

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990
5803 HOUSE JUDICIARY 8672

Representative Peter Goll
Page 6
February 16, 1990

AS 39.50.200(b)(47) refers to the Alaska Resources Corporation, which was repealed July 1, 1989.

AS 42.40.920(a) relates to the Alaska Transportation Commission and was rendered obsolete by the 1982 repeal, by initiative, of all provisions relating to the ATC.

AS 43.05.010(17) relates to powers of the commissioner of revenue in connection with assets of the former Alaska Resources Corporation. The amendment of sec. 17, ch. 161, SLA 1984 by sec. 1, ch. 17, SLA 1989 makes AS 43.05.010(17) unnecessary, as the codified law gives the commissioner and the department adequate authority to wind down the affairs of ARC.

AS 43.05.120, AS 43.20.340(3), AS 43.23.095(2) and (3), AS 43.31.420(2), AS 43.55.900(5), AS 43.56.210(3), AS 43.75.140(2), and AS 43.80.100(3) all contain definitions of "commissioner" or "department," terms that are defined for all of AS 43 in AS 43.99.950.

AS 44.47.310(5) contains a definition of "department" that is redundant.

AS 47.07.020(b)(10) and 47.07.035(17) relate to medical assistance for certain children and pregnant women that were optional services under state law, but are now mandated services under recent amendments to federal law; the state will provide the services under AS 47.07.020(a) and other provisions of AS 47.07.

Sec. 36. The Act is given an immediate effective date by this section.

DRD:lmb
9007.LMB

CC: Art Peterson

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY


P.O. BOX Y, STATE CAPITOL
JUNEAU, ALASKA 99811
907 485-3800

MEMORANDUM

January 25, 1990

SUBJECT: Amendment 6-1772Aa for HB 411

TO: Representative Peter Goll, Chair
House Judiciary Subcommittee on HB 411

FROM: David R. Dierdorff 
Revisor of Statutes

I have prepared the enclosed amendment for consideration by the subcommittee when you review HB 411. With the exception of the proposed amendment to AS 42.05.720(4), all of the new material originated from our routine editorial review of AS provisions.

SECTIONAL ANALYSIS

Sec. 17. The amendment, proposed by the APUC, would add language ("to the public for compensation") to AS 42.05.720(4)(F) that appears in each of paragraphs (4)(A) - (E). It was represented to me that the omission of the language from (4)(F) was an oversight and that the amendment would eliminate a source of confusion and misunderstanding.

Secs. 19 - 21. These three sections, together with the repeal of AS 43.05.120 proposed in sec. 31, represent an effort to resolve some inconsistencies and redundancies in four provisions of AS 43.05 relating to criminal penalties. AS 43.05.290, enacted in 1980, was intended to serve as the basic penalty provision for all of the tax laws. When that was enacted, however, three provisions dating from 1945 that contain criminal penalties, AS 43.05.110, 43.05.120, and 43.05.130, were not amended.

In sec. 19, a new section is proposed reenacting the substantive prohibitions of AS 43.05.120, which would be repealed. The new section is located immediately after the two AS sections that it relates to. A violation of AS 43.05.075(1) would probably be punished as a class A misdemeanor under AS 43.05.290(c), while a violation of AS 43.05.075(2)

Representative Peter Goll
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January 25, 1990

would probably be a class A misdemeanor under AS 43.05.290(f). Arguably, a violation of either could amount to a felony under AS 43.05.290(e).

Section 20 amends AS 43.05.110 to delete the language establishing a violation as a misdemeanor (which would be interpreted as a class A misdemeanor under AS 11.81.250(c)). A violation of AS 43.05.110 would be punishable as a class A misdemeanor under AS 43.05.290(c).

Section 21 amends AS 43.05.130, which currently provides a penalty of up to \$1,000, but no jail term, for any violation of AS 43.05.010 - 43.05.130, or a regulation adopted under those provisions. This is obviously inconsistent with existing AS 43.05.110 and 43.05.120, and conflicts with AS 43.05.290 as well. The amendment proposes to resolve this by limiting its application to violations that do not amount to violations under AS 43.05.290.

It is assumed that the Departments of Law and Revenue will review these proposals and provide the subcommittee with comments.

Sec. 31. This section, which contains all of the proposed repealers, has 13 provisions proposed for repeal that were not in sec. 27 of HB 411. AS 23.15.520(3) defines a term, "registration fee," that does not appear in any provision to which the definition applies. AS 23.35.150(2) and (4) contain definitions of terms that are defined for all of AS 23 by AS 23.45.010. AS 39.50.200(b)(47) refers to the Alaska Resources Corporation, which was repealed July 1, 1989. AS 43.05.010(17) relates to powers of the commissioner of revenue in connection with the Alaska Resources Corporation. The 1989 amendment of sec. 17, ch. 161, SLA 1984 by sec. 1, ch. 17, SLA 1989 makes AS 43.05.010(17) unnecessary, as the uncodified law gives the commissioner and the department adequate authority to wind down the affairs of ARC. With the exception of AS 43.05.120, discussed in connection with sec. 19, all of the other provisions of AS 43 proposed for repeal contain definitions of "department" or "commissioner" that are redundant to those contained in AS 43.99.950.

DRD:gc:lmb
900004.lmb

Enclosure

CC: Art Peterson

A M E N D M E N T

OFFERED IN THE HOUSE JUDICIARY COMMITTEE

TO: HB 411

Page 6, following line 19:

Insert a new bill section to read:

"* Sec. 17. AS 42.05.720(4) is amended to read:

(4) "public utility" or "utility" includes every corporation whether public, cooperative, or otherwise, company, individual, or association of individuals, their lessees, trustees, or receivers appointed by a court, that owns, operates, manages, or controls any plant, pipeline, or system for

(A) furnishing, by generation, transmission, or distribution, electrical service to the public for compensation;

(B) furnishing telecommunications service to the public for compensation;

(C) furnishing water, steam, or sewer service to the public for compensation;

(D) furnishing by transmission or distribution of natural or manufactured gas to the [ALASKA] public for compensation;

(E) furnishing for distribution or by distribution petroleum or petroleum products to the [ALASKA] public for compensation when the consumer has no alternative in the choice of supplier of a comparable product and service at an equal or

lesser price;

(F) furnishing collection and disposal service of garbage, refuse, trash, or other waste material to the public for compensation;"

Renumber the following bill section accordingly.

Page 6, following line 27:

Insert new bill sections to read:

"* Sec. 19. AS 43.05 is amended by adding a new section to read:

Sec. 43.05.075. CONCEALING OR FALSIFYING EVIDENCE. A person may not wilfully, in connection with a compromise or offer of a compromise under AS 43.05.070 or in connection with a closing agreement or offer to enter a closing agreement under AS 43.05.060,

(1) conceal from an officer or employee of the state property belonging to the estate of the taxpayer or other person liable for the tax; or

(2) receive, destroy, mutilate, or falsify a book, document, or record or make a false statement under oath relating to the estate or the financial condition of the taxpayer or other person liable for the tax.

* Sec. 20. AS 43.05.110 is amended to read:

Sec. 43.05.110. PROPERTY IN POSSESSION OF DECEASED EMPLOYEE. The personal representative of a deceased employee of the department who has possession or control of a tax list, record, return, paper, document, or book or money collected shall deliver it to the

department. [A PERSONAL REPRESENTATIVE WHO REFUSES OR WILFULLY FAILS TO DO SO IS GUILTY OF A MISDEMEANOR.]

