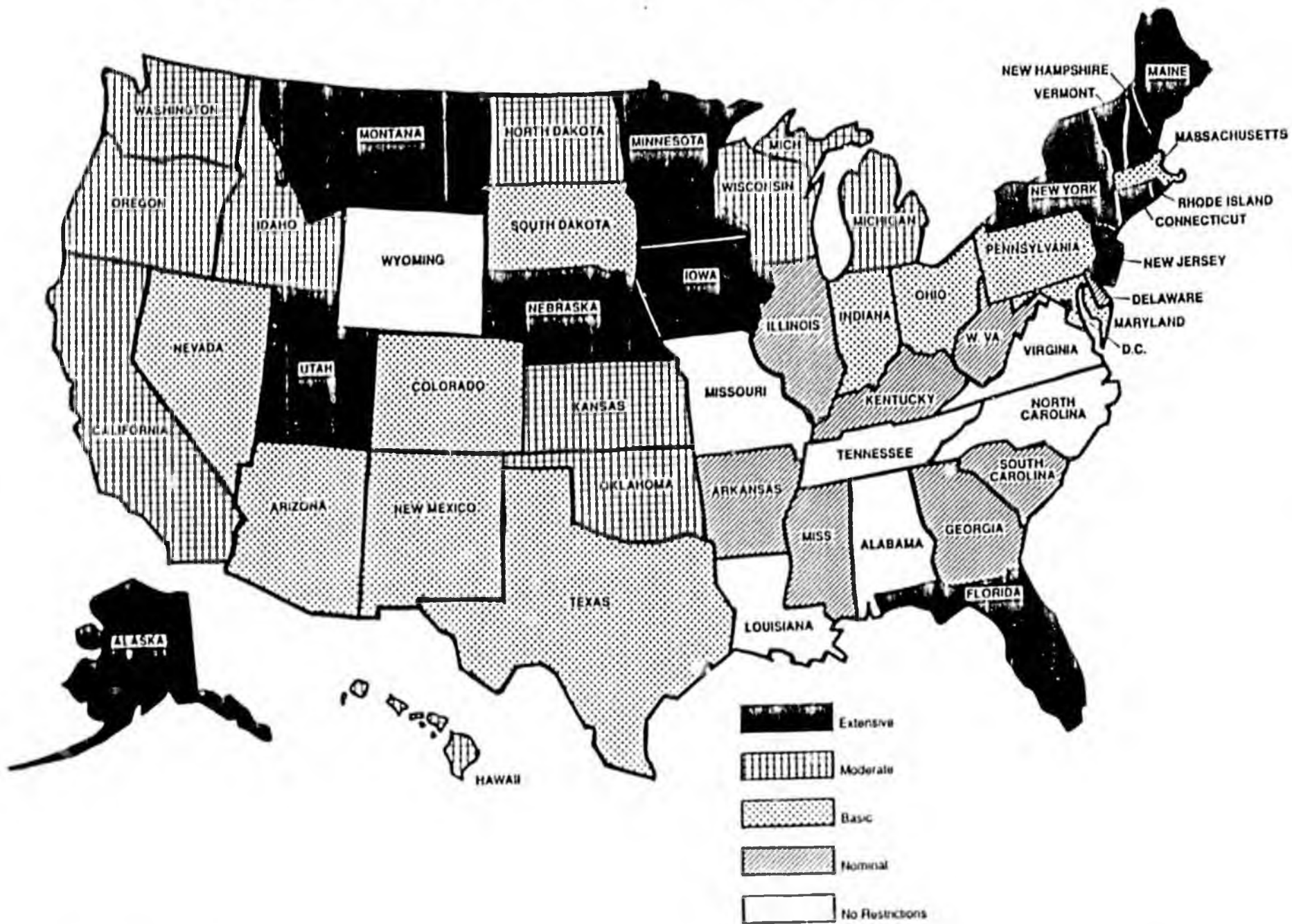
		Public Transit	Elevators	Government Buildings	Gymnasiums/ Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings	Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)	Intra-State Commercial Transit
New York	(1975)	X	X	X	X	X		X	X		X	X	X	X	X	X	X	
North Carolina		NONE																
North Dakota	(4/87)	X	X	X	X	X		X		X	X				X	X		
Ohio	(1981)	X	X	X	X	X									X	X		
Oklahoma	(11/87)	X	X	X	X	X		X	X	X	X	X			X	X		
Oregon	(1977)		X	X	X	X				X	X		X		X			
Pennsylvania	(1977)					X							X		X	X		
Rhode Island	(1977)	X	X			X		X	X		X		X ³		X	X	X	
South Carolina	(1937)	X ¹																
South Dakota	(1974)	X	X			X		X	X						X	X		
Tennessee		NONE																
Texas	(1975)	X	X			X		X	X						X	X		X
Utah	(1976)	X	X	X	X	X				X	X		X			X	X	
Vermont	(1987)			X								X						
Virginia		NONE																
Washington	(1985)	X	X	X	X	X		X	X	X	X	X	X		X	X		
West Virginia	(1913)	X													X			
Wisconsin	(1983)	X	X	X		X					X	X	X		X	X		
Wyoming		NONE																

Notes

- 1 Regulation includes school buses.
- 2 Regulation prohibits smoking on all intra-state commercial transit.
- 3 Regulation only governs grocery stores.

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STATE LAWS RESTRICTING SMOKING IN PUBLIC PLACES



APPENDIX C

APPENDIX D

THE COMPREHENSIVENESS INDEX OF STATE LAWS RESTRICTING SMOKING IN PUBLIC PLACES

To permit comparisons over time, an index of the comprehensiveness of each state's smoking law was created. Laws are classified on the basis of the number and nature of places where smoking was restricted or prohibited. The overall principle is that stronger measures are those that restrict smoking in a larger number of public places, extend to privately owned facilities, and cover places where individuals spend a large amount of time.

Laws regulating smoking in private workplaces are considered the most comprehensive, and states with such laws are assigned the extensive category. Because individuals spend more time at work than in any other place outside the home, workplace legislation has the potential for marked reductions in public exposure to involuntary smoking. Workplace smoking laws also represent an extension of legislation to the private sector. Fourteen states are categorized as having extensive restrictions; the average number of public places covered by their legislation is eleven.

The next most stringent category, moderate, is assigned to states that regulate smoking in restaurants. Restaurants represent privately-owned public places, and laws covering them have been more controversial to enact. State laws that regulate restaurants, but not the private workplace, are considered moderately comprehensive. The ten states in this category also regulate smoking in a large number of public places, an average of 9.5.

The last two categories, nominal and basic, are defined for states that do not regulate smoking in restaurants or in the private workplace. They differ in the number of public places covered. States laws restricting smoking in one to three public places are nominal. Those restricting smoking in four or more public places are classified as basic.

SOURCE: The Health Consequences of Involuntary Smoking: A Report of the Surgeon General, Public Health Service, U.S. Department of Health and Human Services, 1986.

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APPENDIX E

SELECTED CITY/COUNTY RESTRICTIONS ON SMOKING IN PUBLIC PLACES

TOTAL: 440		Public Transit	Elevators	Government Buildings	Gymnasiums/Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings	Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)
<u>ALABAMA (4)</u>																	
Birmingham	(7/87)	X	X	X		X					X	X		X	X	X	X
Chickasaw	(12/88)			X													
Huntsville	(4/89)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
Mobile	(7/88)	X	X	X		X					X	X	X	X	X	X	X
<u>ALASKA (1)</u>																	
Anchorage	(7/87)			X											X		X
<u>ARIZONA (6)</u>																	
Chandler	(7/87)	X	X	X	X	X		X	X		X	X	X	X	X	X	X
Mesa	(9/86)	X	X			X		X	X		X	X	X		X	X	X
Phoenix	(7/86)	X	X		X	X	X				X	X		X	X	X	X
Scottsdale	(11/86)	X	X	X	X	X		X	X		X	X	X	X	X	X	X
Tempe	(5/86)					X					X		X	X	X		X
Tucson	(1985)																X
<u>ARKANSAS (1)</u>																	
Little Rock	(5/87)					X				X				X		X	X
<u>CALIFORNIA (164)</u>																	
Alameda County	(6/86)		X			X	X		X			X	X	X		X	X
Albany	(4/86)	X	X	X	X	X		X	X	X	X	X	X	X		X	X
Anaheim	(4/86)		X	X	X	X				X	X	X	X	X	X	X	X
Antioch	(12/85)	X	X	X	X	X			X	X	X	X	X	X	X	X	X
Arcata	(1/86)	X	X		X	X		X	X	X	X	X	X	X	X	X	X
Benicia	(4/87)	X	X	X	X	X			X	X	X	X	X	X	X	X	X
Berkeley	(3/86)	X	X		X	X		X	X	X	X	X	X	X		X	X
Beverly Hills	(9/87)									X		X		X			
Big Bear Lake	(5/87)				X	X				X					X	X	
Blue Lake	(7/87)	X	X	X		X		X	X	X	X	X	X	X		X	X
Brea	(7/85)		X		X	X			X		X	X				X	X
Brentwood	(12/85)	X	X	X		X			X		X	X	X	X	X	X	X
Burbank	(2/87)		X		X	X		X		X						X	
Burlingame	(5/87)	X	X	X	X	X		X	X		X	X		X		X	X
Butte County	(10/87)	X	X	X		X	X		X		X	X	X	X		X	X
Carlsbad	(7/83)	X	X		X	X		X	X	X	X			X	X	X	X
Carmel-by-the-Sea	(4/76)		X			X		X	X							X	X
Camarillo	(/88)	X	X		X	X		X	X	X	X	X	X	X	X	X	X
Carpenteria	(1/83)	X	X	X		X			X		X	X		X		X	X
Cathedral City	(1/83)	X	X	X		X		X	X	X		X				X	X
Chico	(11/86)	X	X	X		X	X		X		X	X		X		X	X
Chula Vista	(10/84)	X	X	X		X		X	X	X	X	X	X	X	X	X	X
		Public Transit	Elevators	Government Buildings	Gymnasiums/Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings	Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)

CALIFORNIA (cont)

	Public Transit	Elevators	Government Buildings	Gymnasiums/Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings	Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)
Clayton (12/85)	X	X	X		X			X		X	X	X	X	X	X	X
Concord (12/85)	X	X	X	X	X			X		X	X	X	X	X	X	X
Contra Costa (10/85)	X	X			X	X		X		X	X	X	X	X	X	X
Coronado (8/84)		X			X		X	X		X	X		X	X	X	X
Culver City (9/87)	X	X	X	X	X	X		X		X	X	X	X	X	X	X
Cupertino (1985)	X	X	X		X		X	X		X	X	X	X		X	X
Cypress (7/87)		X	X		X	X	X	X		X	X	X	X		X	X
Danville (City of) (11/85)	X	X			X	X		X			X	X	X	X	X	X
Danville (Town of) (4/87)	X	X			X	X		X			X	X	X	X	X	X
Del Mar (8/86)		X		X			X	X		X	X		X		X	X
Del Norte (10/88)			X													
Desert Hot Springs (4/86)		X			X				X		X		X		X	X
Duarte (1/89)		X		X	X				X		X	X			X	X
Dublin (9/86)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
El Cajon (7/85)		X	X		X		X	X		X	X	X	X		X	X
El Cerrito (1985)	X	X	X	X	X			X		X	X	X	X		X	X
El Segundo (5/89)	X	X	X		X				X		X	X	X	X	X	X
Escondido (12/85)	X	X			X		X	X	X	X	X	X	X	X	X	X
Eureka (3/86)	X	X			X		X	X		X	X	X	X		X	X
Fairfield (3/87)	X	X	X	X	X			X		X	X	X	X	X	X	X
Fontana (/86)	X	X			X	X	X	X		X	X	X	X	X	X	X
Fountain Valley (5/88)			X						X							
Fremont (9/86)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Fresno (12/87)		X	X	X	X		X	X		X	X	X	X		X	X
Fresno County (6/83)																X
Grand Terrace (11/85)		X			X				X		X		X		X	X
Hemet (6/87)									X				X			X
Hercules (3/87)	X	X		X	X	X		X		X	X		X	X		
Humboldt County (1/88)			X													
Huntington Beach (3/86)		X		X	X				X		X	X			X	X
Imperial Beach (11/85)		X					X	X	X	X	X		X		X	X
Indio (12/85)		X			X				X		X		X		X	X
Irvine (11/85)	X	X		X	X				X		X	X			X	X
Kern County (4/86)			X													
Laguna Beach (2/85)	X	X			X				X		X	X			X	X
Lafayette (11/85)	X	X	X		X			X		X	X	X	X	X	X	X
Lake County (8/85)			X													
La Mesa (2/84)		X					X	X		X	X		X		X	X
La Mirada (8/76)	X	X	X		X		X	X	X	X	X		X		X	X
Live Oak (6/86)	X	X			X	X		X		X	X	X	X	X	X	X
Livermore (8/85)	X	X		X	X		X	X	X	X	X	X	X	X	X	X
Loma Linda (11/86)	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
Lompoc (7/86)																
Long Beach (11/85)		X		X	X				X		X	X	X		X	X
Los Altos (12/79)		X		X	X				X		X		X		X	X
Los Angeles (12/87)	X						X	X	X	X			X		X	X
Los Angeles County (5/85)	X	X	X		X		X	X	X	X			X		X	X

