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# **State Laws on Tobacco Control— United States, 1995**

**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
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## Contents

Introduction.....	2
Methods.....	2
Results.....	3
Discussion.....	11
Conclusion.....	26
References.....	27
State and Territorial Epidemiologists and Tobacco Control Coordinators .....	Inside back cover

**Reports Published in *CDC Surveillance Summaries* Since January 1, 1985**

<b>Subject</b>	<b>Responsible CIO/Agency*</b>	<b>Most Recent Report</b>
Abortion	NCCDPHP	1995; Vol. 44, No. SS-2
AIDS/HIV		
Distribution by Racial/Ethnic Group	NCID	1988; Vol. 37, No. SS-3
Among Black & Hispanic Children & Women of Childbearing Age	NCEHIC	1990; Vol. 39, No. SS-3
Behavioral Risk Factors	NCCDPHP	1991; Vol. 40, No. SS-4
Birth Defects		
B.D. Monitoring Program (see also Malformations)	NCEH	1993; Vol. 42, No. SS-1
Contribution of B.D. to Infant Mortality		
Among Minority Groups	NCEHIC	1990; Vol. 39, No. SS-3
Breast & Cervical Cancer	NCCDPHP	1992; Vol. 41, No. SS-2
<i>Campylobacter</i>	NCID	1988; Vol. 37, No. SS-2
Chancroid	NCPS	1992; Vol. 41, No. SS-3
Chlamydia	NCPS	1993; Vol. 42, No. SS-3
Cholera	NCID	1992; Vol. 41, No. SS-1
Congenital Malformations, Minority Groups	NCEHIC	1988; Vol. 37, No. SS-3
Contraception Practices	NCCDPHP	1992; Vol. 41, No. SS-4
Cytomegalovirus Disease, Congenital	NCID	1992; Vol. 41, No. SS-2
Dengue	NCID	1994; Vol. 43, No. SS-2
Dental Caries & Periodontal Disease Among Mexican-American Children	NCPS	1988; Vol. 37, No. SS-3
Diabetes Mellitus	NCCDPHP	1993; Vol. 42, No. SS-2
Dracunculiasis	NCID	1992; Vol. 41, No. SS-1
Ectopic Pregnancy	NCCDPHP	1993; Vol. 42, No. SS-6
Elderly, Hospitalizations Among	NCCDPHP	1991; Vol. 40, No. SS-1
Endometrial & Ovarian Cancers	EPO, NCCDPHP	1986; Vol. 35, No. 2SS
<i>Escherichia coli</i> O157	NCID	1991; Vol. 40, No. SS-1
Evacuation Camps	EPO	1992; Vol. 41, No. SS-4
Family Planning Services at Title X Clinics	NCCDPHP	1995; Vol. 44, No. SS-2
Foodborne Disease	NCID	1990; Vol. 39, No. SS-1
Gonorrhea & Syphilis, Teenagers	NCPS	1993; Vol. 42, No. SS-3
Hazardous Substances Emergency Events	ATSDR	1994; Vol. 43, No. SS-2
Health Surveillance Systems	IHPO	1992; Vol. 41, No. SS-4
Hepatitis	NCID	1985; Vol. 34, No. 1SS
Homicide	NCEHIC	1992; Vol. 41, No. SS-3
Homicides, Black Males	NCEHIC	1988; Vol. 37, No. SS-1
Hysterectomy	NCCDPHP	1986; Vol. 35, No. 1SS
Infant Mortality (see also National Infant Mortality; Birth Defects; Postneonatal Mortality)	NCEHIC	1990; Vol. 39, No. SS-3
Influenza	NCID	1993; Vol. 42, No. SS-1
Injury		
Death Rates, Blacks & Whites	NCEHIC	1988; Vol. 37, No. SS-3
Drownings	NCEHIC	1988; Vol. 37, No. SS-1
Falls, Deaths	NCEHIC	1988; Vol. 37, No. SS-1
Firearm-Related Deaths, Unintentional	NCEHIC	1988; Vol. 37, No. SS-1
Head & Neck	NCIPC	1993; Vol. 42, No. SS-5

**\*Abbreviations**

ATSDR	Agency for Toxic Substances and Disease Registry
CIO	Centers/Institute/Offices
EPO	Epidemiology Program Office
IHPO	International Health Program Office
NCCDPHP	National Center for Chronic Disease Prevention and Health Promotion
NCEH	National Center for Environmental Health
NCEHIC	National Center for Environmental Health and Injury Control
NCID	National Center for Infectious Diseases
NCIPC	National Center for Injury Prevention and Control
NCPS	National Center for Prevention Services
NIOSH	National Institute for Occupational Safety and Health
NIP	National Immunization Program