* Sec. 21. AS 43.05.130 is amended to read:

Sec. 43.05.130. PENALTY [MISDEMEANOR]. A person who, by conduct not described in AS 43.05.290, violates a provision of AS 43.05.010 - 43.05.130 or a regulation adopted under those provisions [IT] is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000 for each offense."

Renumber the following bill sections accordingly.

Page 9, line 18:

Delete all material and insert:

"* Sec. 31. AS 23.15.520(3); AS 23.35.150(2), 23.35.150(4); AS 39.50.-200(b)(47); AS 42.40.920(a); AS 43.05.010(17), 43.05.120; AS 43.20.340(3); AS 43.23.095(2), 43.23.095(3); AS 43.31.420(2); AS 43.55.900(5); AS 43.56.-210(3); AS 43.75.140(2); AS 43.80.100(3); and AS 44.47.310(5) are repealed."

Renumber the remaining bill section accordingly.

STATE OF ALASKA
THE LEGISLATURE

POUCH - STATE CAPITOL
JUNEAU, ALASKA 998
507 495 2811

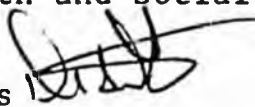
LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 15, 1990

SUBJECT: Proposed Medical Services Amendments for
HB 411

TO: Kim Busch
Director, Division of Medical Assistance,
Department of Health and Social Services

FROM: David R. Dierdorff 
Revisor of Statutes

I have reviewed the statutory changes required to reflect the changes in federal law as it relates to medical assistance for certain pregnant women and for children. As I read AS 47.07, it looks like the 1988 amendments will have to be "undone." This means that AS 47.07.020(b)(10) and 47.07.035(17) would be repealed, and AS 47.07.030(b) would be amended, either by adding "not covered under (a) of this section" after "pregnant women" in the third line of the subsection, or by deleting the language added in 1988.

Obviously, this is a little more complicated than it seemed at first blush, but it is still something that could be done in the revisor's bill. Please let me know whether you, and your Department of Law legal advisors, agree with the changes I have outlined. I want to get my draft CS finalized as soon as possible, so your prompt attention will be appreciated.

DRD:pl
WKP2/051

cc: Representative Peter Goll ✓

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

February 5, 1990

SUBJECT: AS 43.55.090

TO: Jeff Bush
Assistant Attorney General, Department of Law

FROM: David R. Dierdorff *DRD*
Revisor of Statutes

There's always one more thing.

I assume that refunds under AS 43.55 are made like any other refund of an overpayment. Consequently, shouldn't AS 43.-55.090 be amended to read:

In case of overpayment, duplicate payment or payment made in error, the department may refund the amount of the overpayment under AS 43.15.010 [ISSUE A CERTIFICATE STATING THE FACTS AND THE AMOUNT OF THE REFUND TO WHICH THE TAXPAYER IS ENTITLED. UPON PRESENTATION OF THE CERTIFICATE TO THE DEPARTMENT OF ADMINISTRATION, THE DEPARTMENT OF ADMINISTRATION SHALL ISSUE A WARRANT FOR THE REFUND. THE REFUND SHALL BE PAID OUT OF THE UNAPPROPRIATED GROSS PRODUCTION TAX IN THE TREASURY].

Do you see any problems?

DRD:pl
WKP1/099

cc: Representative Goll ✓

Art Peterson

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907 465 3800


LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

December 21, 1989

SUBJECT: 1990 Revisor's Bill
(W.O. 6-1772) HB 411

TO: Representative Mike Davis
Chair, Legislative Council

FROM: David R. Dierdorff 
Revisor of Statutes

This memorandum discusses the enclosed 1990 revisor's bill (W.O. 6-1772A). I would appreciate your consideration of this draft at the next council meeting in order that the bill may be introduced at the earliest opportunity.

The bill was prepared under AS 01.05.036, which provides, in part, that the revisor of statutes shall

* * * prepare for submission to the legislature legislation for the correction or removal of * * * deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of * * * the statute law of this state.

To assist in understanding the draft, I have summarized the contents by grouping sections that have similar effects.

Sections that delete or repeal obsolete provisions: Sections 4, 9, 12, 13, 18 - 21, and 23 - 27 delete or repeal provisions that have become obsolete either through the passage of time or other legislative action.

Sections that update obsolete or archaic provisions, or improve the style of the statutes: Sections 2, 7, 8, 11, 14 - 17, and 22 substitute new

Representative Mike Davis

Page 2

December 21, 1989

provisions for provisions that are obsolete, archaic, or otherwise outdated, including improvements in the style of language for purposes of clarity.

Sections that eliminate conflicts with other laws: Section 3 harmonizes two laws dealing with the same subject.

Sections that correct errors or oversights: Sections 5, 6, and 10 correct errors or oversights in drafting.

SECTIONAL ANALYSIS

Section 1. The proposed amendment to AS 12.55.165 incorporates within the internal reference provisions enacted after 1982. In Edwin v. State, 762 P.2d 499 (1988), the Alaska Court of Appeals held that sentences under AS 12.55.125(e)(3), and, by extension, (d)(3), are subject to referral to a three-judge panel under AS 12.55.165. The court read the sentencing statutes as a whole and concluded that the failure to incorporate references to the added provisions was a legislative oversight. The court invoked the doctrine that statutes should be construed "to avoid absurd results." 762 P.2d at 502. The amendment was requested by the Department of Law.

Sec. 2. This amendment is proposed to ensure that recipients of a Winn Brindle memorial scholarship loan may attend an accredited "school" (as permitted under AS 14.43.300(b)(5)) and are not required to attend a "college" or "university." The amendment should have been made in 1986 when the Winn Brindle memorial scholarship loan program was enacted. The amendment has been reviewed and approved by the Department of Law and the Postsecondary Education Commission.

Sec. 3. AS 16.05.900(24) defines "resident" as a person who has maintained a permanent place of abode in the state for 12 consecutive months. Thus, the use of "has been a resident for one year or more" in AS 16.05.400(b) is redundant. The problem dates back to the 1983 amendment, which substituted "one year" for "30 consecutive years."

Sec. 4. The material to be deleted relates only to the initial terms of appointees.

Representative Mike Davis
Page 3
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Sec. 5. As enacted, a portion of this provision applied to children "between" the ages of four and six. Taken literally, that means it applies only to five-year olds. The legislature obviously intended that children aged four through six be included. and the proposed amendment would make that clear.

Sec. 6. The amendment would correct an error in the original enactment.

Sec. 7. The 1978 revision of the criminal code introduced the crime of unsworn falsification. AS 28.35.130, which predates statehood, should have been amended at that time.

Sec. 8. As enacted, "cancel" was defined as a noun. The amendment changes the definition to that of a verb, which is consistent with the usage of the term.

Sec. 9. The material to be deleted relates only to the initial terms of appointees.

Sec. 10. The language proposed for deletion adds nothing to the provision and, in any event, is confusing because it is incomplete.

Sec. 11. The amendment to the internal reference picks up two sections of AS 39.20 that need to have these definitions apply to them.

Sec. 12. The material to be deleted relates only to the initial terms of appointees.

Sec. 13. There is no substantive need to retain the reference to "January 1, 1971" in this provision.