Public Transit
Elevators
Government Buildings
Gymnasiums/Arenas
Health Facilities
Hotels
Libraries
Museums
Meetings
Public Places
Restaurants
Restrooms
Retail/Grocery Stores
Schools
Theaters
Workplace (Private Sector)

CALIFORNIA (cont)

		Public Transit	Elevators	Government Buildings	Gymnasiums/Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings	Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)
Los Gatos (5/80)			X			X				X	X			X		X	X
Marin County (8/81)		X	X	X		X		X	X	X	X	X		X		X	X
Martinez (12/85)		X	X	X		X			X	X	X	X		X	X	X	X
Marysville (1/87)		X	X	X		X	X		X		X	X		X		X	X
Menlo Park (3/86)			X		X	X				X	X	X				X	X
Mill Valley (7/82)		X	X	X		X		X	X	X	X	X		X ²		X	X
Milpitas (8/85)		X	X	X		X			X	X	X	X		X	X	X	X
Modesto (4/87)			X	X		X		X	X	X	X	X		X		X	X
Monterey County (10/88)		X	X	X	X	X		X	X	X	X	X		X		X	X
Moorpark (1/89)		X			X	X		X	X	X	X			X	X	X	X
Moraga (2/86)		X	X	X		X			X	X	X	X		X	X	X	X
Morgan Hill (1985)		X	X			X		X	X	X	X	X		X		X	X
Mountain View (7/84)		X	X	X		X	X		X	X	X	X		X	X	X	X
National City (6/84)			X			X		X	X	X	X	X		X		X	X
Newport Beach (1985)			X			X				X	X	X				X	X
Oakdale (4/87)			X	X		X		X	X	X	X	X		X		X	X
Oakland (10/85)		X	X			X	X		X	X	X	X		X	X	X	X
Oceanside (6/83)			X					X	X	X	X	X		X		X	X
Ojai (10/87)		X	X	X		X			X	X						X	X
Ontario (4/87)			X	X	X						X	X				X	X
Orange County (5/87)		X	X			X					X	X		X	X	X	X
Orinda (1/86)		X	X	X	X	X			X		X	X		X	X	X	X
Oroville (7/86)		X	X			X	X		X		X	X		X	X	X	X
Oxnard (6/88)		X	X		X	X	X	X	X	X	X	X		X		X	X
Pacific Grove (5/87)		X	X			X				X	X	X		X	X	X	X
Palm Desert (6/86)						X		X	X		X			X		X	X
Palm Springs (3/86)			X			X				X	X			X		X	X
Palo Alto (9/87)		X	X			X				X	X	X		X		X	X
Paradise (Town of) (5/86)		X	X	X		X	X		X		X	X		X	X	X	X
Pasadena (1984)			X			X				X	X	X		X		X	X
Pinole (12/85)		X	X	X		X			X	X	X	X		X	X	X	X
Pittsburgh (12/85)		X	X	X		X			X	X	X	X		X	X	X	X
Pleasant Hill (1/86)		X	X	X	X	X			X	X	X	X		X	X	X	X
Pleasanton (8/86)		X	X	X		X			X	X	X	X		X		X	X
Port Hueneme (4/89)		X	X	X	X	X	X	X	X	X	X	X		X	X	X	X
Poway (4/83)								X	X					X		X	X
Rancho Mirage (6/87)		X				X				X	X			X	X	X	X
Richmond (10/85)		X	X	X	X	X			X	X	X	X		X	X	X	X
Riverside County (1985)			X		X	X				X	X			X		X	X
Sacramento (2/85)		X	X		X	X		X	X	X	X	X		X	X	X	X
Sacramento County (1/85)		X	X	X	X	X	X	X	X	X	X	X		X	X	X	X
San Anselmo (10/76)						X		X	X	X	X	X		X ²		X	X
San Bernardino (4/88)		X	X	X		X	X	X	X	X	X	X		X		X	X
San Bernardino Cty (4/87)		X	X	X		X	X	X	X	X	X	X		X	X	X	X
San Bruno (6/87)			X	X	X	X				X	X	X		X		X	X
San Buenaventura																	
San Clemente (12/87)			X			X				X	X	X				X	X

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<u>CALIFORNIA (cont)</u>																	
Yuba County	(4/87)	X	X	X													X
<u>COLORADO (30)</u>																	
Arapahoe County	(3/88)	X	X	X	X	X		X		X	X	X	X	X	X	X	X
Arvada	(7/86)		X	X	X	X		X		X		X	X	X	X	X	X
Aspen	(8/85)	X	X	X		X				X		X	X	X	X	X	X
Aurora	(8/86)	X			X	X				X	X	X		X	X	X	
Boulder	(5/85)	X	X	X	X	X		X		X		X	X	X	X	X	
Boulder County																	
Broomfield	(7/87)		X	X	X	X		X	X	X		X	X	X		X	X
Canon City	(11/85)	X	X	X	X	X						X		X	X	X	X
Carbondale	(1987)			X		X					X		X	X		X	X
Colorado Springs	(4/87)			X	X	X					X	X	X	X	X		X
Denver	(4/86)		X		X	X						X	X		X	X	X
Englewood	(10/86)																
Fort Collins	(5/84)	X	X			X				X	X	X		X	X	X	X
Golden	(8/86)	X	X	X	X	X		X		X	X	X	X	X		X	X
Grand Junction	(1/86)	X	X		X	X				X		X	X	X	X	X	X
Greeley	(12/85)		X		X	X		X			X	X	X	X	X	X	X
Greenwood Village	(4/88)	X	X		X	X				X	X	X	X	X	X	X	X
Jefferson County	(12/87)	X	X	X	X	X		X		X	X	X	X	X	X	X	X
Lakewood	(9/86)	X	X		X	X		X		X	X	X	X	X	X	X	X
Littleton	(12/87)	X	X		X	X		X	X	X		X	X	X	X	X	X
Longmont	(9/85)	X	X		X	X		X		X		X	X		X	X	
Louisville	(11/86)	X	X		X	X		X		X	X	X	X	X	X	X	
Loveland	(8/85)	X			X	X		X		X		X	X		X	X	
Pitkin County	(1/79)	X	X	X		X		X	X	X	X	X	X	X	X	X	
Pueblo	(9/85)	X	X	X	X	X		X	X	X		X	X	X	X	X	X
Telluride	(1987)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Thornton	(1/87)	X	X	X	X	X		X				X	X	X	X	X	X
Trinidad	(11/86)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
Westminster	(6/86)		X	X	X	X		X			X	X	X	X	X	X	X
Wheat Ridge	(11/86)	X	X	X	X	X		X		X	X	X	X	X	X	X	X
<u>CONNECTICUT (1)</u>																	
Greenwich	(4/88)			X													
<u>DELAWARE (1)</u>																	
Wilmington	(6/89)	X	X	X	X	X		X	X	X	X	X		X	X	X	X
<u>FLORIDA</u>																	
<u>GEORGIA (7)</u>																	
Atlanta	(6/81)			X									X				
Cobb County	(4/87)			X													
Dekalb County	(2/87)			X													
Fayetteville	(1/87)			X													