**Reports Published in *CDC Surveillance Summaries* Since January 1, 1985 — Continued**

<b>Subject</b>	<b>Responsible CIO/Agency*</b>	<b>Most Recent Report</b>
In Developing Countries	NCEHIC	1992; Vol. 41, No. SS-1
In the Home, Persons <15 Years of Age	NCEHIC	1988; Vol. 37, No. SS-1
Motor Vehicle-Related Deaths	NCEHIC	1988; Vol. 37, No. SS-1
Objectives of Injury Control, State & Local	NCEHIC	1988; Vol. 37, No. SS-1
Objectives of Injury Control, National	NCEHIC	1988; Vol. 37, No. SS-1
Residential Fires, Deaths	NCEHIC	1988; Vol. 37, No. SS-1
Tap Water Scalds	NCEHIC	1988; Vol. 37, No. SS-1
Lead Poisoning, Childhood	NCEHIC	1990; Vol. 39, No. SS-4
Low Birth Weight	NCCDPHP	1990; Vol. 39, No. SS-3
Malaria	NCID	1995; Vol. 44, No. SS-5
Maternal Mortality	NCCDPHP	1991; Vol. 40, No. SS-2
Measles	NCPS	1992; Vol. 41, No. SS-6
Meningococcal Disease	NCID	1993; Vol. 42, No. SS-2
Mining	NIOSH	1986; Vol. 35, No. 2SS
Mumps	NIP	1995; Vol. 44, No. SS-3
National Infant Mortality (see also Infant Mortality; Birth Defects)	NCCDPHP	1989; Vol. 38, No. SS-3
<i>Neisseria gonorrhoeae</i> , Antimicrobial Resistance in	NCPS	1993; Vol. 42, No. SS-3
Neural Tube Defects	NCEH	1995; Vol. 44, No. SS-4
Nosocomial Infection	NCID	1986; Vol. 35, No. 1SS
Occupational Injuries/Disease		
Asthma	NIOSH	1994; Vol. 43, No. SS-1
Hazards, Occupational	NIOSH	1985; Vol. 34, No. 2SS
In Meatpacking Industry	NIOSH	1985; Vol. 34, No. 1SS
Silicosis	NIOSH	1993; Vol. 42, No. SS-5
State Activities	NIOSH	1987; Vol. 36, No. SS-2
Parasites, Intestinal	NCID	1991; Vol. 40, No. SS-4
Pediatric Nutrition	NCCDPHP	1992; Vol. 41, No. SS-7
Pertussis	NCPS	1992; Vol. 41, No. SS-8
Plague	NCID	1985; Vol. 34, No. 2SS
Plague, American Indians	NCID	1988; Vol. 37, No. SS-3
Poliomyelitis	NCPS	1992; Vol. 41, No. SS-1
Postneonatal Mortality	NCCDPHP	1991; Vol. 40, No. SS-2
Pregnancy Nutrition	NCCDPHP	1992; Vol. 41, No. SS-7
Pregnancy, Teenage	NCCDPHP	1993; Vol. 42, No. SS-6
Rabies	NCID	1989; Vol. 38, No. SS-1
Racial/Ethnic Minority Groups	Various	1990; Vol. 39, No. SS-3
Respiratory Disease	NCEHIC	1992; Vol. 41, No. SS-4
Rotavirus	NCID	1992; Vol. 41, No. SS-3
<i>Salmonella</i>	NCID	1988; Vol. 37, No. SS-2
Sexually Transmitted Diseases in Italy	NCPS	1992; Vol. 41, No. SS-1
Smoking	NCCDPHP	1990; Vol. 39, No. SS-3
Smoking-Attributable Mortality	NCCDPHP	1994; Vol. 43, No. SS-1
Tobacco-Use Behaviors	NCCDPHP	1994; Vol. 43, No. SS-3
Streptococcal Disease (Group B)	NCID	1992; Vol. 41, No. SS-6
Sudden Unexplained Death Syndrome Among Southeast Asian Refugees	NCEHIC, NCPS	1987; Vol. 36, No. 1SS
Suicides, Persons 15–24 Years of Age	NCEHIC	1988; Vol. 37, No. SS-1
Syphilis, Congenital	NCPS	1993; Vol. 42, No. SS-6
Syphilis, Primary & Secondary	NCPS	1993; Vol. 42, No. SS-3
Tetanus	NCPS	1992; Vol. 41, No. SS-8
Trichinosis	NCID	1991; Vol. 40, No. SS-3
Tuberculosis	NCPS	1991; Vol. 40, No. SS-3
Waterborne Disease Outbreaks	NCID	1993; Vol. 42, No. SS-5
Years of Potential Life Lost	EPO	1992; Vol. 41, No. SS-6
Youth Risk Behaviors	NCCDPHP	1995; Vol. 44, No. SS-1

## State Laws on Tobacco Control— United States, 1995

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### **Abstract**

**Problem/Condition:** State laws on smoke-free indoor air, youth access to tobacco products, advertising of tobacco products, and excise taxes on tobacco products are summarized.