Sec. 14. The proposed amendment eliminates language that is redundant to AS 42.05.121(b) and rewrites other language to conform to modern drafting style.

Sec. 15. The amendment is proposed to clarify some archaic language.

Secs. 16 and 17. The amendment updates the references to municipalities.

Representative Mike Davis
Page 4
December 21, 1989

Secs. 18 - 21. The material to be deleted relates only to the initial terms of appointees.

Sec. 22. The amendment updates an obsolete reference to federal poverty guidelines.

Secs. 23 - 26. The material to be deleted relates only to the initial terms of appointees.

Sec. 27. This section contains the provisions proposed for repeal. AS 42.40.920(a) relates to the Alaska Transportation Commission and was rendered obsolete by the 1982 repeal, by initiative, of all provisions relating to the ATC. AS 44.47.310(5) contains a definition that is redundant to a definition that applies to all of AS 44.47.

Sec. 28. The Act is given an immediate effective date by this section.

DRD:lmb
890004.lmb

CC: Art Peterson

FISCAL NOTE

REQUEST:

Revision Date: _____ Affected Agency: Legislative Affairs Agency
 Title: "An Act making corrective amendments to the Alaska Statutes..." BRU: Legislative Council
 Sponsor: Rules Comm. by Leg Council Components Legal Services
 Requestor: House Judiciary

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY91	FY92	FY93	FY94	FY95	FY96
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (THOUSANDS OF DOLLARS)

General Fund	0	0	0	0	0	0
Federal Fund	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

Full-Time	0	0	0	0	0	0
Part-Time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

NO FISCAL IMPACT

Prepared By: Pamela Stoops, Director
 Division: Administrative Services

Pamela Stoops

Phone: 465-3850
 Date: 1/15/90

Approved By: Warren Endicott, Executive Director
 Agency: Legislative Affairs Agency

Warren Endicott

Date: 1/15/90

DISTRIBUTION (BY PREPARER)
 LEGISLATIVE FINANCE
 LEGISLATIVE SPONSOR

REQUESTOR
 OFFICE OF MANAGEMENT & BUDGET
 AGENCY (IES)

MEMORANDUM

State of Alaska

DEPARTMENT OF HEALTH AND SOCIAL SERVICES

TO: David R. Dierdorff
Revisor of Statutes

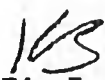
DATE: February 16, 1990

FILE NO:

TELEPHONE NO: 465-3355

THRU:

SUBJECT: Medicaid Amendments
for HB 411

FROM: 
Kim Busch, Director
Division of Medical Assistance

You are substantially correct:

- (1) AS 47.07.020(b)(10) would be repealed.
- (2) AS 47.07.035(17) would be repealed. I assume there is no need to renumber upward items 18-22.
- (3) AS 47.07.030(b) should be left unchanged. The coverage of the pregnant women and children groups is now federally mandated, but it remains a state option to offer these groups services that are not offered other eligible groups. In other words, OBRA '89 did not mandate case management and nutrition services for pregnant women.

These changes, though fairly minor, will save us and the public considerable confusion in the future, so we really appreciate your last-minute efforts to include these in HB 411.

GL:srs

cc: Representative Peter Goll

e/papo/m dierdorff 02/16/90

6-1772E
Dierdorff
2/16/90

Original sponsor(s): Rules/Legislative Council

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 411 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making corrective amendments to the Alaska
7 Statutes as recommended by the revisor of statutes;
8 and providing for an effective date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 01.05.011 is amended to read:

11 Sec. 01.05.011. DESIGNATION AND CITATION. The bulk formal
12 revision of Alaska law adopted and enacted into law by AS 01.05.006
13 and as amended and supplemented is known as the "Alaska Statutes" and
14 may be cited "AS" followed by the number of the title, chapter, and
15 section, separated by periods. For example, [EXAMPLE:] this title may
16 be cited "AS 01 [AS 1]"; this chapter may be cited "AS 01.05"; this
17 section may be cited "AS 01.05.011." Except as otherwise indicated by
18 the context, citations in accordance with this section include amend-
19 ments and reenactments of the provision cited.

20 * Sec. 2. AS 12.55.165 is amended to read:

21 Sec. 12.55.165. EXTRAORDINARY CIRCUMSTANCES. If the defendant
22 is subject to sentencing under AS 12.55.125(c), (d), (e), or (i)
23 [AS 12.55.125(c), (d)(1), (d)(2), (e)(1), (e)(2), OR (i)] and the
24 court finds by clear and convincing evidence that manifest injustice
25 would result from failure to consider relevant aggravating or mitigat-
26 ing factors not specifically included in AS 12.55.155 or from imposi-
27 tion of the presumptive term, whether or not adjusted for aggravating
28 or mitigating factors, the court shall enter findings and conclusions
29 and cause a record of the proceedings to be transmitted to a three-

1 judge panel for sentencing under AS 12.55.175.

2 * Sec. 3. AS 14.43.300(d) is amended to read:

3 (d) The recipient must at all times continue to be enrolled as a
4 full-time student in good standing at an accredited postsecondary
5 institution that is appropriate to the memorial scholarship received
6 [COLLEGE OR UNIVERSITY].

7 * Sec. 4. AS 16.05.400(b) is amended to read:

8 (b) A sport fishing, hunting, or trapping license is not re-
9 quired of a resident who is 60 years of age or more [AND HAS BEEN A
10 RESIDENT FOR ONE YEAR OR MORE]. The commissioner shall issue a perma-
11 nent identification card without charge to persons who qualify by age
12 and residence and who complete the forms required by the commissioner
13 for implementation of this subsection. A person who is issued a perma-
14 nent identification card under this subsection shall have it in pos-
15 session while sport fishing, hunting, or trapping.

16 * Sec. 5. AS 23.15.230 is amended to read:

17 Sec. 23.15.230. APPOINTMENT OF COMMITTEE. The governor's com-
18 mittee consists of not more than 12 members appointed by the governor
19 for staggered terms [A TERM] not exceeding three years. The committee
20 shall be composed of state leaders of industry, business, agriculture,
21 labor, veterans, women, religious, educational, civic, fraternal,
22 welfare, scientific, military, medical, and other professions, or as
23 many of these and like categories as may be feasibly represented.
24 [THE INITIAL MEMBERS SHALL BE APPOINTED FOR TERMS OF ONE, TWO, AND
25 THREE YEARS AS DESIGNATED BY THE GOVERNOR.] A member may be reap-
26 pointed and a vacancy shall be filled by the governor.

27 * Sec. 6. AS 28.05.095(a) is amended to read:

28 (a) Except as provided in (b) of this section, a driver may not
29 transport a child under the age of seven in a motor vehicle unless the

1 driver has provided and properly secured each child as described in
2 this subsection. If the child is less than four years of age, the
3 child shall be properly secured in a child safety device meeting the
4 standards of the United States Department of Transportation for a
5 child safety device for infants. If the child is [BETWEEN] four
6 through [AND] six years of age, the child shall be properly secured in
7 a child safety device approved for a child of that age and size by the
8 United States Department of Transportation or in a seatbelt, whichever
9 is appropriate for the particular child.

10 * Sec. 7. AS 28.33.010(d) is amended to read:

11 (d) A policy of insurance, surety bond, or other form of se-
12 curity may not be cancelled on less than 30 days' written notice to
13 the department. This requirement must be clearly stated in the policy
14 or endorsement for an insurance policy submitted as proof of financial
15 responsibility under (b)(1) of this section [AS 42.30.225(a)(1)]. The
16 30-day notice period is measured from the date on which the department
17 receives notice.