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<u>GEORGIA (cont)</u>																
Floyd County	(7/87)			X												
Fulton County	(6/87)			X												
Gwinnett County	(8/88)			X												
<u>HAWAII (1)</u>																
Honolulu City/Cty	(6/85)		X		X	X	X	X				X	X		X	
<u>IDAHO</u>																
<u>ILLINOIS (26)</u>																
Arlington Heights	(2/89)	X	X		X	X	X	X	X	X	X	X	X	X	X	X
Bensenville	(1976)	X									X					
Barrington	(6/88)			X												
Champaign	(1975)	X				X	X	X		X	X				X	
Chicago	(7/88)									X		X				X
Crystal Lake	(9/82)	X	X		X	X				X					X	
DeKalb	(9/88)	X	X		X	X	X	X		X			X	X	X	
Des Plains	(3/88)	X				X				X	X		X	X	X	X
Downers Grove	(1980)	X	X	X	X	X				X				X	X	
DuPage County	(10/87)			X												
Elgin	(1/90)	X	X		X	X	X	X		X	X	X	X		X	X
Elmhurst	(6/88)		X		X	X				X					X	
Evanston	(4/88)		X	X	X	X	X	X		X	X	X	X		X	X
Hickory Hills	(11/73)									X						
Highland Park	(6/86)	X	X			X	X	X	X	X	X		X		X	
Hoffman Estates	(11/87)		X				X			X						X
Northbrook	(11/77)					X	X	X	X	X	X		X	X	X	
Oak Park (Village)	(3/89)	X				X		X		X	X		X	X	X	X
Park Forest	(3/89)			X												
Rockford	(1/89)	X	X		X	X	X	X		X	X		X	X		X
Schaumburg	(8/86)	X	X	X		X	X	X		X					X	X
Skokie	(12/87)	X	X			X	X	X		X	X		X	X	X	X
Urbana	(9/76)	X			X	X				X	X		X	X		X
Wilmette	(4/89)									X						X
Winnetka	(1976)	X	X	X	X			X				X	X			
Woodridge	(5/86)			X								X				
<u>INDIANA (4)</u>																
Bloomington	(8/78)	X	X					X	X	X	X					X
Indianapolis	(4/87)			X						X						
Fort Wayne	(4/84)		X										X			
Marion County	(4/87)			X						X						
<u>IOWA</u>																
<u>KANSAS (5)</u>																
Kansas City																
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KANSAS (cont)																	
Lawrence	(6/87)	X	X		X	X	X	X	X	X	X	X	X	X		X	X
Overland Park	(10/84)	X	X	X	X	X		X	X	X				X	X	X	X
Topeka	(6/86)	X	X		X	X		X	X	X	X	X		X	X	X	X
Wichita	(6/76)	X		X				X	X	X							
KENTUCKY																	
LOUISIANA (2)																	
New Orleans	(10/88)	X	X		X	X		X	X	X	X	X		X	X	X	X
Lake Charles	(10/89)	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X
MAINE																	
MARYLAND (8)																	
Baltimore	(1966)	X															
Frederick City	(3/79)			X													
Frederick County	(5/86)			X													
Harford County	(7/88)			X													
Howard County	(3/88)		X	X	X	X	X	X	X	X	X			X	X	X	X
Montgomery County	(7/87)			X		X				X	X			X	X	X	X
Prince Grg's County	(2/88)			X													
Rock Hill	(9/87)	X	X		X	X		X	X	X	X	X		X	X	X	X
MASSACHUSETTS (59)																	
Acton	(10/82)											X					
Amherst	(1984)	X	X			X		X	X		X	X		X			
Auburn	(10/86)	X	X	X		X		X	X	X				X ²	X		
Beverly	(4/85)					X		X									
Braintree	(8/81)											X					
Brewster	(7/86)											X					
Brookline	(8/87)	X	X			X		X	X		X	X	X	X	X	X	X
Cambridge	(7/84)			X		X		X			X	X	X	X	X	X	X
Canton	(1985)											X					
Chatham	(5/86)											X					
Chelmsford	(9/86)											X					
Cohasset	(3/87)											X					
Concord	(4/89)											X					
Danvers	(9/86)											X					
Dennis	(5/85)											X					
Easthampton	(12/87)	X	X		X	X	X	X	X	X	X	X		X		X	
Foxboro	(8/84)									X		X					
Framingham	(1/85)											X					
Holden	(6/87)											X					
Holyoke	(8/88)			X								X					
Hudson	(1/85)									X	X	X					
Hull	(2/87)									X	X	X					
Lee	(5/88)		X	X		X			X	X	X			X		X	
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MASSACHUSETTS (cont)																	
Leominster	(1/86)					X		X	X			X				X	
Lexington	(11/88)		X			X		X	X	X	X	X	X	X ²	X	X	X
Lynnfield	(10/84)										X						
Malden	(7/85)										X						
Marblehead	(6/88)	X	X			X		X	X	X	X			X			
Marlboro	(6/87)		X			X		X	X		X			X			
Maynard	(3/88)									X	X			X			
Medford	(8/84)										X						
Natick	(1987)		X			X		X		X	X	X		X	X	X	X
Needham	(9/85)										X						
Newton	(6/84)			X													X
Northampton	(3/85)	X	X	X		X		X	X	X	X			X		X	
Norwood	(5/85)										X						
Plainville	(9/85)							X		X	X			X ²			
Quincy	(7/88)										X						
Randolph	(1/85)										X						
Reading	(4/87)			X													
Revere	(1/88)	X	X	X		X				X	X			X	X		
Salem	(8/88)										X						
Scituate	(9/87)									X	X						
Somerville	(11/83)										X						
Sterling	(11/87)	X	X	X				X	X	X	X			X	X		
Stoughton	(4/83)										X						
Sudbury	(8/88)		X			X		X		X	X	X		X	X	X	X
Swampscott	(9/84)	X	X			X		X		X	X	X		X			
Tewksbury	(5/87)		X					X	X	X	X			X	X		
Townsend	(2/87)																X
Walpole	(4/88)			X						X							
Watertown	(5/87)			X													
Wellesley	(4/85)			X							X						
Westford	(6/86)			X						X	X	X					
Westminster	(11/85)			X						X	X	X					
West Springfield	(5/88)																X
Williamstown	(3/87)	X	X	X		X		X	X	X	X			X	X		
Winchester	(1/85)										X						
Winthrop	(1987)										X						
MICHIGAN (2)																	
East Lansing	(4/86)	X	X			X				X	X	X	X	X	X	X	X
Marquette	(1/87)	X	X	X	X	X		X	X	X	X	X		X	X	X	X
MINNESOTA																	
MISSISSIPPI																	
MISSOURI (4)																	
Clayton	(10/88)			X	X	X		X		X	X			X		X	X
Columbia	(8/87)	X	X		X	X		X	X	X	X	X		X	X	X	X
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<u>MISSOURI (cont)</u>																	
Independence	(12/86)	X	X	X		X	X		X	X	X	X	X	X	X	X	X
Kansas City	(10/86)	X	X	X		X		X		X		X	X	X	X	X	X
<u>MONTANA</u>																	
<u>NEBRASKA (1)</u>																	
Omaha	(10/47)	X												X			
<u>NEVADA</u>																	
<u>NEW HAMPSHIRE</u>																	
<u>NEW JERSEY</u>																	
<u>NEW MEXICO (1)</u>																	
Albuquerque	(9/88)	X	X	X		X		X	X	X		X	X	X		X	X
<u>NEW YORK (8)</u>																	
Chautauqua County	(8/88)	X	X	X	X					X		X	X	X			X
Monroe County	(8/87)		X		X	X					X	X	X	X	X	X	X
Nassau County	(11/85)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
New York City	(4/88)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Ontario County	(11/87)	X	X		X						X	X	X	X	X		X
Rockland County	(4/88)	X	X	X	X						X	X	X	X	X	X	X
Suffolk County	(7/86)	X			X	X		X		X		X	X			X	X
Westchester County	(12/85)	X	X	X	X			X	X	X	X	X	X		X	X	X
<u>NORTH CAROLINA</u>																	
<u>NORTH DAKOTA</u>																	
<u>OHIO (18)</u>																	
Akron	(3/88)				X							X					X
Athens	(7/88)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
Barberton	(6/88)	X	X		X	X	X	X	X			X	X	X		X	X
Cincinnati	(1/86)	X	X		X	X		X	X		X	X	X	X	X	X	X
Cleveland	(5/87)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Cleveland Hts	(1/88)	X	X		X	X		X	X	X			X	X	X	X	X
Lakewood	(1/88)	X	X		X	X		X	X	X	X	X	X	X	X		X
Mayfield Village	(11/86)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Medina	(12/87)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
North Canton	(7/87)				X												
Parma	(8/25)																
Parma Heights	(11/87)	X	X		X	X		X	X	X	X	X	X	X	X	X	X
Shaker Heights	(11/88)																
Summit County	(9/87)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Toledo	(12/87)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
University Heights	(11/87)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Warren	(12/87)	X	X	X	X		X	X	X			X	X	X	X	X	X
Xenia	(10/85)		X	X		X				X		X		X	X	X	X
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<u>OKLAHOMA (1)</u>																	
Edmond	(1/87)					X				X	X	X		X		X	
<u>OREGON (1)</u>																	
Portland	(1/88)	X		X	X	X				X	X	X		X	X		
<u>PENNSYLVANIA (1)</u>																	
Allentown	(10/81)	X												X			
Erie	(5/88)	X	X	X	X	X		X	X	X	X	X		X		X	X
Lower Merion	(3/88)	X	X		X	X				X	X	X		X	X	X	X
Pittsburgh	(12/87)	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X
<u>RHODE ISLAND</u>																	
<u>SOUTH CAROLINA (6)</u>																	
Beaufort County	(9/86)		X	X				X		X							
Charleston County	(2/88)			X													
Greenville City	(1/87)	X	X		X			X	X			X		X	X	X	X
Greenville County	(3/86)			X													
Hampton County	(4/87)			X													
Richland County	(1/88)	X	X	X										X	X	X	
<u>SOUTH DAKOTA</u>																	
<u>TENNESSEE (1)</u>																	
Memphis	(2/86)										X			X			
<u>TEXAS (48)</u>																	
Abilene	(4/87)	X	X	X		X					X	X		X	X	X	X
Addison	(8/88)			X								X					
Amarillo	(9/88)																
Arlington	(10/85)	X	X	X		X		X	X		X	X			X	X	X
Austin	(5/86)		X	X		X		X	X	X	X	X			X		X
Bedford	(11/86)	X	X			X		X	X	X	X			X		X	
Brownsville	(10/88)																
Bryan	(8/86)	X	X	X		X		X	X	X	X	X		X	X	X	X
Corpus Christi	(9/86)	X	X	X	X	X		X	X	X	X	X		X	X	X	X
Dallas	(3/88)	X	X	X		X		X	X	X	X			X	X	X	X
Del Rio	(3/87)			X		X				X	X			X		X	X
Denton	(6/86)		X			X		X	X			X	X	X	X	X	
DeSoto	(1/89)																
Eagle Pass	(1/88)	X	X			X		X	X	X	X					X	X
El Paso	(3/87)					X				X	X	X		X			
Eules	(1/87)													X			
Fort Worth	(6/86)		X			X		X	X	X	X			X	X	X	X
Galveston	(12/88)	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X
Garland	(9/88)																
Grand Prairie	(1/86)	X	X	X		X		X			X	X		X	X	X	X
		Public Transit	Elevators	Government Buildings	Gymnasiums/ Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings	Public Places	Restaurants	Restrooms	Retail/grocery Stores	Schools	Theaters	Workplace (Private Sector)

		Public Transit	Elevators	Government Buildings	Gymnasiums/ Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)
<u>TEXAS (cont)</u>																
Greenville	(11/86)						X				X	X		X	X	X
Haltom City	(6/86)		X			X					X		X	X		X
Henderson	(5/89)															
Houston	(10/86)	X	X	X		X	X		X	X	X	X	X		X	X
Huntsville	(12/87)	X	X			X		X	X	X			X	X	X	X
Hurst	(12/86)	X	X	X		X		X	X		X				X	
Irving	(1985)															
Kerr County	(6/87)			X												
Kerrville	(5/87)					X				X	X		X	X		X
Kingsville	(3/89)															
Lancaster	(5/88)															
Leon Valley	(1/87)	X	X			X		X	X	X	X		X	X	X	X
Longview	(4/87)	X	X	X		X		X	X	X				X	X	
Lubbock	(11/87)		X	X	X	X		X	X	X	X		X	X	X	X
McAllen	(7/87)	X	X			X		X	X	X		X	X	X	X	
N. Richland Hills	(4/87)	X	X			X		X	X	X			X	X	X	X
Plano	(7/86)		X	X	X	X		X	X	X			X	X	X	
Richardson	(11/88)															
Rockwall	(9/88)															
San Antonio	(9/86)	X	X			X		X	X	X	X	X	X	X		
Seguin	(11/88)					X				X	X		X	X		X
Sugarland	(7/87)			X												
Taylor County	(3/88)															
Texarkana	(1/86)		X	X		X		X	X		X			X	X	
Travis County	(1/87)			X												
Tyler	(7/87)	X	X	X	X	X				X	X		X	X	X	X
Waco	(5/89)															
Witchita Falls	(10/87)															
<u>UTAH</u>																
<u>VERMONT (1)</u>																
Burlington	(4/87)	X		X		X				X	X		X	X	X	X
<u>VIRGINIA (21)</u>																
Albemarle County	(6/89)	X	X	X		X		X	X	X	X		X	X	X	X
Alexandria	(3/84)		X			X		X	X	X	X		X		X	
Arlington County	(3/87)		X	X	X	X		X	X	X	X		X	X	X	
Charlottesville	(10/88)	X	X	X		X		X	X	X			X	X	X	X
Chesapeake	(4/89)		X	X	X	X		X	X	X	X		X	X	X	
Fairfax City	(3/86)		X			X		X	X	X			X		X	
Fairfax County	(11/77)		X			X		X	X	X	X				X	
Falls Church	(9/88)		X			X		X	X	X			X	X	X	
Franklin	(6/89)		X	X	X	X		X	X	X	X		X	X	X	
Hampton	(5/89)		X	X	X	X		X	X	X	X		X		X	
Loudon County																
Lynchburg	(6/89)	X	X	X	X	X		X	X	X	X		X	X	X	
		Public Transit	Elevators	Government Buildings	Gymnasiums/ Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)

		Public Transit	Elevators	Government Buildings	Gymnasiums/ Arenas	Health Facilities	Hotels	Libraries	Museums	Meetings	Public Places	Restaurants	Restrooms	Retail/Grocery Stores	Schools	Theaters	Workplace (Private Sector)
<u>VIRGINIA (cont)</u>																	
Manassas	(4/87)		X					X	X	X							X
Newport News	(6/89)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
Norfolk	(3/88)		X	X	X	X		X	X	X		X	X	X	X	X	X
Portsmouth	(6/89)		X	X	X	X		X	X	X	X	X		X	X	X	X
Prince Wlrm County	(2/87)		X	X	X	X		X	X	X				X	X	X	X
Stafford County	(6/89)																
Suffolk	(6/89)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
Virginia Beach	(5/89)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
Winchester	(4/87)			X													
<u>WASHINGTON (3)</u>																	
King County	(7/87)			X													
Pierce County	(1/85)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
Seattle	(1/84)	X	X	X	X	X		X	X	X	X	X	X	X	X	X	X
<u>WEST VIRGINIA (1)</u>																	
Fairmont	(2/87)	X			X	X				X	X	X		X	X	X	
<u>WISCONSIN</u>																	
<u>WYOMING (2)</u>																	
Laramie	(11/86)	X	X	X	X	X				X	X	X	X	X	X	X	X
Caspar	(5/88)	X	X		X	X		X	X	X	X	X			X	X	X