**Reporting Period Covered:** Legislation effective through June 30, 1995.

**Description of System:** CDC and the National Cancer Institute (NCI) identified state laws addressing tobacco control by using LEXIS, which is an on-line legal research data base, and NCI's State Cancer Legislative Database (SCLD), which is a data base of legislation. CDC and NCI conducted detailed analyses of the content of the laws to identify specific provisions.

**Results:** CDC and NCI identified 1,238 state laws that address tobacco-control-related issues. Most laws either enact restrictions or strengthen current legislation that restricts tobacco use, sales to minors, or advertising; however, some laws preempt stronger measures by local ordinances. At the state level, forty-six states and Washington, DC require smoke-free indoor air to some degree or in some public places. All states prohibit the sale and distribution of tobacco products to minors, but only nine states restrict advertising of tobacco products. All states tax cigarettes (average excise tax is 31.5¢ per pack); 42 states also tax chewing tobacco and snuff.

**Interpretation:** State laws addressing tobacco control vary in relation to restrictiveness, enforcement and penalties, preemptions, and exceptions.

**Actions Taken:** The tables summarizing these laws are available through CDC's State Tobacco Activities Tracking and Evaluation (STATE) system and through NCI's SCLD. This information can be used by policy makers at the state and local levels to plan and implement initiatives on youth access to tobacco products and on the use, promotion, advertising, and taxation of tobacco products.

## INTRODUCTION

The first Surgeon General's report linking smoking to disease was published in 1964 (1). In the 30 years since that report was released, progress has been made in educating the public about the dangers of tobacco use, and federal, state, and local agencies have implemented plans to discourage tobacco use (2,3). For example, national health objectives have been established to reduce tobacco use as well as to reduce exposure to environmental tobacco smoke (ETS) by the year 2000. These objectives set specific, measurable goals for preventing the initiation of tobacco use (especially among young persons), promoting tobacco-use cessation and developing public policies that address smoke-free air, preemption, tobacco advertising, and excise taxes on tobacco products (4).

Efforts to reduce tobacco use historically focused on smoking cessation, reflecting a reliance on the individual-based medical model. However, the impact of these interventions has been limited. More recently, tobacco-use prevention and reduction efforts have relied on a public health or environmental approach. Such an environmental approach includes changing public policies regarding tobacco use (2,5).

By regulating the sale and use of tobacco and by increasing taxes on tobacco products, states have contributed toward efforts to achieve year 2000 national health objectives, consequently reducing the burden of diseases attributable to tobacco use (4,6). This report summarizes 1,238 state laws that address tobacco use, effective as of June 30, 1995.

## METHODS

This report identifies four primary aspects of tobacco control laws in each state: smoke-free indoor air, youth access to tobacco products, advertising of tobacco products, and excise taxes on tobacco products. (In this report, the term "states" includes Washington, DC). State laws are reported for all four topics as well as executive orders for smoke-free indoor air in government work sites, effective as of June 30, 1995.

Some states enacted legislation before June 30, 1995, that did not become effective until after June 30, 1995, and thus is not included in this report. In addition, although state regulations carry the same authority as state laws, this report does not address regulations for tobacco control.

### Identifying Tobacco-Related State Laws

Laws were identified through two data sources: LEXIS, which is an on-line legal research data base, and the National Cancer Institute's (NCI) State Cancer Legislative Database (SCLD). In LEXIS, CDC searched three subfiles: the BillTrack system, which provides a synopsis and the status of bills from the current legislative session, including notice of enactment within 2 days; the Advanced Legislative Service (ALS) system, which provides full text of enacted legislation until codified (i.e., formally inserted into

state codes); and the data base of codified law, which provides the full text of codified laws.

The main source for assessing the current status of law was the data base of codified laws. However, because the time during which a law is codified varies across states, CDC used the BillTrack and ALS subfiles to obtain information about more recent state laws. The governor's office in each state identified executive orders for smoke-free indoor air in government work sites.