18 * Sec. 8. AS 28.35.130 is amended to read:

19 Sec. 28.35.130. FALSE REPORT OR DESTRUCTION OF EVIDENCE. An
20 officer or person who knowingly makes or subscribes a false report
21 concerning an investigation of a vehicle or damage or injury caused by
22 a vehicle, as provided in this chapter, is guilty of unsworn falsi-
23 fication [PERJURY]. A person who destroys, obliterates, conceals or
24 removes, or who aids, abets, or assists in the destruction, oblit-
25 eration, concealment, or removal from a vehicle, of evidence showing
26 or tending to show that the vehicle collided with a person or prop-
27 erty, is punishable by a fine of not more than \$500, or by imprison-
28 ment for not more than six months, or by both.

29 * Sec. 9. AS 28.40.100(a)(1) is amended to read:

1 (1) "cancel" means to annul or terminate. [THE ANNULMENT OR
2 TERMINATION] by formal action of the department, [OF] a certification,
3 registration, license, permit or privilege issued or allowed under
4 this title or regulations adopted under this title, because of an
5 error or defect in the document issued or the application for issuance
6 or because the person holding the document is no longer entitled to
7 it;

8 * Sec. 10. AS 31.05.007(a) is amended to read:

9 (a) The term of office of each member is six years. [THE GOVER-
10 NOR SHALL DESIGNATE WHO AMONG THE INITIAL APPOINTEES SHALL SERVE
11 RESPECTIVELY FOR TERMS OF TWO YEARS, FOUR YEARS AND SIX YEARS.] A
12 commissioner, upon the expiration of a term, shall continue to hold
13 office until a successor is appointed and qualified.

14 * Sec. 11. AS 36.30.015(e) is amended to read:

15 (e) The boards of directors of the Alaska Railroad Corporation
16 and the Alaska State Housing Authority shall adopt procedures to
17 govern the procurement of supplies, services, professional services,
18 and construction [BY THE CORPORATION]. The procedures must be sub-
19 stantially equivalent to the procedures prescribed in this chapter and
20 in regulations adopted under this chapter.

21 * Sec. 12. AS 39.20.190 is amended to read:

22 Sec. 39.20.190. DEFINITIONS. In AS 39.20.110 - 39.20.190
23 [AS 39.20.110 - 39.20.170]

24 (1) "employee" or "state employee" means a person employed
25 by a state agency;

26 (2) "official" or "state official" means the appointive
27 head of a state agency;

28 (3) "official travel" means travel inside or outside the
29 state on official business of the state, for which payment or
30

1 reimbursement is expected or authorized;

2 (4) "per diem allowance" means a daily flat rate of payment
3 instead of actual expenses;

4 (5) "state agency," "agency," or "department" means depart-
5 ment, office, institution, board, commission, bureau, division, or
6 other administrative unit forming the state government;

7 (6) "subsistence" means lodging, meals, and other necessary
8 expenses incidental to the personal sustenance or comfort of the
9 traveler;

10 (7) "traveler" means the official or employee engaged in
11 official travel for the state.

12 * Sec. 13. AS 42.05.030(a) is amended to read:

13 (a) The term of office of each member is six years. [THE GOVER-
14 NOR SHALL DESIGNATE WHO AMONG THE INITIAL APPOINTEES SHALL SERVE,
15 RESPECTIVELY, FOR TERMS OF TWO YEARS, FOUR YEARS AND SIX YEARS.] A
16 commissioner, upon the expiration of a term, shall continue to hold
17 office until a successor is appointed and qualified.

18 * Sec. 14. AS 42.05.221(a) is amended to read:

19 (a) A public utility may not operate and receive compensation
20 for providing a commodity or service [AFTER JANUARY 1, 1971] without
21 first having obtained from the commission under this chapter a certif-
22 icate declaring that public convenience and necessity require or will
23 require the service. Where a public utility provides more than one
24 type of utility service, a separate certificate of convenience and
25 necessity is required for each type. A certificate must describe the
26 nature and extent of the authority granted in it, including, as appro-
27 priate for the services involved, a description of the authorized area
28 and scope of operations of the public utility.

29 * Sec. 15. AS 42.05.221(e) is amended to read:

1 (e) If the [THE] commission employs [MAY EMPLOY] professional
2 consultants to assist it in administering [THE PROVISIONS OF] this
3 section, it [AND] may apportion the expenses relating to their employ-
4 ment [THIS ADMINISTRATION] among the competing utilities [INVOLVED].

5 * Sec. 16. AS 42.05.351 is amended to read:

6 Sec. 42.05.351. TESTING OF APPLIANCES. The commission shall
7 provide for the examination and testing of appliances used for the
8 measuring of a service of a public utility and may purchase equipment,
9 apparatus, and standards required for this purpose. The commissioner
10 of commerce and economic development may assign the examination and
11 testing function to the section of weights and measures. Upon the
12 payment of a reasonable fee established by the commission, a consumer
13 may have an [THE] appliance that [, WHICH] is used by the consumer [.,]
14 tested. The commission shall establish by regulation allowable toler-
15 ances with respect to the functioning or operation of the appliance.
16 If the measuring appliance does not perform within these tolerances,
17 the utility concerned shall pay the costs of the test by reimbursing
18 the person requesting the test for the fee paid by that person. This
19 reimbursement shall be made no later than at the time of the next
20 regular billing following the test.

21 * Sec. 17. AS 42.05.641 is amended to read:

22 Sec. 42.05.641. REGULATION BY MUNICIPALITY. The commission's
23 jurisdiction and authority extend to public utilities operating within
24 a municipality [CITY OR BOROUGH], whether home rule or otherwise. In
25 the event of a conflict between a certificate, order, decision, or
26 regulation of the commission and a charter, permit, franchise, ordi-
27 nance, rule, or regulation of such a local governmental entity, the
28 certificate, order, decision, or regulation of the commission shall
29 prevail.

1 * Sec. 18. AS 42.05.720(4) is amended to read:

2 (4) "public utility" or "utility" includes every corpora-
3 tion whether public, cooperative, or otherwise, company, individual,
4 or association of individuals, their lessees, trustees, or receivers
5 appointed by a court, that owns, operates, manages, or controls any
6 plant, pipeline, or system for

7 (A) furnishing, by generation, transmission, or dis-
8 tribution, electrical service to the public for compensation;

9 (B) furnishing telecommunications service to the
10 public for compensation;

11 (C) furnishing water, steam, or sewer service to the
12 public for compensation;

13 (D) furnishing by transmission or distribution of
14 natural or manufactured gas to the [ALASKA] public for compensa-
15 tion;

16 (E) furnishing for distribution or by distribution
17 petroleum or petroleum products to the [ALASKA] public for com-
18 pensation when the consumer has no alternative in the choice of
19 supplier of a comparable product and service at an equal or
20 lesser price;

21 (F) furnishing collection and disposal service of
22 garbage, refuse, trash, or other waste material to the public for
23 compensation;

24 * Sec. 19. AS 42.06.230(b) is amended to read:

25 (b) The commission's jurisdiction and authority extend to an oil
26 or gas pipeline facility operating in a municipality [CITY OR BOR-
27 OUGH], whether home rule or otherwise. If a conflict between a cer-
28 tificate, order, decision, or regulation of the commission and a char-
29 ter, permit, franchise, ordinance, rule, or regulation of such a local

1 governmental entity occurs, the certificate, order, decision, or regu-
2 lation of the commission prevails.