Notes:

- ¹ Smoking prohibited in restaurant restrooms only.
- ² Smoking prohibited in grocery stores only.
- ³ Designated smoking sections not required.
- ⁴ Smoking prohibited in retail stores only.
- ⁵ Pre-empted by Pennsylvania Fire and Panic Act

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APPENDIX F

STATE CIGARETTE EXCISE TAXES

<u>STATE</u>	<u>TAX PER PACK (CENTS)</u>	<u>STATE</u>	<u>TAX PER PACK (CENTS)</u>
AL	16.5	MO	13
AK	29**	MT	18+
AZ	15	NE	27*
AR	21	NV	35+
CA	35***	NH	17
CO	20	NJ	27*
CT	40**	NM	15*
DE	14	NY	36***
DC	17	NC	2
FL	24	ND	27
GA	12	OH	18
HI	--	OK	18
ID	18*	OR	28****
IL	30+	PA	18
IN	15.5	RI	25
IA	31	SC	7
KS	24	SD	23
KY	3*	TN	13
LA	16*	TX	26
ME	28	UT	23
MD	13	VT	17
MA	26	VA	2.5
MI	25*	WA	34+
MN	38*	WV	17
MS	18	WI	30
		WY	12+

*Portions of tax earmarked to health and cancer-related programs
 **Effective April 1, 1989
 ***Effective June 1, 1989
 ****Effective November 1, 1989
 +Effective July 1, 1989
 ++Increased by November 1988 ballot measure--effective 1/1/89
 --Hawaii tax is 40 percent of wholesale price

SOURCE:

State Departments of Revenue, Bureaus of Tobacco and Miscellaneous Taxes.

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APPENDIX H

STATE SMOKELESS TOBACCO EXCISE TAXES

CHEWING TOBACCO AND SNUFF

<u>STATE</u>	<u>TAX</u>	<u>STATE</u>	<u>TAX</u>
AL	Tax based on weight ¹	MO	NONE
AK	25% of wholesale price	MT	12.5% of wholesale price
AZ	\$.02/ounce	NE	15% of purchase price
AR	16% of manuf. inv. price	NV	30% of wholesale price
CA	41.76% of wholesale price ⁴	NH	NONE
CO	20% of manuf. price	NJ	NONE
CT	NONE	NM	25% of wholesale price
DE	15% of wholesale price	NY	15% of wholesale price ³
DC	NONE	NC	NONE
FL	25% of wholesale price	ND	20% of wholesale price
GA	NONE	OH	NONE
HI	40% of wholesale price	OK	30% of wholesale price
ID	35% of wholesale price	OR	35% of wholesale price
IL	NONE	PA	NONE
IN	15% of wholesale price	RI	NONE
IA	19% of wholesale sales price	SC	5% of manuf. price
KS	10% of wholesale price	SD	NONE
KY	NONE	TN	6% of wholesale price
LA	NONE	TX	28.125% of manuf. price
ME	45% of wholesale price	UT	35% of manuf. sales price
MD	NONE	VT	20% of distributor price
MA	25% of wholesale price	VA	NONE
MI	NONE	WA	64.9% of wholesale price
MN	35% of wholesale price	WV	NONE
MS	15% of manuf. list price	WI	20% of wholesale price
		WY	NONE

¹Chewing Tobacco: 3/4 cents/ounce or fraction thereof.

- 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.

⁴Effective January 1, 1989.

³Effective June 1, 1989.

SOURCES:

State Departments of Revenue, Bureaus of Tobacco and Miscellaneous Taxes.

The Tax Burden on Tobacco: Historical Compilation, Vol. 23, The Tobacco Institute, 1989.

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APPENDIX I

STATE AGE RESTRICTIONS
FOR SALES OF TOBACCO PRODUCTS

<u>STATE</u>	<u>MINIMUM AGE FOR:</u>		<u>STATE</u>	<u>MINIMUM AGE FOR:</u>	
	<u>CIGARETTES</u>	<u>SMOKELESS</u>		<u>CIGARETTES</u>	<u>SMOKELESS</u>
AL	19	19	MO	--	--
AK	19	19	MT	--	--
AZ	18	18	NE	18	18
AR	18	18	NV	18	18
CA	18	18	NH	18	18
CO	18	18	NJ	18	18
CT	18	18	NM	--	--
DE	17	17	NY	18	18
DC	16	16	NC	17	17
FL	18	18	ND	18	18
GA	17	17	OH	18	18
HI	18	18	OK	18	18
ID	18	18	OR	18	18
IL	18	18	PA	16	16
IN	18	18	RI	18	18
IA	18	18	SC	18	18
KS	18	18	SD	18*	18
KY	--	--	TN	18	18
LA	--	--	TX	18**	18**
ME	18*	18*	UT	19	19
MD	18*	18	VT	17	17
MA	18	18	VA	16	16
MI	18	18	WA	18	18
MN	18	18	WV	18	18
MS	18	18	WI	18*	18*
			WY	--	--

-- No statewide age limit
 * Effective July 1, 1989
 ** Effective September 1, 1989

SOURCES:

State departments of health, 1989.

"Tobacco-Free America State Component Survey." data received from state offices of the American Cancer Society, American Heart Association, and the American Lung Association, September 1989.

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APPENDIX K

RESTRICTIONS ON DISTRIBUTION OF TOBACCO PRODUCT SAMPLES

STATES WITH LAWS RESTRICTING (12):

MINNESOTA (1986, 1987) -- TOTAL BAN
UTAH (1983, 1986, 1989) -- TOTAL BAN

GEORGIA (1987) -- MINORS ONLY
INDIANA (1987) -- MINORS ONLY
KANSAS (1984) -- BAN APPLIES TO CIGARETTES AND
MINORS ONLY
LOUISIANA (1988) -- MINORS ONLY
MAINE (1983) -- MINORS ONLY
NEW HAMPSHIRE (1987) -- MINORS ONLY
OREGON (1989) -- MINORS ONLY
RHODE ISLAND (1988) -- MINORS ONLY
WISCONSIN (1989) -- MINORS ONLY

NEBRASKA (1989) -- SMOKELESS TOBACCO PRODUCTS ONLY

CITIES WITH ORDINANCES PROHIBITING (15)

ALBERT LEA, MN (1986)
AMHERST, MA (1987)
ATLANTA, GA (1986)
AUSTIN, TX (1983)
BOSTON, MA (1984)
BOWIE, MD (1986)
CAMBRIDGE, MA (1982)
CINCINNATI, OH (1988)
MINNEAPOLIS, MN (1979)
NEW BEDFORD, MA (1989)
NEW ORLEANS, LA (1988) -- MINORS ONLY
NEWTON, MA (1982)
ST. PAUL, MN (1979)
SOMERVILLE, MA (1983)
WEYMOUTH, MA (1989)
WORCESTER, MA (1984)

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of improvement produced by nicotine. This finding supports the argument that the effects of nicotine on attention are similar in smokers and nonsmokers. However, only six smokers and six nonsmokers participated in this study. Also, the performance by nonsmokers was not improved by nicotine tablets in the Wesnes and Revell (1984) study. Therefore, conclusions must be tentative until the findings of Wesnes and Warburton (1978) are replicated.

Evidence from the few distraction studies that have been reported is consistent with the results for sustained and selective attention. It may be that smoking and nicotine improve a general attentional processing capacity including improved attention to relevant stimuli (sustained and selective attention data) and ability to disregard irrelevant stimuli (distraction data). However, until studies include nonsmoker control groups and measure nicotine levels in the body, the conclusion that smoking improves attention remains plausible but equivocal. It is reasonable to conclude that the attention of smokers is better after smoking than after deprivation from cigarettes.

Learning and Memory

Numerous animal studies have demonstrated that nicotine improves learning and memory when it is administered pretrial and posttrial (Battig 1970; Bovey-Nitti 1965; Castellano 1976; Erickson 1971; Evangelista, Gattoni, Iquierdo 1970; Stripling and Alpern 1974; Szekely, Borsy, Kiraly 1974). The effects of smoking and nicotine on human learning and memory are surprisingly complex in comparison with the effects described in reports of animal studies. Some studies of the effects of smoking on human learning and memory have shown that smoking improves this aspect of mental ability (Mangan 1983; Mangan and Golding 1978; Warburton et al. 1986). Studies of the effects of pure nicotine on human learning and memory have shown that nicotine improves memory just as smoking does (Warburton et al. 1986). However, Hull (1924) found evidence of impairment in auditory memory and in the efficiency of rote learning immediately after smoking, and later studies also have found that smoking can interfere with learning and memory, especially immediate memory (Gonzales and Harris 1980). The effects of smoking and nicotine on learning, immediate memory, delayed recall, and state-dependent memory are addressed separately.

Learning

There is no evidence for improved acquisition of information (i.e., general learning) after smoking. For example, Carter (1974) reported a higher number of correct responses from 10 smoking subjects than

from 10 nonsmoking subjects on a letter-digit substitution task for the second of 2 10-trial blocks given in the first 2 sessions (7 days apart). However, there was no difference between groups in savings number of trials for serial learning of a letter-digit substitution task.

Alexman, Vaughn, and Christ (1973) had nonsmokers, 24-hr deprived smokers, and nondeprived smokers do paired-associate learning of a low- or high-meaningful list of nonsense syllables. There was no difference in learning among the groups on both trial and errors to a criterion. However, deprived smokers performed better on the high-meaningful list and worse on the low-meaningful list than did either of the other two groups.

The effects of nicotine on learning also have been investigated. Andersson and Post (1974) compared the effects of nicotine cigarettes with those of nicotine-free cigarettes in subjects learning a nonsense syllable list. Significant increases in heart rate indicated that nicotine was absorbed from the nicotine cigarettes. The first cigarette was given after the first 10 trials of learning the list, and a second cigarette, of the same kind, was given after 20 trials. The learning curves were identical for the two conditions prior to smoking. After nicotine, the number correct decreased and remained below the scores in the nicotine-free condition, but the learning curves were parallel. Thus, the rate of learning was not changed by smoking. After the second nicotine cigarette, the number of correct syllables increased significantly to the same level of acquisition performance as in the nicotine-free cigarette condition. Relative to the previous performance, nicotine had improved recall of the syllables. The difficulty in interpreting the effects of nicotine in this study is that learning and recall occurred over a 20-min period, while plasma and brain levels of nicotine would be expected to fall well below their peak levels. These data give no evidence of nicotine impairing acquisition, because the learning curves are parallel after the nicotine cigarette. However, it appeared that after the first nicotine cigarette, the information stored in the non-nicotine state was less available in the nicotine state, a phenomenon known as state-dependent learning. (See "State-Dependent Memory" below for a fuller discussion of this phenomenon.)

In another study, Andersson (1975) examined the effects of smoking on verbal rote learning using a similar procedure. Ten smokers were tested on two occasions during which they were initially given 10 successive trials followed by an 8-min break. In one condition, the subjects smoked a 2.1 mg-nicotine-delivery cigarette during this period, and in the other they simply rested. Then, another 10 trials took place, after which a 45-min break was given, followed by a final learning trial. As in the previous study, recall was significantly lower immediately after smoking. This lowered recall

education and answered 6 factual questions based on the article after a 10-min break. The treatment conditions were smoking versus no smoking during the study period and during testing. When studying and testing were conducted for the same subject state (either smoking or no smoking), memory was better than when study and testing were conducted for different states.