NCI's SCLD is a data base of legislation addressing several topics on cancer control, including tobacco. Before entry into SCLD, pending and enacted legislation related to tobacco control are identified through StateNet, which is a legislative reporting service, and through original research. Hard copies of state laws are obtained from state legislative offices. From these, detailed abstracts are developed, key word assignments are made, and completed abstracts are entered into SCLD. Key word searches were used to identify relevant legislation for analysis.

### **Developing the Matrices**

For each of the four topics, CDC identified substantive provisions of state laws. CDC and NCI determined the presence or absence of provisions by reviewing the laws and abstracts obtained through LEXIS and SCLD. Tobacco control personnel in state health departments reviewed and commented on the matrices. After the preliminary review, NCI obtained information from the U.S. Library of Congress and local law libraries to answer any remaining questions.

CDC and NCI independently reviewed specific provisions within each matrix to identify discrepancies between the two systems; these discrepancies were resolved through discussion to develop consensus on common interpretations. When differences in interpretation were difficult to resolve, advice from public health professionals and tobacco control experts was solicited.

### **Categorizing Locations and Restrictions**

States define public places differently and impose different restrictions on smoking in these locations. Thus, comparison across laws based on public places, broadly defined, is difficult. For this reason, locations were categorized as government work sites; private-sector work sites; restaurants; and other sites, which include bars, child day care centers, home-based child day care, shopping malls, grocery stores, enclosed arenas, public transportation, hospitals, prisons, and hotels and motels.

## **RESULTS**

Results of the legislative review summarize which states have laws concerning smoke-free indoor air, youth access to tobacco products, and advertising of tobacco products as well as which states tax cigarettes and chewing tobacco or snuff (Table 1).

### **Smoke-Free Indoor Air**

Because of concerns about the effects of exposure to ETS, public places have become the focus of state policies restricting smoking. Although many states now restrict smoking in public places, state law definitions of "public places" vary. Furthermore, 17 states have laws that preempt, in some instances, provisions of more stringent policies at the local level. Preemptive legislation is defined as legislation that

TABLE 1. Summary of state laws\* by type of restriction and state

State	Smoke-free indoor air				Youth access to tobacco products			Advertising of tobacco products	Excise taxes	
	Government work sites	Private work sites	Restaurants	Other sites	Sale and distribution	Vending machines	Licensing		Cigarettes	Chewing tobacco and snuff
Alabama					x		x		x	x
Alaska	x		x	x	x	x	x		x	x
Arizona	x			x	x				x	x
Arkansas				x	x	x	x		x	x
California	x	x	x	x	x			x	x	x
Colorado	x			x	x	x			x	x
Connecticut	x	x	x	x	x	x	x		x	x
Delaware	x	x	x	x	x		x		x	x
Florida	x	x	x	x	x	x	x		x	x
Georgia				x	x	x	x		x	
Hawaii	x		x	x	x	x			x	x
Idaho	x		x	x	x	x			x	x
Illinois	x	x	x	x	x			x	x	x
Indiana	x			x	x	x			x	x
Iowa	x	x	x	x	x	x	x		x	x
Kansas	x		x	x	x		x		x	x
Kentucky					x	x	x	x	x	
Louisiana	x	x		x	x	x	x	x	x	
Maine	x	x	x	x	x	x			x	x
Maryland			x	x	x	x	x		x	
Massachusetts	x		x	x	x	x	x		x	x
Michigan	x		x	x	x	x	x	x	x	x
Minnesota	x	x	x	x	x	x			x	x
Mississippi				x	x	x			x	x
Missouri	x	x	x	x	x	x			x	x
Montana	x	x	x	x	x	x	x		x	x
Nebraska	x	x		x	x	x	x		x	x
Nevada	x		x	x	x	x	x		x	x
New Hampshire	x	x	x	x	x		x		x	x
New Jersey	x	x		x	x	x	x		x	x
New Mexico	x				x	x			x	x
New York	x	x	x	x	x	x	x		x	x
North Carolina					x		x		x	x
North Dakota	x		x	x	x		x		x	x
Ohio	x			x	x	x	x		x	x