3 * Sec. 20. AS 43.05 is amended by adding a new section to read:

4 Sec. 43.05.075. CONCEALING OR FALSIFYING EVIDENCE. A person may
5 not wilfully, in connection with a compromise or offer of a compromise
6 under AS 43.05.070 or in connection with a closing agreement or offer
7 to enter a closing agreement under AS 43.05.060,

8 (1) conceal from an officer or employee of the state prop-
9 erty belonging to the estate of the taxpayer or other person liable
10 for the tax; or

11 (2) receive, destroy, mutilate, or falsify a book, docu-
12 ment, or record or make a false statement under oath relating to the
13 estate or the financial condition of the taxpayer or other person
14 liable for the tax.

15 * Sec. 21. AS 43.05.110 is amended to read:

16 Sec. 43.05.110. PROPERTY IN POSSESSION OF DECEASED EMPLOYEE.
17 The personal representative of a deceased employee of the department
18 who has possession or control of a tax list, record, return, paper,
19 document, or book or money collected shall deliver it to the depart-
20 ment. [A PERSONAL REPRESENTATIVE WHO REFUSES OR WILFULLY FAILS TO DO
21 SO IS GUILTY OF A MISDEMEANOR.]

22 * Sec. 22. AS 43.05.130 is amended to read:

23 Sec. 43.05.130. PENALTY [MISDEMEANOR]. A person who, by conduct
24 not described in AS 43.05.290, violates a provision of AS 43.05.010 -
25 43.05.130 or a regulation adopted under those provisions [IT] is
26 guilty of a misdemeanor, and upon conviction is punishable by a fine
27 of not more than \$1,000 for each offense.

28 * Sec. 23. AS 43.55.016(c) is amended to read:

29 (c) The cents-per-Mcf amount equals \$.064 per 1,000 [THOUSAND]

1 cubic feet of taxable gas produced from the lease or property [AS
2 ADJUSTED BY AS 43.55.012].

3 * Sec. 24. AS 43.55.020(e) is amended to read:

4 (e) Gas produced in excess of that needed for safety purposes,
5 except gas used in the operation of a lease or property in drilling
6 for or producing oil or gas, or for repressuring, is considered, for
7 the purpose of AS 43.55.011 - 43.55.150 and in the amount used, as gas
8 produced from a lease or property. Gas flared beyond the amount
9 authorized for safety by the Alaska Oil and Gas Conservation Commis-
10 sion under AS 31.05 is considered as gas produced, except that it is
11 subject to a penalty equal to the tax computed under AS 43.55.016 [AS
12 ADJUSTED BY AS 43.55.012] per 1,000 [THOUSAND] cubic feet of gas for
13 the month in which the gas was flared.

14 * Sec. 25. AS 43.55.090 is amended to read:

15 Sec. 43.55.090. REFUNDS. In case of overpayment, duplicate
16 payment or payment made in error, the department may refund the amount
17 of the overpayment under AS 43.15.010 [ISSUE A CERTIFICATE STATING THE
18 FACTS AND THE AMOUNT OF THE REFUND TO WHICH THE TAXPAYER IS ENTITLED.
19 UPON PRESENTATION OF THE CERTIFICATE TO THE DEPARTMENT OF ADMINISTRA-
20 TION, THE DEPARTMENT OF ADMINISTRATION SHALL ISSUE A WARRANT FOR THE
21 REFUND. THE REFUND SHALL BE PAID OUT OF THE UNAPPROPRIATED GROSS
22 PRODUCTION TAX IN THE TREASURY].

23 * Sec. 26. AS 44.19.104(a) is amended to read:

24 (a) Members serve for overlapping four-year terms. [THE FIRST
25 MEMBERS APPOINTED SERVE FOR ONE, TWO, THREE AND FOUR-YEAR TERMS AS
26 DETERMINED BY THE GOVERNOR.] The chairman serves for a term set by
27 the commission, not to exceed four years.

28 * Sec. 27. AS 44.19.155(b) is amended to read:

29 (b) Each public member appointed by the governor under (a) (1) of

1 this section serves a term of two years and until a successor is
2 appointed and qualified [, EXCEPT THAT THE TERM OF OFFICE OF A PUBLIC
3 MEMBER FIRST APPOINTED UNDER (a)(1)(A), (a)(1)(C), (a)(1)(E) AND
4 (a)(1)(G) OF THIS SECTION SHALL BE ONE YEAR]. A public member may be
5 reappointed.

6 * Sec. 28. AS 44.21.258(b) is amended to read:

7 (b) The members of the commission shall serve staggered terms of
8 five years [, WITH THE INITIAL TERMS DETERMINED BY LOT].

9 * Sec. 29. AS 44.27.043 is amended to read:

10 Sec. 44.27.043. TERMS OF OFFICE. The term of office of each
11 member is three years [; HOWEVER, OF THE MEMBERS FIRST APPOINTED,
12 THREE ARE TO BE APPOINTED FOR TERMS OF ONE YEAR, FOUR FOR TERMS OF TWO
13 YEARS, AND FOUR FOR TERMS OF THREE YEARS]. All vacancies are to be
14 filled for the balance of the unexpired term in the same manner as
15 original appointments.

16 * Sec. 30. AS 44.33.310(3) is amended to read:

17 (3) "economic disaster" means that the annual income to
18 workers in the designated area dropped below the average annual income
19 for the base period for workers in the designated area and the drop in
20 income is of such magnitude that the average family income of all
21 residents of the designated area as determined by the department is
22 below the poverty guidelines issued by the federal Department of
23 Health and Human Services [FEDERAL SOCIAL SECURITY ADMINISTRATION;
24 POVERTY GUIDELINE], adjusted by the department to reflect subsistence
25 economic patterns and appropriate cost-of-living differentials; the
26 availability of alternate employment shall be considered in determin-
27 ing whether an economic disaster has occurred under this paragraph.

28 * Sec. 31. AS 44.46.030(c) is amended to read:

29 (c) [OF THE MEMBERS OF THE BOARD FIRST APPOINTED BY THE

1 GOVERNOR, THREE SHALL BE APPOINTED FOR A TERM OF ONE YEAR; THREE FOR A
2 TERM OF TWO YEARS; AND TWO FOR A TERM OF THREE YEARS. THE INITIAL
3 TERMS BEGIN ON JULY 1, 1971. THEREAFTER, ALL APPOINTMENTS SHALL BE
4 MADE FOR TERMS OF THREE YEARS BEGINNING ON JULY 1 OF THE YEAR IN WHICH
5 THE APPOINTMENT IS MADE.] Members of the board serve at the pleasure
6 of the governor for staggered terms of three years. In the case of a
7 vacancy other than one arising by expiration of term, an appointment
8 to fill the vacancy shall be made for the remainder of the unexpired
9 term.