Other investigators also have found evidence for state-dependent learning with smoking. Peters and McGee (1982) used the state-dependent design to test smoking's effect on recall and recognition memory. After smoking a 1.4-mg nicotine cigarette, each subject was shown a list of nouns and immediately asked to write down as many as possible. There was no evidence of any difference in immediate recall, a finding in agreement with Andersson and Hockey (1977) and Houston, Schneider, and Jarvik (1978). However, on the following day, there was a state-dependent effect on the recognition test but no difference between the same-state groups.

In another recognition study (Warburton et al. 1986), smokers who were deprived of cigarettes for more than 10 hr were each given a 1.4-mg-nicotine cigarette or nothing immediately before serial presentation of a set of Chinese characters. Subjects were divided into four equal groups: Those who did not smoke prior to learning or recall, those who did not smoke prior to learning, but had a cigarette prior to recall; those who had a cigarette prior to both learning and recall, and those who had a cigarette prior to learning, but none prior to recall. Subjects who smoked prior to learning had significantly better recognition scores than the subjects who did not smoke in the first part of the experiment. There was no effect of smoking on recall performance. A significant interaction term indicated that changing the chemical state interfered with recognition.

Warburton and colleagues (1980) used nicotine tablets in the state-dependent design. After ingesting the tablet, each subject listened to words and then performed successive subtractions for 1 min to prevent rehearsal. Immediate free recall was improved. One hour later, the subjects were given either nicotine or placebo tablets. They were asked to recall as many of the words as they could in another 10-min free recall test. Long-term recall was significantly better when subjects had taken nicotine prior to learning, but was not when taken prior to recall. A significant interaction term gave evidence for a state-dependent effect of nicotine and showed that nicotine was facilitating the input of information to storage, but had no direct effect on storage or retrieval.

These findings suggest that there is a state-dependent effect of smoking on cognitive performance. The seeming impairment of immediate memory, however, complicates any simple generalizations about smoking and memory or nicotine and memory. As with the attention literature, studies need to include nonsmokers as

controls to determine whether smoking or abstinence from smoking affects learning or memory. In addition, task characteristics and individual differences among subjects must be considered in future investigations. Based on the available evidence, there are no clear effects of smoking on learning or memory.

Problem Solving

Human problem-solving capabilities involve both attention and memory. Attention is important because distraction from the task will cause a deterioration in problem-solving performance. Memory also plays a critical role in thought, both guiding the operations of the thought processes and limiting their power. Problems can be broadly categorized as well defined and ill defined. A well-defined problem has a clearly stated goal with a clear method to ascertain if the problem solving will lead to the correct solution. A well defined problem can be solved by convergent thinking that produces logically correct answers. A simple example of a well defined problem is addition. Ill defined problems are solved by divergent thinking that leads to inventive solutions.

Hull (1924) found that smoking increased the rate of complex mental addition, but had no measurable effect on the accuracy of addition. Kucsek (1975) found that the reduced efficiency of mental addition that was produced by doing a tracking task was ameliorated by smoking. The improvement was especially manifested in the most neurone subjects. One interpretation of this improvement is that the attentional effects of nicotine enabled the filtering out of the distracted thoughts that interfered with performance.

A task that has elements of both convergent and divergent thinking is the Luchins Jar test (Luchins 1942), in which subjects are asked to solve a number of "numerical problems" involving the measurement of a quantity of water by means of a set of measuring jars. For the first six trials, exactly the same solution can be used, but after trial six, both the old formula and a new, easier formula are appropriate. A measure of convergent thinking is performance on the first six trials, while divergent thinking is assessed from the time taken to discover the new, easier solution. Smokers who were allowed to smoke performed better on the first half of the test in which subjects used the same solution repeatedly (convergent thinking), but were slower to change to a simpler solution when it was available, divergent thinking (Warburton 1987). While it could be argued that nicotine had impaired divergent thinking, it has been argued that it is more efficient for a subject to use a known strategy, no matter how clumsy it might be, than to attempt to invent a new one, i.e., to maintain attention (Norman 1980).

tended to recover on successive trials. After the 45-min break, the recall in the two conditions was again identical.

Immediate Memory

In a study of immediate memory (Williams 1980), subjects were tested within 15 min after smoking one cigarette. They were given lists of numbers to memorize and then were immediately asked to recall them in the correct sequence (constrained recall). No main effects were significant. Controlling for presmoking performance, the number of errors increased with strength of cigarettes smoked.

Houston, Schneider, and Jarvik (1978) had 21 heavy smokers, deprived of cigarettes for 3 hr, read a list of words. The subjects were matched on a free recall test prior to smoking. Each member of one group smoked a 1.5-mg nicotine cigarette, and each member of the other group smoked a non-nicotine cigarette. The subjects were given three lists with free recall tests after each one. The immediate recall scores showed that the nicotine group had significantly less recall than the placebo group did. When testing was given once just after the input, however, facilitation was seen (Warburton et al. 1986). After smoking a 1.4-mg nicotine cigarette, each of these subjects was shown a list of nouns and immediately asked to write down as many as possible. Measures of immediate recall were improved in smokers after smoking compared with not smoking.

Comparison of Immediate and Delayed Recall

Gonzales and Harris (1980) assessed the effects of smoking or abstinence on immediate and delayed memory of new and old (previously presented) words, as well as category clustering. Smokers smoking showed significantly poorer immediate and delayed recall of old words and less clustering of words into categories on the delayed recall test as compared with smokers who were not allowed to smoke before the tasks.

Mangan (1983) examined the effects of smoking a low- (0.7 mg) and a middle- (1.3 mg) nicotine-yield cigarette on paired-associate and serial learning and retention. Conditions included high and low intralist interference. Cigarettes improved retention in paired-associate learning, with task difficulty apparently having little relevance. Smoking impeded learning under low-interference conditions, but facilitated learning of high-interference sets.

Mangan and Golding (1983) studied the effects on memory of smoking deprivation and of smoking a single cigarette immediately after acquisition of a paired-associate learning task. Subjects were retested for retention of the memorized material at intervals of 30 min, 1 day, 1 week, and 1 month. At 30-min retest, nonsmokers showed superior recall compared with all smokers. After 1 month,

subjects who each smoked a low- and medium-nicotine cigarette were better than those who smoked high-nicotine cigarettes. They also achieved superior recall compared with nonsmokers.

Peeke and Parke (1984) tested the effects of smoking one cigarette on verbal memory and attention in four experiments. In one study, subjects were allowed to smoke before the test ("pretrial smoking"), after the test ("posttrial smoking") or not at all ("no smoking"). Recall of a 50-word list was tested immediately after intervals of 10 and 45 min. Pretrial smoking resulted in improved recall 10 and 45 min after learning, but not immediately. Posttrial smoking was ineffective. Tests at 1, 5, and 30 min after presentation of a 20-word list were compared with results from pretrial smoking. Improved recall occurred for pretrial smoking. The high-nicotine cigarette produced improved recall on both immediate and delayed-recall tests. The low-nicotine cigarette was less effective. Light and heavy smokers did not differ in the effect of smoking on recall.

Andersson and Hockey (1977) presented words in different positions on a computer screen to smokers allowed to smoke or not allowed to smoke. In one condition, subjects had to remember the words in presentation order. In the second condition, subjects were asked to remember words, word order, and location. There were no differences between the smoking and no smoking conditions in the percentage of words that were recalled in the correct order or in the percentage of words that were recalled correctly, regardless of word order. However, recall of position on the screen was poorer for the smoking group. When the subjects were asked to attend to all three aspects of the material, the groups did not differ significantly in their recall, although there was a trend for location to be recalled better after nicotine use than after deprivation. This study suggests that nicotine can enhance storage of information only if the subjects perceive that the information is relevant.

State-Dependent Memory

In a state-dependent design, one group of subjects learns after a dose of drug while a second group learns after a placebo or nothing. For the recall test both groups are divided; half of each group is tested with the agent presented during learning and half is switched to the other condition. If the recall scores are better for those groups that learned in the same chemical state, then state-dependent learning is said to have occurred. Numerous animal studies have provided evidence of state dependency with cholinergic drugs (Warburton 1977). The possibility that nicotine produces state-dependent learning in human subjects has been investigated in several studies.

Kunzendorf and Wigner (1980) examined state-dependent recall on text material. Subjects spent 15 min studying a 550-word article on

Trends in the Initiation of Smoking

Information on smoking patterns during adolescence is important because smoking initiation usually occurs during this age. Presented below are data concerning three measures of smoking behavior during adolescence: (1) age of smoking initiation; (2) trends in smoking prevalence among persons 20 to 24 years of age, used as an indicator of smoking initiation; and (3) smoking prevalence among adolescents.

Data on age of initiation provide information on the ages during which initiation usually occurs, but provide no information on the extent of tobacco use within the adolescent population. The prevalence of smoking among those 20 to 24 years of age serves as an indicator of smoking initiation among adolescents during the several years preceding a particular survey. This measure offers the advantages that smoking initiation is relatively complete by the time one enters this age group, and a survey sample representative of the total age-specific population can be obtained readily. However, these data offer no information on the ages during which smoking initiation actually occurred and do not necessarily reflect the most current initiation patterns among adolescents. Data on smoking prevalence among adolescents provide direct and current information on smoking behavior in the population of concern. However, interpretation of adolescent survey data is complicated by the use of different definitions of regular and experimental smoking in different surveys and by the failure of some surveys (e.g., school surveys of high school seniors) to include groups known to smoke at higher rates (e.g., high school dropouts).

Age of Initiation

Age of smoking initiation is a critical variable in targeting prevention efforts. Information on self-reported age of initiation is available from surveys of adolescents and adults. Adolescent surveys offer the advantage of providing current information on age of initiation without concerns of recall bias. However, these surveys cannot provide complete information on age of initiation because the samples exclude those who may start smoking at older ages. Adult surveys provide complete information on age of initiation, but recall bias may occur because adults are asked about an event (smoking initiation) that typically occurred decades earlier. A major value of an adult survey is that, by using birth cohorts, one can assess whether smoking initiation has changed over time.

In the 1986 High School Seniors Survey sponsored by NIDA (see below), seniors who had ever smoked were asked the grade in which they had smoked their first cigarette. About one-quarter of seniors smoked their first cigarette by grade 6, one-half by grade 8, three-fourths by grade 9, and 94 percent by grade 11 (Table 15). Males and whites were more likely to smoke their first cigarette at earlier grades than females and blacks, respectively. The pattern of smoking initiation was similar for those with and without plans for higher education.

In addition, the 1987 National Adolescent Student Health Survey (NASHS) (see below) collected information on the grade in which 8th and 10th grade students had smoked their first cigarette. Data are presented in Table 16 for 10th graders only. Ap-

TABLE 15.—Grade by which ever smokers smoked their first cigarette (%), reported by high school seniors, United States, 1986

Grade	Total	Males	Females	Whites	Blacks	Higher education plans	
						Yes	No
6	25.8	31.1	20.7	26.8	23.3	25.3	25.7
8	57.3	59.5	55.3	59.0	50.2	56.5	58.0
9	72.5	72.7	72.5	74.0	65.8	70.8	75.3
10	84.2	83.8	84.7	85.0	78.4	83.0	86.7
11	94.3	93.8	95.0	95.3	89.9	93.5	95.9
12	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Sample size	3,079	1,423	1,526	2,308	302	1,791	972

SOURCE: Institute for Social Research, University of Michigan (Bachman, Johnston, O'Malley 1987).

proximately one-quarter of smokers reported that they had started smoking by grade 6 and approximately one-half of smokers had started by grade 7 or 8. Males were somewhat more likely than females to start smoking prior to grade 7, but females caught up by grade 9 due to their higher initiation rates in grades 7 to 9.

TABLE 16.—Recall of grade at smoking initiation by 10th-grade students, United States, 1987

	Males		Females	
	%	Cumulative %	%	Cumulative %
By grade 4	11.0	11.0	8.5	8.5
Grades 5 or 6	17.9	28.9	14.0	22.5
Grades 7 or 8	24.1	53.0	26.1	48.6
Grade 9	6.9	59.9	10.9	59.5
Grade 10	2.1	62.0	4.6	64.1
Not smoking by grade 10	38.1	100.0	35.9	100.0

SOURCE: National Adolescent Student Health Survey 1987 (US DHHS, in press, b).

Information on age of initiation is available for adults from NHISs conducted in 1978, 1979, 1980, and 1987. The 1987 data were not available for inclusion in the data presented below. The 1978-80 data are derived from responses to the question, "About how old were you when you first started smoking cigarettes fairly regularly?" These data have been used in previously published analyses of age of smoking initiation (US DHHS 1985; Harris 1983; McGinnis, Shopland, Brown 1987) and are again used below. The populations from the three NHISs were combined and grouped by 5-year birth cohorts. In the total sample, the average age of initiation among ever smokers (aged 20 to 64 years) was 17.2 for men and 19.1 for women (US DHHS 1985). The proportion of ever smokers (20 years of age and older) within each birth cohort who

Smoke, now fire

Senate vote on airline smoking alarms tobacco lobby.

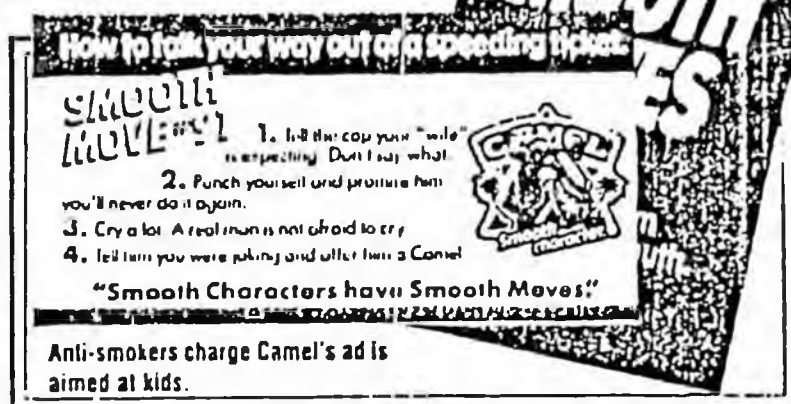
Are Washington lawmakers beginning to turn a deaf ear to the all-powerful tobacco lobby? And, if they are, will anti-smoking lobbyists win their long crusade to quash cigarette advertising for good?

Could be. Last week's Senate vote to ban smoking on all domestic airline flights signaled to many people Washington's growing openness to anti-tobacco legislation—including further restrictions on cigarette advertising.

"We're encouraged by that vote," says Ben Cohen, an aide to Rep. Thomas A. Luken (D-Ohio), a long-time tobacco opponent. "It demonstrates that the tobacco lobby can lose. Maybe the pendulum has started to swing in our favor."

Jackie Cohen, director of government relations for the National Association of Tobacco Distributors, calls such legislation "nothing but a veil to an outright ban. Each session this issue gets more attention, and we're having to stay very vigilant."

Says another tobacco lobbyist: "We have to regroup."



Luken, as chairman of the House Transportation and Hazardous Materials subcommittee, has been calling for a ban on all but text-only or "tombstone" advertising for cigarettes. That would prohibit the use of any photographs, slogans or human likenesses when pitching tobacco products—in effect, ending the era of glitzy, full-color billboard and magazine advertising. Luken's bill is expected to be voted on next week, with aides predicting a 50-50 chance of it getting out of committee.

Right now there are at least a half dozen anti-tobacco bills in the House. One of them, sponsored by Rep. Mike Synar (D-Okla.), would

By Tim Wendel

severely cramp tobacco companies looking to sponsor things like sporting events or concerts. Under Synar's measure, tobacco companies could still back games or circuits, but they couldn't lend a brand name to an event. For example, Virginia Slims could no longer be commercially linked with women's tennis.

The way Synar, Luken and others in Congress see things, such legislation is needed to prevent young people from smoking. At Luken's hearings, former Surgeon

(Continued from page 1)

General C. Everett Koop testified that 30 percent of today's high school seniors smoke. "The advertising we're seeing is aimed at kids," says Sarah Silver, a Synar aide who singles out Camel's "Smooth Character" ads as appealing to young people. "The whole message is about attracting more teenagers to smoking. That's what we're trying to stop." R.J. Reynolds denies claims that its Camel ads are aimed at teenagers.

Synar's current bill is called the Children's Health Production Act. In the last two sessions of Congress, he has called for an outright ban on tobacco advertising. Other pending legislation seeks a ban on vending machine sales in public places, placing a 25-cent excise tax on each pack of cigarettes sold, and limiting the size of tobacco ads to the product's actual size.

Not everyone in the tobacco lobby believes last week's Senate vote will lead to further restrictive legislation. For one thing, there are no companion bills in the Senate. And beyond that, any bill that comes out of the House would probably be derailed by Sen. Ernest F. Hollings (D-S.C.), chairman of the

Senate's Commerce, Science and Transportation Committee. Hollings, who represents a tobacco state, has consistently voted against anti-smoking bills. In fact, last week's smoking ban was passed in part because it was attached to an \$11.9 billion transportation appropriations bill.

Walker Merryman, vice president of the Tobacco Institute, the industry's leading lobbying group, says the Senate vote on airline smoking was "singular" and "emotional." "The same fate is not awaiting us on issues such as [tobacco] advertising, promotion and taxation," says

Merryman. "Such action doesn't reflect Senate sentiment, and those who think so are deceiving themselves."

Other

s say, however, there are new cracks showing in tobacco's armor. "An additional anti-smoking bill doesn't stand much of a chance right now," concedes Steve Schlem, aide to Sen. Frank R. Lautenberg, (D-N.J.), chief sponsor of the Senate airline smoking ban proposal. "But, as we found out with the smoking ban, where there's a will, there's a way." LJ

Tim Wendel is a New York-based writer

'The whole message is about attracting more teenagers to smoking. That's what we're trying to stop.'

Latchkey teens more likely to drink, smoke

By Marilyn Elias
USA TODAY

Young teens who come home to an empty house are twice as likely as those supervised by adults to use alcohol, marijuana and cigarettes, says a study out today.

The risk holds whether kids are rich or poor, come from one- or two-parent homes or get high or low grades, says researcher Jean Richardson, University of Southern California, Los Angeles.

The study of 4,932 eighth-graders, and 2,185 of their parents, is reported in *Pediatrics*.

"Self-care causes young adolescents to perceive themselves as more autonomous, more able to make decisions that may not be approved of by adults," Richardson says. "There's a tendency to want to appear older." Key findings:

► Teens alone on weekdays 11 hours a week or more (29 percent of those studied) were about twice as likely to drink, smoke and use pot as peers monitored by adults after school.

► Even those home alone 5-10 hours had higher usage rates than adult-supervised teens: 1.7 times for alcohol, 1.6 times, smoking, 1.5 times, pot.

There are no current figures on how many USA teens are home alone after school. "But it's obvious as more women have to work to keep families afloat, more kids in this age bracket are going to be spending time alone," says Anthony Jackson, Carnegie Council on Adolescent Development.

"Also, this is the age when kids express their needs for autonomy. But it's clear that too much time alone is more than they can constructively handle," Jackson's advice: Junior highs should link up with private groups — Y's, scouts, cultural agencies — for campus after-school programs.

Summer box office hits \$2B

By Susan Spillman
USA TODAY

LOS ANGELES — By Labor Day, Hollywood made easy work of breaking movie box-office records.

Summer ticket sales hit \$2.05 billion — a solid 20 percent ahead of last summer's record \$1.7 billion.

For the first time, the summer produced five \$100 million-plus films. *Leader Batman* already has grossed \$238 million, placing it among Hollywood's five top-grossing films.

The summer's top 10 (box office in millions):

1. *Batman* (\$238.5)
2. *Indiana Jones and the Last Crusade* (\$189.5)
3. *Lethal Weapon 2* (\$131.3)
4. *Honey, I Shrunk the Kids* (\$119)
5. *Ghostbusters II* (\$110)
6. *Dead Poets Society* (\$87.4)
7. *When Harry Met Sally...* (\$87.5)
8. *Parenthood* (\$64.1)
9. *Turner & Hooch* (\$57.1)
10. *Star Trek V: The Final Frontier* (\$50.5)

This Labor Day weekend, *Uncle Buck* remained No. 1, grossing \$7.8 million (\$34.7 million cumulative). *Parenthood* remained No. 2, with \$7.4 million (\$64.1 million).

Rounding out the top five: *The Abyss*, \$5.5 million (\$40.7 million); *When Harry Met Sally...*, \$4.8 million (\$67.5 million) and *Lethal Weapon 2*, \$4.6 million (\$131.3 million).

► Merchandise bonanza, 1A

Greater Laurel Beltsville Hospital
Paper Summer 1989

Teenage smokers could be heading for health problems

If your preteen or teenager is smoking, he could be headed for a pack of trouble in a very short time.

Based on a study of nearly 700 seventh- and eighth-grade students in West Germany, scientists now believe that cigarette smoking—even at very low levels—has an almost immediate effect on the health of young people.

Smokers in the study showed decreased levels of HDL (high density lipoprotein) cholesterol—the "good" cholesterol believed to provide some protection against heart and vascular system diseases.

Smoking behavior and HDL levels of the students were recorded in 1983 and in follow-up examinations one and two years later. The follow-ups showed that those who smoked one to 39 cigarettes a week had an average 1 percent reduction in HDL concentrations compared with those who remained non-smokers. For smokers of 40 to 80 cigarettes a week, there was an average 10 percent reduction in HDL cholesterol levels.

This indicates that the negative consequences of smoking occur very early, says James Dwyer, Ph.D., of the University of Southern California Institute for Health Promotion and Disease Prevention Research.

"Exposure even to low concentrations of cigarette smoke for rela-

tively short periods of time may contribute to vascular damage that is difficult to reverse," says Dr. Dwyer, one of several researchers participating in the study, which includes experts from the United States, Switzerland and West Germany.

"The findings certainly argue for primary prevention, before smoking ever starts, rather than concentrating on cessation in middle age after heart disease is apparent and the damage is done," he says.

The study, reported in a recent edition of the *Journal of the American Medical Association*, supports research on adult smokers that indicates a cause-and-effect link between smoking and HDL reduction. It also suggests potential hazards for those who are exposed to passive smoking, Dr. Dwyer says.

"If the mediating mechanism between smoking and cardiovascular disease is reduced HDL, then the effect on the spouse or a person who smokes two packs a day could be similar. Indeed, some evidence suggests that smoke drifting from the end of a cigarette to a passive smoker may be more toxic than smoke inhaled through a filter."

He adds that a passive smoker could be inhaling the equivalent of two packs of cigarettes a week if continually exposed to a heavy smoker's smoke.

Alaska State Legislature

Legislative Research Agency



P.O. Box Y
Juneau, AK 99811-3100
Phone: (907) 465-3991
Fax: (907) 463-3351

January 30, 1990

MEMORANDUM

TO: Representative Cheri Davis

FROM: Paula d. Scavera *PS*
Legislative Analyst

RE: Legal Age for Possession of Tobacco
Research Request 90.208

You requested information concerning the legal age for possession of tobacco in other states. You also requested the number and name of all states that ban the possession of tobacco by minors.

Thirteen states prohibit the possession of tobacco by a minor. The legal age for possession of tobacco in those states run from ages 16 to 19 years. Some states prohibit the selling, distributing, furnishing, or using of tobacco by minors, while other states have no restrictions concerning tobacco and minors.