10 * Sec. 32. AS 44.85.030 is amended to read:

11 Sec. 44.85.030. MEMBERSHIP AND VACANCIES. The bond bank author-
12 ity consists of the following five directors: the commissioner of
13 revenue, the commissioner of community and regional affairs, who shall
14 each be a director ex officio with voting privileges, and three direc-
15 tors appointed by the governor. The appointment of each director other
16 than the commissioner of revenue and the commissioner of community and
17 regional affairs is subject to confirmation by the legislature. The
18 three directors appointed by the governor serve at the governor's
19 pleasure for four-year terms. They must be residents of the state and
20 qualified voters at the time of appointment and shall comply with the
21 requirements of AS 39.50 (conflict of interest). [THE DIRECTORS FIRST
22 APPOINTED SHALL HAVE TERMS OF TWO, THREE AND FOUR YEARS RESPECTIVELY.]
23 Each director shall hold office for the term of appointment and until
24 a successor has been appointed and qualified. A director is eligible
25 for reappointment. A vacancy in a directorship occurring other than
26 by expiration of term shall be filled in the same manner as the origi-
27 nal appointment but for the unexpired term only. Each director before
28 entering upon the duties of office shall take and subscribe to an oath
29 to perform the duties faithfully, impartially, and justly to the best

1 of the director's ability. A record of the oath shall be filed in the
2 office of the governor.

3 * Sec. 33. AS 44.88.030(c) is amended to read:

4 (c) Members of the authority described in (a)(2) and (a)(3) of
5 this section serve two-year terms. [HOWEVER, THE INITIAL APPOINTMENT
6 OF ONE MEMBER DESCRIBED IN (a)(3) OF THIS SECTION SHALL BE FOR A
7 ONE-YEAR TERM.]

8 * Sec. 34. AS 47.80.050(a) is amended to read:

9 (a) Council members serve staggered terms of [MEMBERS' TERMS
10 ARE] three years. [OF THE INITIAL APPOINTEES, ONE-THIRD SHALL BE
11 APPOINTED FOR ONE-YEAR TERMS, ONE-THIRD FOR TWO-YEAR TERMS, AND ONE-
12 THIRD FOR THREE-YEAR TERMS.]

13 * Sec. 35. AS 23.15.520(3); AS 23.35.150(2), 23.35.150(4); AS 39.50.-
14 200(b)(47); AS 42.40.920(a); AS 43.05.010(17), 43.05.120; AS 43.20.340(3);
15 AS 43.23.095(2), 43.23.095(3); AS 43.31.420(2); AS 43.55.900(5); AS 43.56.-
16 210(3); AS 43.75.140(2); AS 43.80.100(3); AS 44.47.310(5); AS 47.07.-
17 020(b)(10), and 47.07.035(17) are repealed.

18 * Sec. 36. This Act takes effect immediately under AS 01.10.070(c).
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H B

4 16

HOUSE COMMITTEE REPORT

2/5

(7)
Date Referred: January 15, 1990

FURTHER REFERRALS: JUDICIARY

Date of Committee Action: 2/3/90

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

HOUSE BILL NO. 416 PROHIBITING MINOR'S POSSESSION OF TOBACCO

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

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

SIGNING DO PASS: J. Ellis ELLIS

SIGNING: (Check appropriate column)

Do Not Pass No Rec Amend

Signature	Name	Do Not Pass	No Rec	Amend
<u>Mark Boyer</u>	BOYER		<input checked="" type="checkbox"/>	
<u>Peter Goll</u>	GOLL		<input checked="" type="checkbox"/>	

J. Ellis
Chairman's Signature

FISCAL NOTE

REQUEST:

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
---------	-----	-----	-----	-----	-----	-----

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

ANALYSIS : (Attach a separate page if necessary)

No fiscal impact for FY 90.

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

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

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Mary Van Nimwegen

House H.E.S.S.

January 26, 1990 8:30 AM

HB 416

TOBACCO-FREE AMERICA

Legislative Clearinghouse
1726 M Street, N.W., Suite 902
Washington, D.C. 20036
(202) 452-1184

Angela T. Mickel
Director

Alan C. Davis
American Cancer Society

Scott D. Ballin
American Heart Association

Fran Du Melle
American Lung Association

STATE LEGISLATED ACTIONS ON TOBACCO ISSUES

OCTOBER 1989

A Public Policy Project Sponsored by

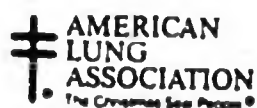


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STATE LEGISLATED ACTIONS ON TOBACCO ISSUES

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

OVERVIEW

A. RESTRICTIONS ON SMOKING IN PUBLIC PLACES

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

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

Highlights of 1989 Action

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

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

Delaware

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

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

B. TOBACCO EXCISE TAXES

CIGARETTES

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

Highlights of 1989 Action

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

Effective July 1, cigarette excise taxes increased in:

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

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

SMOKELESS TOBACCO

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

Highlights of 1989 Action

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

C. AGE RESTRICTIONS ON SALES OF TOBACCO PRODUCTS

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

Highlights of 1989 Action

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

D. RESTRICTIONS ON DISTRIBUTION OF TOBACCO PRODUCT SAMPLES

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

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

Highlights of 1989 Action

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

E. RESTRICTIONS ON SALES OF TOBACCO PRODUCTS IN VENDING MACHINES

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

Highlights of 1989 Action

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

F. LICENSING REQUIREMENTS

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

OCTOBER 1989

STATE-BY-STATE UPDATE

ALABAMA

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 16.5 cents

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

Year first enacted: 1927

2. Smokeless Tobacco

Chewing tobacco: 3/4 cent per ounce

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

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

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

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

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

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

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

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

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 19

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

ALASKA

A. Restrictions on Smoking in Public Places

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

Smoking is permitted in smoking sections designated by the persons in charge of the indoor place or vehicle, cabs where the driver and all passengers consent, and on stage as part of a theatrical production.

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

A person who smokes in a prohibited area is subject to a civil fine between \$10 and \$50. A person who is required to and fails to post smoking and no-smoking signs is subject to a civil fine between \$20 and \$300. Reference date 1975. ALASKA STAT. §§18.35.300 to 18.35.360 (1984).

B. Tobacco Excise Taxes

1. Cigarettes

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

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 25% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 19

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

Sign posting requirement: NONE

ALASKA (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

Sign posting requirement: NONE

F. Licensing Requirements

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

ARIZONA

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 2 cents/ounce

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

ARKANSAS

A. Restrictions on Smoking in Public Places

1. Smoking of tobacco, or products containing tobacco in any form, in enclosed areas, buildings, or facilities of a public elementary or secondary school is prohibited. The public school board for each district may designate as a smoking section an area or areas away from student exposure to any sidestream smoke in a public elementary or secondary school. Smoking in such designated areas by non-student persons over age 18 shall not be considered a violation of this Act for which the fine is not less than \$10 and not more than \$100. Reference date 1987. Act 854.
2. Smoking is prohibited, except in designated areas, in all departments, agencies, boards, commissions, offices, and other authorities of the state. Chief administrative officers of each state agency are required to develop a smoking policy for general office space, which is defined as space occupied by personnel performing their daily work functions. The policy must take into consideration the rights of both smokers and nonsmokers. Reference date 1987. Act 462.
3. Smoking is prohibited, except in designated smoking areas, in doctors' or dentists' waiting rooms, hospital corridors, nurses' stations, hospital rooms other than private patient rooms, licensed day care centers, and on school buses. This Act expressly excludes hotels, motels, and restaurants. Violation of this provision constitutes a misdemeanor punishable by a \$10 to \$100 fine. Reference date 1977. ARK. STAT. ANN. §§82-3701 to 82-3703; ARK. STAT. ANN. §83-925.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 21 cents
Date last changed: March 18, 1983--17.75 to 21 cents
Year first enacted: 1925