Attached is a list of the 13 states that impose an age requirement for possession of tobacco.

Please contact us if you have any questions or need further assistance.

Attachment

POSSESSION OF TOBACCO PRODUCTS BY MINORS

<u>STATE</u>	<u>LEGAL AGE FOR POSSESSION</u>
Arizona	18
Idaho	18
Indiana	18
Iowa	18
Michigan	18
Minnesota	18
Nebraska	18
Kansas	18
Rhode Island	18
South Dakota	18
Utah	19
Virginia	16
West Virginia	18

Source: Tobacco-Free America, Public Policy Project, 1990.

STATE OF ALASKA
THE LEGISLATURE

POUCH Y - STATE CAPITOL
JUNEAU, ALASKA 99811
907-463-3800

LEGISLATIVE AFFAIRS AGENCY
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. HESS

1-26-90

H. HESS

2-2-90

HB

4/8

(7)

Date Referred: January 16, 1990

FURTHER REFERRALS: FINANCE

Date of Committee Action: 2/15/90

The HEALTH, EDUCATION, & SOCIAL SERVICES Committee considered: HB 418

HOUSE BILL NO. 418

QUALITY OF NURSING HOME CARE

"An Act related to quality of care in nursing facilities; establishing a nursing facility resident security fund; and providing for an effective date."

RECOMMENDATIONS:

- be replaced with _____ the same title
- have attached amendment(s) a new title
- 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 _____
- zero fiscal note DHSS
- zero with analysis _____

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

SIGNING DO PASS:

H. Ellis

Peter Jones

Mark Bump

SIGNING:

(Check approp. column)

Do Not
Pass
No Rec
Amend

	Do Not Pass	No Rec	Amend
<i>Cheri Davis</i>		✓	

H. Ellis
Chairman's Signature

health
association
of alaska

319 Seward St., Juneau, Alaska 99801 • (907) 586-1790
FAX (907) 463-3573

REPRESENTING ACUTE, LONG TERM AND OUTPATIENT FACILITIES

Chairman of the Board
C. Keith Campbell
Seward General Hospital

Chairman-Elect
Ed Malewski
Sitka Community Hospital

Immediate Past Chairman
Jim Gingerich
Fairbanks Memorial
Hospital

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Sister Dona Taylor
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Anchorage

Delegate to the American
Hospital Association
Charles Stokes
Humana Hospital-Alaska
Anchorage

Alternate Delegate to the
American Hospital Assoc.
Ed Zeine
Cordova Community
Hospital

Delegate to the American
Health Care Association
Tom Boling
Our Lady of Compassion
Care Center
Anchorage

Alternate Delegate to the
American Health Care
Mark Bertirud
Denali Center
Fairbanks

Delegate to the Healthcare
Forum
John Vowell
Wrangell General Hospital

Delegate to Congress of
Hospital Trustees
Jan Trettner
Seward General Hospital

Government Institutions
Representative
Frank Sulton
Mt. Edgecumbe Hospital
Sitka

Outpatient Facilities
Representative
John J. Conway
Veterans Administration
Anchorage

President/CEO
Harlan R. Knudson

February 20, 1990

Representative Johnny Ellis, Chairman
House Health & Social Services Committee
Alaska State Legislature
P. O. Box V
Juneau, AK 99811

RE: HB 418, Sanctions
Nursing Homes

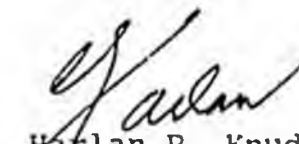
Dear John:

This is in response to Representative Furnace's question regarding sanctions against limited partners or venture capitalists who may be part owners of an Alaskan nursing home. (HB 418, Page 3, line 27)

All of Alaska's nursing homes are owned by communities, the state, or non-profit organizations, therefore the 5% or more ownership clause would not impact investors at this time. That doesn't mean things couldn't change over the years.

Increasing that level to 20% or 25% may help attract investors in Alaska nursing homes.

Sincerely,


Harlan R. Knudson
President/CEO

HRK/ma
cc: Representative Furnace

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: An Act relating to Quality Nursing care
 Sponsor: Rules Committee
 Requestor: Governor

Agency Affected: Health & Social Services
 BRU: _____
 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-
----------------	-----	-----	-----	-----	-----	-----

REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
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)

Will be ZERO For 1990

Prepared by: Kim Busch, Director *Kim Busch* Phone: 465-3355
 Division: Division of Medical Assistance Date: 1/15/90
 Approved by Commissioner: Myra M. Munson *Myra M. Munson* Date: 1/15/90
 Agency: Department of Health & Social Services

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

STEVE COWPER
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

CC
7MB 418

January 16, 1990

The Honorable Sam Cotten
Speaker of the House
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Mr. Speaker:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill relating to the quality of care in nursing facilities. The bill primarily contains provisions that implement federal requirements that are mandatory in order for Alaska's medicaid program to comply with the federal program, and for nursing facilities in the state to continue to receive medicaid funding. The Alaska medicaid program receives approximately 50 percent federal reimbursement. The total medicaid costs for nursing facilities in the state in FY 90 amount to over \$42,000,000.

Additionally, the bill will help to maintain the high quality of services generally provided in the nursing facilities in this state.

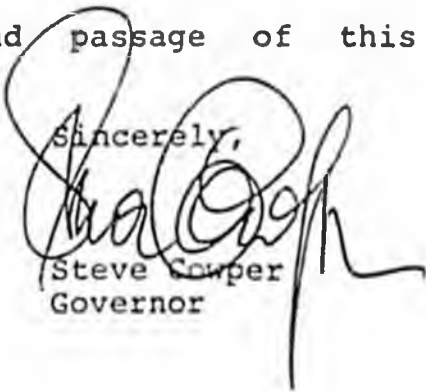
The bill allows the Department of Health and Social Services to impose sanctions against nursing facilities for substantially failing or refusing to comply with basic requirements of state licensing and certification laws for all nursing facilities, or with certification and other requirements for those facilities participating in the medicaid and general relief-medical programs. The sanctions include effects on state licensure and continued participation in the medicaid program. Also, the department could impose a ban on admissions of new patients in a nursing facility, or could assess a civil fine for each day of noncompliance with state or federal statutes or regulations. The bill would also authorize denial of payment for services rendered to medicaid and general relief-medical recipients, whose care is paid for in full or part by state money. The bill also authorizes the department to seek a court-appointed temporary administrator or a receiver to manage a nursing facility until residents

at risk can be removed from the facility or conditions improve at the facility. Finally, the bill authorizes the department to seek a court order to close a facility or transfer residents from the facility, or both, if a significant deficiency occurs affecting residents' health and safety.

The bill establishes a separate fund (the nursing facility resident security fund) into which certain civil fines, assessed by the department under this quality assurance program, will be deposited. Use of money in the fund is limited to the protection of the health or property of residents of nursing facilities found to be out of compliance with federal requirements. Article IX, sec. 7, of the Alaska Constitution prohibits the "dedication" of state revenue for a special purpose, but it provides an exception to this prohibition "when required by the federal government for state participation in federal programs." As a condition of participation in the federal medicaid program, 42 U.S.C. 1396r(h) requires that certain civil fines collected by the department be used only for certain protections of nursing facility residents. The nursing facility resident security fund established by the bill implements this federal requirement and, therefore, meets the criterion for an exception to the dedicated fund prohibition. Passage of this bill would allow the Department of Health and Social Services to comply with federal medicaid requirements, so that the state can continue to receive significant amounts of federal money. It also gives the Department of Health and Social Services an expanded list of sanctions to ensure that a high quality of nursing facility care continues to be offered in Alaska.

I urge your support and passage of this important legislation.

Sincerely,



Steve Cowper
Governor

1. Statement of Deficiencies report from a LTC facility. This report is required to be posted "in a place readily accessible to resident". This report was lengthy because termination action was initiated against this facility.

HB 418

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION

(X1) PROVIDER NUMBER

02-A005

(X2) MULTIPLE CONSTRUCTION

A. BUILDING _____

B. WING _____

(X3) DATE SURVEY COMPLETED

September 12-15, 1989

NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY SHOULD BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETION DATE
	405.1121 Governing Bndy (Condition Met)			
	(k) Resident Rights (Standard Met)			
F61	In 11 of 13 records reviewed, documentation was not found to indicate that residents or resident representatives had been given the opportunity to participate in their individual care planning and medical treatment.	F61	Notification of and invitation to participate in residents HCC will be given each resident and each resident's guardian and documented on residents chart. Participation or lack of participation will be documented. Social Services Coordinator	10-12-89
F69 F70	Each resident had not been encouraged and assisted to exercise his/her rights as a resident of the facility to submit complaints and recommendations concerning the policies and services of the facility. For example, surveyors requested documentation of resident's complaints or grievances for the past 6 months. Facility staff reported that there was no mechanism or need for a resident complaint procedure because all complaints were channelled through the Resident Council. Review of Resident Council minutes for 6 months revealed 1 resident complaint. However, surveyor interviews with residents revealed the following:	F69 F70	Each resident will be encouraged and assisted to voice their feelings/complaints/requests. These comments will be documented as will the follow-up action by facility to respond to their comments. Additionally, a complaint box will be provided for residents use in cases where resident may prefer confidentiality. The resident council meetings will also be utilized for this purpose with documentation provided. Activities Coordinator	9-22-89

PROVIDER REPRESENTATIVE'S SIGNATURE

[Redacted Signature]

TITLE

Administrator

(X6) DATE

10-17-89

* Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See reverse for further instructions.) The findings above are discloseable 90 days following the date of survey whether or not a plan of correction is provided. If deficiencies are cited, an approved plan of correction is requisite to continue program participation.

FEB 13 '90 15:42 TOC PLM211

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION

(X1) PROVIDER NUMBER

02-A005

(X2) MULTIPLE CONSTRUCTION

A. BUILDING _____

B. WING _____

(X3) DATE SURVEY COMPLETED

September 12-15, 1989

NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY SHOULD BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS- REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X4) COMPLETION DATE
F76	<p>1. Interview with 1 resident on 9/13/89 revealed resident's complaint of too few community outings.</p> <p>2. Interview with another resident on 9/14/89 revealed resident's complaints of dry food and having to sit with residents who smoke as she is allergic to smoke.</p> <p>The facility had not insured an adequate system of accounting for personal possessions. For example:</p> <p>1. Updated records were not signed by the responsible employee, the resident or resident representative.</p> <p>2. Personal property inventories were found in two locations. Initial inventories were located in the individual medical record and updates were found in a separate folder.</p> <p>3. The facility did not provide a system to protect residents' property and valuables.</p>	F76	<p>A new system of resident personal property inventory has been implemented. This system will insure accuracy, date, signatures, etc. and will be located on the residents chart.</p> <p style="text-align: center;">Nursing & Activities</p>	10-03-89

PROVIDER REPRESENTATIVE'S SIGNATURE

TITLE

(X4) DATE

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FEB 13 '90 15:43 TCC FILMS/H

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION

(X1) PROVIDER NUMBER

02-A005

(X2) MULTIPLE CONSTRUCTION

A. BUILDING _____
B. WING _____

(X3) DATE SURVEY COMPLETED

September 12-15, 1989

NAME OF PROVIDER OR SUPPLIER

ADDRESS, CITY, STATE, ZIP CODE

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY SHOULD BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETION DATE
F80	<p>Restraints had been used without physician orders which stated conditions or provision for use, type of restraint to be used, specified period of time for use, and instruction for release. For example:</p> <ol style="list-style-type: none"> 1. Six of 6 records reviewed where restraints were being used indicated physician orders as "may restrain for self protection." 2. Please refer to F237 for examples of inappropriate use of restraints. 	F00	<p>The use of restraints will be initiated on physician orders which will include stated conditions or provision for use, type of restraint to be used, specific period of time for use, and instruction for release. Physician and Nursing</p>	10-30-89
F93	Please refer to F242 and F244 regarding residents' participation in activities.	F93	Refer to responses to F242 and F244	
F94	Please refer to F76 regarding residents' retention and use of personal possessions and clothing.	F94	Refer to response to F76	
<u>(h) Staff Development (Standard Met)</u>				
F100	Please refer to F749 and F761 regarding facility staff's level of knowledge about the problems and needs of the aged, ill, and disabled.	F100	Refer to response to F747 and F761. Additionally, the facility is currently developing a facility wide continuing education/in-service program (with documentation of inservices attended & presented). Administrator	1030-89

PROVIDER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

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F101	Please refer to F126, F181, and F237 regarding facility staff not practicing proper techniques in providing care to the aged, ill, and disabled.	F101	Refer to response to F126, F181 and F237	
102	<p>The facility staff did not display proper training and awareness in the following areas:</p> <ol style="list-style-type: none"> 1. Prevention and control of infections. For example: <ol style="list-style-type: none"> a. Proper handwashing between residents during the medication pass did not occur including the administration to a resident on isolation precautions. b. Ten of 10 employee records reviewed failed to indicate knowledge/training in infection control. 2. Fire safety. For example: <ol style="list-style-type: none"> a. Four of 10 employee records reviewed lacked documentation that employee had received fire safety training. b. Fire drills had not been performed as required on each of 3 shifts quarterly. Only 4 fire drills of the minimum of 12 had been done. 	F102	<p>In-service/instruction will be provided to insure knowledge and conformance to Infection Control and sanitation requirements.</p> <p style="text-align: center;">INS</p> <p>The annual staff-wide Fire inservice was scheduled for October. Documentation of attendance will be available for review. Documentation will also be noted in personnel records. Administration (Fire Inservice was held Oct 12, 1989)</p> <p>Documentation on fire drills will be available for review. A copy of the fire drills will be sent to Administrator, D'S, & Fire</p>	<p>10-30-89</p> <p>10-30-89</p> <p>9-19-889</p>
PROVIDER REPRESENTATIVE'S SIGNATURE			TITLE	(X6) DATE

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FEB 13 '90 15:45 TCC ALABAMA

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION

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02-A005

(X2) MULTIPLE CONSTRUCTION

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September 12-15, 1989

NAME OF PROVIDER OR SUPPLIER

ADDRESS, CITY, STATE, ZIP CODE

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F126	<p>c. Fire drill records were fragmented. The maintenance department responsible for conducting the fire drill exercises had records of only two drills. Records of the other two drills were found in the policy and procedure manual by the surveyor. See also F358 and F359.</p> <p>3. Proper use of restraints for safety and protection. Please refer to F237.</p> <p><u>405.1124 Nursing Services (Condition Met)</u></p> <p>Each resident had not received his/her diet as prescribed. In addition, deviations had not been reported with appropriate action taken. For example, resident #14 was observed at evening meals on 9/13 and 9/14/89 with the following noted:</p> <p>1. Physician's orders were "2 gm. Na and lactose free diet chopped, double portions with Ensure BID."</p> <p>Resident was served single portion, pureed for both meals. Interview with meal preparer on both evenings revealed no difference in meals served between</p>	F126	<p>Continued:</p> <p>Marshall (in-house), and maintenance. The staff has been instructed as to the importance of fire drills and documentation of the drills. Administration</p> <p>Inservice and specific instruction has been provided to Dietary Service personnel regarding adherence to prescribed diet orders. All meals served are without added salt. Nursing & Food Service Sup.</p> <p>A mechanism has been initiated to identify, monitor and insure that weight information and tracking is exchanged/shared between nursing and dietary to provide immediate weight gain intervention for persons experiencing weight loss. Nursing & Food Service Supervisor</p>	<p>10-2-89</p> <p>10-2-89</p>

PROVIDER REPRESENTATIVE'S SIGNATURE

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FEB 13 '90 15:16 TEL HEALTH

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION

(X1) PROVIDER NUMBER

U2-A005

(X2) MULTIPLE CONSTRUCTION

A. BUILDING _____
B. WING _____

(X3) DATE SURVEY COMPLETED

September 12-15, 1989

NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY SHOULD BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETION DATE																				
	<p>residents receiving regular diets versus 2 gm. Na diets.</p> <p>2. Review of dietary assessment dated 5/8/89 revealed IBW of 150-160 lbs. Review of resident's record revealed the following weights:</p> <table border="1" data-bbox="353 659 796 1006"> <thead> <tr> <th>Date</th> <th>Weight (lbs)</th> </tr> </thead> <tbody> <tr><td>1/89</td><td>137</td></tr> <tr><td>2/89</td><td>132</td></tr> <tr><td>3/89</td><td>124</td></tr> <tr><td>4/89</td><td>129½</td></tr> <tr><td>5/89</td><td>121</td></tr> <tr><td>6/89</td><td>114</td></tr> <tr><td>7/89</td><td>118</td></tr> <tr><td>8/89</td><td>123½</td></tr> <tr><td>9/89</td><td>110</td></tr> </tbody> </table> <p>Hence, the resident has experienced a significant weight loss of 20% over the past nine months. Resident is currently at 71% of his average IBW. The facility had not responded to this resident's weight loss.</p> <p>3. Observation of resident during evening meal on 9/13/89 revealed resident in geri-chair at 4:45 pm. Meals were delivered to dining area at</p>	Date	Weight (lbs)	1/89	137	2/89	132	3/89	124	4/89	129½	5/89	121	6/89	114	7/89	118	8/89	123½	9/89	110		<p>Continued:</p> <p>Residents experiencing weight loss will be served first. Dietary</p>	10-2-89
Date	Weight (lbs)																							
1/89	137																							
2/89	132																							
3/89	124																							
4/89	129½																							
5/89	121																							
6/89	114																							
7/89	118																							
8/89	123½																							
9/89	110																							

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STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION

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02-A005

(X2) MULTIPLE CONSTRUCTION

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September 12-15, 1989

NAME OF PROVIDER OR SUPPLIER

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	5:10 pm. Resident was not assisted with meal until 1 hour, 10 minutes later.			
	4. Review of medication sheet revealed resident to receive Ensure at 9:00 am and 7:00 pm. Observation of resident on 9/13 and 9/14/89 revealed resident did not receive 7:00 pm Ensure.			
<u>F128</u>	Please refer to <u>F126</u> regarding care necessary to prevent skin breakdown. (c) 24-Hour Nursing Services (Standard Met)	<u>F128</u>	Refer to response to <u>F126</u>	
<u>F130</u>	Please cross reference to <u>F00</u> regarding justification of and provisions for use of restraints.	<u>F130</u>	Please refer to <u>F00</u> response	
<u>F134</u>	Infection control techniques were not always carried out in the provision of care for each resident. Please refer to <u>F102</u> regarding proper handwashing technique.	<u>F134</u>	Please refer to response to <u>F102</u>	
<u>F135</u>	Proper nursing procedures and techniques were not always used when medications were given to residents. For example: 1. Liquid Maldol mixed with wine was left with the resident to finish. The nurse	<u>F135</u>	The nurses will remain with the resident until the resident takes / finishes taking entire dose of medication. Nursing	9-30-89

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FEB 13 '90 15:47 TO: HLHEH-H

7 of 31

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION

(X1) PROVIDER NUMBER

02-A005

(X2) MULTIPLE CONSTRUCTION

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(X5)

COMPLETION
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asked the nursing assistant to observe the resident while finishing the medication.

2. Medication for one resident was mixed into liquid prepared for bottle feeding and left with the nursing assistant to administer to the resident.

3. See also F134 and F102 regarding proper hand washing techniques.

F167

(d) Patient Care Management
(STANDARD NOT MET)

F167

Refer to responses to F134 & F102

F169
F170

Each resident's needs were not addressed in a written plan of care which demonstrates that the plans of all services are integrated, consonant with the physician's plan of care, and implemented shortly after admission. Needs were not identified for all services, goals developed, plans recorded, and progress notes did not indicate evaluations of interventions in relation to established goals. For example:

F169
F170

Care Plans have been reviewed, re-evaluated and re-written to identify current nursing needs of each resident. The plans will be consistent with the physician's plan of care.

10-30-89

Progress notes will relate to goals. All disciplines will chart on interdisciplinary notes to provide an easily identifiable flow of progress/care.

Nursing

1. Thirteen of 13 records reviewed did not contain assessments of nursing needs to validate appropriateness of goals found

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FEB 13 '90 15:48 TOL MLHSH

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION

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02-A005

(X2) MULTIPLE CONTRACT

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NAME OF PROVIDER OR SUBSIDIARY

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F173	<p>In the care plan. In addition, progress notes did not relate to goals.</p> <p>2. Please cross reference to <u>F233</u>, <u>F236</u>, and <u>F237</u>, regarding lack of social services assessments, goals, plans interventions and progress notes.</p> <p>3. Please cross reference to <u>F239</u>, <u>F240</u>, <u>F242</u>, and, <u>F244</u> regarding lack of activities assessments, individualized goals, appropriate plans and goals related progress notes.</p> <p><u>(e) Rehabilitative Nursing Care (Standard Met)</u></p> <p>Each resident had not received rehabilitative nursing care to maximize physical functioning and to prevent deformity, immobility, and contractures. Please cross reference to <u>F237</u>. For example:</p> <p>1. Resident #8 had an RPT plan to be exercised five times a week but the restorative aide record for July, 1989 indicated that exercise occurred only 8 of 22 possible times.</p>	F173	<p>Continued:</p> <p>Please refer to responses to: F233, F236, F237, F239, F240, F242 and F244</p> <p>Each resident will receive rehabilitative Nursing Care as identified in their individualized plan of care. Also, please refer to response to P237.</p> <p>An additional Restorative Aide has been added to the staff. Nursing Assistants will be instructed through in-service as to their participation in aiding this function. In-service will be provided by our Physical Therapist and Occupational Therapist. Nursing, OT & PT</p>	10-15-89

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2. Observation of resident #4 who manifested contractures of all major joints had a record of having had exercise 8 times in May, 11 times in June, and 11 times in July. Standards of practice indicate that range of motion should be done 5-7 times a week to prevent contractures and deformity.

F178

Please cross reference to F169, and F170 regarding comprehensive plans and services of all disciplines involved in care of each resident.

F178

Please refer to responses to F169 and F170

(f) Supervision of Resident Nutrition
(Standard Met)

F180

Please cross reference to F126 regarding conformance to physician dietary orders.

F180

Please refer to response to F126

F181

Each resident needing assistance in eating or drinking had not been provided prompt assistance. Specific self-help devices were not provided where necessary to promote resident dignity and independence. For example:

F181

Staffing has been rescheduled to accommodate meal feeding times to assist with feeding residents who are unable to feed themselves.
Nursing
Additional self-help devices will be provided.
Dietary

10-2-89

10-20-89

1. Observation of the evening meal on 9/13/89, indicated that 11 residents were present. Three were self-feeders

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	<p>and 8 required assistance. Two facility staff were available to assist residents. Approximately 40 minutes passed before the 2 staff moved from the first resident they were assisting to the next. Hence, 6 other residents needing assistance sat without food for forty minutes.</p> <p>2. During the same meal, it was noted that 2 of the residents who were self-feeders would have benefited from special devices due to severe tremors and motor function deficits. The two residents ate two bites of their dinners each.</p> <p><u>(h) Conformance With Physician Drug Orders (Standard Met)</u></p>			
F191	<p>Drugs were not always administered in accordance with written orders of the attending physician. For example, liquid Maudol mixed with wine was observed given to one resident. Neither the physician orders or the pharmacy review had addressed the appropriateness of mixing psychotropic medication with alcohol.</p>	F191	<p>Drugs will be given with juice or water, not with alcohol. Drugs will be given consistent with physicians order. Nursing & Physician</p>	10-26-89

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