2. Smokeless Tobacco

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

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

ARKANSAS (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

CALIFORNIA

A. Restrictions on Smoking in Public Places

1. Law sunset January 1, 1989. School district officials were required to designate smoking areas for teachers and other school employees who are prohibited from smoking on school grounds, except in these designated areas. Reference date 1982. CAL. EDUC. CODE §§35176.5 and 35176.6.
2. Smoking is prohibited in any vehicle of a passenger stage corporation; the National Railroad Passenger Corporation (Amtrak), except to the extent permitted by federal law; in any aircraft, except to the extent permitted by federal law; on a public transportation system; and in any vehicle or entity receiving any transit assistance from the state. Every person and public agency providing transportation services for compensation shall designate a contiguous area of not less than 75% in transit depots as a nonsmoking area. Violation of this prohibition is an infraction punishable by fines up to \$100 for a first violation, up to \$200 for a second violation within one year, or by a fine up to \$500 for a third and for each subsequent violation within one year. No-smoking signs must be posted in each vehicle or aircraft subject to this law and in areas designated no-smoking in transit depots. Reference date 1987. CAL. HEALTH & SAFETY CODE Div. 20, Ch. 10.8, Art 2, §§25948 to 25949.8.
3. All state agencies, departments, boards, and commissions must adopt policies that recognize the right of the nonsmoker to a smoke-free environment in formal and informal meetings and in work stations. Reference dates 1982 and 1987. CAL. GOVT. CODE §19262 and Executive Order D-62-87.
4. No school shall permit the smoking or use of tobacco, or any product containing tobacco or nicotine products, by pupils of the school where the pupils are on campus, while they are attending school-sponsored activities, or while under the supervision and control of school district employees. The possession of nicotine or use of any product containing tobacco or nicotine is considered grounds for suspension or expulsion. CAL. EDUC. CODE §§48900 and 48901 (1986).
5. Bus drivers are prohibited from smoking on buses in which young people ride. Reference date 1982. CAL. VEH. CODE §12523.
6. Smoking is prohibited in patient-care areas and waiting rooms of clinics, except in designated smoking areas. Smoking is prohibited in patient rooms unless all persons assigned to the room consent. Signs that designate smoking and nonsmoking areas must be posted, except in patient rooms. Smoking in prohibited areas is an infraction punishable by a fine up to \$100. Skilled nursing and intermediate care facilities are excluded. Reference date 1980. CAL. HEALTH & SAFETY CODE §§1234, 1235(b), 1286 and 1290.
7. Smoking is prohibited on public transportation, punishable by a fine of up to \$50 or 20 hours of community service. Reference date 1981. CAL. PENAL CODE §640.

CALIFORNIA (continued)

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 41.67% of the wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

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

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

COLORADO

A. Restrictions on Smoking in Public Places

1. Smoking in all state-owned and rented buildings and offices is prohibited, except in designated areas. Public areas, including lobbies, elevators, rest rooms, shops, cafeterias, and waiting rooms, are to be designated as no-smoking zones. The executive directors of state agencies may establish smoking areas, but such areas must accommodate nonsmokers. Reference date 1985. Executive Order D0096-85.
2. Smoking is prohibited, except in designated areas, in elevators, hospitals, public buildings, recreational facilities, public transportation vehicles, and schools. While restaurants, taverns, and commercial establishments are not covered by the statute, the legislature expressly encourages owners of such establishments to designate nonsmoking areas. Those in charge of public places must post notices designating smoking and nonsmoking areas. Private businesses are urged to designate nonsmoking work areas. Statutory provisions may also be adopted as local regulations. Reference date 1977. COL. REV. STAT. §§25-14-101 to 25-14-105.

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

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

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

COLORADO (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

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

F. Licensing Requirements

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

CONNECTICUT

A. Restrictions on Smoking in Public Places

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

Violation of these provisions constitutes an infraction. Restaurants in violation shall have three demerit-point items deducted from their rating score under commissioner of health services regulations. Reference date 1974. CONN. GEN. STAT. ANN. §1-21b.

4. Smoking is prohibited in buses, railroad cars, and school buses, unless a special compartment of such vehicle is designated as a smoking area. The maximum fine for violation of this section is \$25. Reference date 1973. CONN. GEN. STAT. ANN. §53-198.

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 20% of wholesale sales price

CONNECTICUT (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

DELAWARE

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 15% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 17

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

DELAWARE (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

DISTRICT OF COLUMBIA

A. Restrictions on Smoking in Public Places

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

No-smoking signs must be posted. Violations of no-smoking provisions are punishable by a \$10 to \$50 fine for the first offense, and \$50 to \$100 for subsequent offenses. Failure to post signs or mutilation of signs is punishable by a \$300 fine. Reference date 1979. D.C. CODE ANN. §§6-911 to 6-917 (1987).

2. Smoking is prohibited on public passenger vehicles that seat 12 or more. Carriers may refuse to transport violators. Violation is also punishable by a fine of \$10 to \$50 for the first offense, and by a fine of \$50 to \$100 and/or by up to 10 days imprisonment for subsequent violations. Reference date 1975. D.C. CODE ANN. §§44-223(b)(1), 44-225, and 44-226.

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 16

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

DISTRICT OF COLUMBIA (continued)

F. Licensing Requirements

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

FLORIDA

A. Restrictions on Smoking in Public Places

1. Clean Indoor Air Act -- Smoking is prohibited in public places or at public meetings except in designated smoking areas. This prohibition does not apply to cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the room or hall. Local governing bodies are prohibited from enacting ordinances more stringent than this regulation.

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

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

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 25% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

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

FLORIDA (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

GEORGIA

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 17

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

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

D. Restrictions on Distribution of Tobacco Product Samples

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

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

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

F. Licensing Requirements

No person shall engage in the business of manufacturing, purchasing, selling, consigning, vending, dealing in, or distributing cigars or cigarettes without a license. Reference date 1955. GA. CODE ANN. §48-11-4.

HAWAII

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 40% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

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

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

F. Licensing Requirements

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

IDAHO

A. Restrictions on Smoking in Public Places

1. Clean Indoor Air Act -- Smoking is prohibited in public places and at public meetings except in designated smoking areas. Public places are any enclosed, indoor areas used by the public, including, but not limited to, restaurants with seating capacities of 30 or more, retail stores, grocery stores, stores that sell food primarily for off-site consumption, public conveyances, educational facilities, hospitals, nursing homes, auditoria, arenas, and meeting rooms. Smoking is prohibited in elevators. Violation is punishable by a fine not to exceed \$50. Reference date 1985. IDAHO CODE §§39-5501 to 39-5509.
2. Smoking is prohibited, except in designated areas, in public buildings controlled by government agencies while public meetings are in progress. Violation is punishable by a fine between \$5 and \$10. No-smoking signs are to be displayed. Reference date 1975. IDAHO CODE §§18-5904 to 18-5906.
3. Smoking is not allowed in restaurants, except in rest rooms, or by members of the public in the dining rooms. Notices forbidding tobacco use, except as provided, are to be posted. Violation is punishable by a fine between \$10 and \$100, and/or six months' imprisonment. Reference date 1925. IDAHO CODE §§39-1612 & 39-1613.

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 18 cents
Date last changed: April 1, 1987--9.1 to 18 cents
Year first enacted: 1945

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

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 35% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

IDAHO (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

Sign posting requirement: NONE

F. Licensing Requirements

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

ILLINOIS

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

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

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

INDIANA

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 15% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

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

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

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

F. Licensing Requirements

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

IOWA

A. Restrictions on Smoking in Public Places

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

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

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 19% of wholesale sales price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

IOWA (continued)

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

NONE

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

KANSAS

A. Restrictions on Smoking in Public Places

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

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 10% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

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

KANSAS (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

KENTUCKY

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

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

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: NONE

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

NONE

LOUISIANA

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 16 cents

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

Year first enacted: 1926

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

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: NONE

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

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

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

MAINE

A. Restrictions on Smoking in Public Places

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

MAINE (continued)

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 45% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

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

D. Restrictions on Distribution of Tobacco Product Samples

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

MAINE (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

Sign posting requirement: NONE

F. Licensing Requirements

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

MARYLAND

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 13 cents

Date last changed: July 1, 1980--10 to 13 cents

Year first enacted: 1958

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

MARYLAND (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Fine not more than \$100 for each and every offense. Reference date 1888. MD. ANN. CODE Article 27, §§404 and 405 (1989).

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

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

F. Licensing Requirements

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

MASSACHUSETTS

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 26 cents

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

Year first enacted: 1939

2. Smokeless Tobacco

Chewing tobacco and snuff: 25% of wholesale price

MASSACHUSETTS (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

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

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

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

F. Licensing Requirements

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

MICHIGAN

A. Restrictions on Smoking in Public Places

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

Areas not covered by this act are: most private sector workplaces; bars; a private, enclosed room or office that is occupied exclusively by a smoker, even if the room or office may be visited by a nonsmoker; private functions when the seating arrangements are under the control of the sponsor of the function rather than the governmental agency or person who owns or operates the facility; and federal buildings and employees. Reference date 1986. MICH. COMP. LAWS ANN. §§333.12601 to 333.12617.

4. Smoking on a school bus within one hour of pupils' use is prohibited. Reference date 1981. MICH. COMP. LAWS ANN. §257.316a.
5. Food service establishments with seating capacities of 50 or more or groups of food service establishments that are located in shopping malls are required to post notices and designate areas for nonsmokers. Reference date 1978. MICH. COMP. LAWS ANN. §333.12905 (1988).

MICHIGAN (continued)

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

P. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 25 cents

Date last changed: January 1, 1988--21 to 25 cents

Year first enacted: 1947

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

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

Penalty: Misdemeanor punishable by a fine of not more than \$50 for each offense. Reference date 1915. MICH. COMP. LAWS ANN. §722.641 (1983).

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

D. Restrictions on Distribution of Tobacco Product Samples

NONE

MICHIGAN (continued)

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

MINNESOTA

A. Restrictions on Smoking in Public Places

1. Effective January 1, 1990--Smoking is prohibited in licensed day care centers during hours of operation. Smoking is prohibited in any area of a hospital, health care clinic, doctor's office, or other health care-related facility, other than a nursing home, boarding care facility, or licensed residential facility. Smoking by patients in a chemical dependency treatment program or mental health program may be allowed in a separate, well-ventilated area pursuant to a policy established by the administrator of the program that identifies circumstances in which prohibiting smoking would interfere with the treatment of persons recovering from chemical dependency or mental illness. Smoking by a patient may be allowed if authorized in writing by the patient's attending physician. Reference date 1975. MINN. STAT. ANN. §§144.411 to 144.417 (1988).

2. Clean Indoor Air Act -- Smoking is prohibited in public places and meetings, except in designated smoking areas. Public places are any enclosed, indoor areas used by the general public or serving as places of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, auditoria, arenas, and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers, even though such offices may be visited by nonsmokers.

The law does not apply in cases in which an entire room or hall is used for a private social function and seating arrangements are under the control of the sponsor of the function and not of the proprietor or person in charge of the place. Factories, warehouses, and similar places not usually frequented by the general public are not included, except where the public health commissioner determines the existence of smoke pollution detrimental to nonsmoking employees. No public place other than a bar may be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation must be posted conspicuously on all entrances normally used by the public.

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

B. Tobacco Excise Taxes

1. Cigarettes

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

MINNESOTA (continued)

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 35% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

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

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

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

F. Licensing Requirements

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

MISSISSIPPI

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

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

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

MISSOURI

A. Restrictions on Smoking in Public Places

NONE

B. Tobacco Excise Taxes

1. Cigarettes

Tax rate per pack: 13 cents

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

Year first enacted: 1955

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: NONE

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

MONTANA

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 12.5% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: NONE

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

NEBRASKA

A. Restrictions on Smoking in Public Places

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

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

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

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

B. Tobacco Excise Taxes

1. Cigarettes

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

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

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 15% of purchase price

NEBRASKA (continued)

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

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

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

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

NEVADA

A. Restrictions on Smoking in Public Places

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: 30% of wholesale price

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

Sign posting requirement: NONE

D. Restrictions on Distribution of Tobacco Product Samples

NONE

E. Restrictions on Sales of Tobacco Products in Vending Machines

NONE

F. Licensing Requirements

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

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

NEW HAMPSHIRE

A. Restrictions on Smoking in Public Places

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

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

B. Tobacco Excise Taxes

1. Cigarettes

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

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

NEW HAMPSHIRE (continued)

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

D. Restrictions on Distribution of Tobacco Product Samples ..

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

E. Restrictions on Sales of Tobacco Products in Vending Machines

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

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

F. Licensing Requirements

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

NEW JERSEY

A. Restrictions on Smoking in Public Places

1. Smoking is prohibited in public school buildings. The board of education of each school district shall make and enforce regulations to prohibit the smoking of tobacco in its buildings, except as part of a classroom instruction or a theatrical production. Reference date 1985. N.J. STAT. ANN. §26:3D-17 (1989). ..
2. Smoking on passenger elevators, other than in a single-family dwelling, is prohibited, and signs must be posted to that effect. Smoking is prohibited in enclosed retail food and marketing stores. Smoking is prohibited on college, university, and professional training school premises, except in designated areas. Administrators of these institutions are to make and enforce regulations to implement the prohibition. Designated smoking areas must be clearly marked by posted signs at public entrances.

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

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

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

Violation of these restrictions on smoking areas is punishable by a fine of up to \$100. Health departments are to notify the person in control of a building of violations and order compliance. Failure to comply is punishable by up to \$25 for the first offense, up to \$100 for the second offense, and up to \$200 for each subsequent offense. Reference date 1985. N.J. STAT. ANN. §§26:3D-1 to 26:3D-22; N.J. STAT. ANN. §§26:3D-23 to 26:3D-45.

3. New Jersey encourages restaurants to establish nonsmoking areas. Every restaurant is required to post signs at every public entrance indicating whether or not it maintains a nonsmoking section. Reference date 1985. N.J. STAT. ANN. §§26:3E7 to 26:3E13.

NEW JERSEY (continued)

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

B. Tobacco Excise Taxes

1. Cigarettes

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

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

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

2. Smokeless Tobacco

Chewing tobacco and snuff: NONE

C. Age Restrictions on Sales of Tobacco Products

Minimum age for sales of cigarettes and smokeless: 18

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

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

D. Restrictions on Distribution of Tobacco Product Samples

NONE