Oklahoma	x		x	x	x	x	x		x	x
Oregon	x		x	x	x	x			x	x
Pennsylvania	x	x	x	x	x			x	x	
Rhode Island	x	x	x	x	x				x	x
South Carolina	x			x	x				x	x
South Dakota	x			x	x	x			x	x
Tennessee					x	x			x	x
Texas				x	x		x	x	x	x
Utah	x	x	x	x	x	x	x	x	x	x
Vermont	x	x	x	x	x	x	x		x	x
Virginia	x		x	x	x	x			x	
Washington	x		x	x	x	x			x	x
Washington, DC	x	x	x	x	x	x			x	
West Virginia				x	x			x	x	
Wisconsin	x	x	x	x	x	x			x	x
Wyoming	x				x	x			x	
<b>Total</b>	<b>41</b>	<b>21</b>	<b>32</b>	<b>45</b>	<b>51</b>	<b>37</b>	<b>33</b>	<b>9</b>	<b>51</b>	<b>42</b>

\* Laws that have restrictions and/or require signs only. Preemptive state laws are included in tables 2A-2C, 3, and 4.

prevents any local jurisdiction from enacting restrictions that are more stringent than the state law or restrictions that may vary from the state law.

As of June 30, 1995, 47 states required smoke-free indoor air to some degree or in some public places that are discussed in this report. Four states (Alabama, Kentucky, North Carolina, and Tennessee) have either no legislation or legislation that preempts localities from enacting any law to restrict smoking in public places.

For smoke-free indoor air, laws categorized as "2" that *require* designated smoking areas, do not allow individual sites covered under the law to prohibit smoking. However, laws categorized as "2" that *allow* designated smoking areas provide the option for individual sites to prohibit smoking. These laws are categorized as "2" because the minimum protection mandated is designated smoking areas (Tables 2A–2D). Laws on smoke-free indoor air in public sites are summarized in this report (Tables 2A–2D).

### ***Government Work Sites***

Forty-one states have laws restricting smoking in state government work sites (Table 2A): 32 limit smoking to designated areas, two require either no smoking or designated smoking areas with separate ventilation, and seven completely prohibit smoking. Seven of these state laws require a minimum number of employees for the restriction to be implemented. Twenty of the 41 state laws authorize levying penalties to both the work site and the smoker for first violation, five the work site only, and four the smoker only. Of state laws that restrict smoking in government work sites, 73% also designate an enforcement authority. In Kentucky and North Carolina, state government work sites are permitted but not required to develop policies on smoking.

### ***Private Work Sites***

In contrast, only 21 state laws restrict smoking in private work sites (Table 2B); of these, only California's law requires either no smoking or separate ventilation for smoking areas. Seven of these 21 state laws mandate designated smoking areas only in work sites that have a minimum number of employees. Eleven states penalize both the work site and the smoker for first violation, four penalize the work site only, and two penalize the smoker only. Seventy-six percent of state laws that restrict smoking in private-sector work sites also designate an enforcement authority (e.g., a state department of health or labor).

### ***Restaurants***

Thirty-one states have laws that regulate smoking in restaurants (Table 2C); of these, only Utah's law completely prohibits smoking in restaurants, and only California's law requires either no smoking or separate ventilation for smoking areas. Many state laws exempt small restaurants, generally those with a seating capacity of fewer than 50 persons, from smoking regulations. Eighteen state laws penalize both the restaurant and the smoker for first violation, five penalize the restaurant only, and five penalize the smoker only. Most states (84%) that have laws restricting smoking in restaurants also designate an enforcement authority (e.g., the state department of health).

### ***Other Sites***

Some states have laws that regulate smoking in other locations (Table 2D). For example, more than one half of states have laws that restrict smoking in child day care

centers. Of those that do, 12 prohibit smoking at all times or require separately ventilated areas, nine prohibit smoking only when children are present, and six require only that the centers designate smoking areas. Forty-two states restrict smoking in hospitals, 42 on selected forms of public transportation, 30 in grocery stores, and 23 in enclosed arenas. Few states have laws that restrict smoking in bars, home-based child care centers, shopping malls, prisons, or hotels and motels.

## **Youth Access to Tobacco Products**

### ***Sale and Distribution***

Laws pertaining to the sale of tobacco products to young persons are summarized (Table 3A). All states prohibit the sale and distribution of tobacco products to persons under 18 years of age, and 35% of states designate an enforcement authority in the legislation (Table 3A). In Alabama, Alaska, and Utah, 19 years is the minimum age for sale of tobacco products. In Pennsylvania, sales of any tobacco products to persons under age 18 years is prohibited, and 21 is the minimum age designated specifically for the sale of cigarettes. All state laws penalize the business owner, manager, and/or clerk for first violation. Fourteen state laws include the possibility of suspension or revocation of a license to sell tobacco products for violation of youth access laws.

Exceptions to laws on the sale and distribution of tobacco products to minors occur in Minnesota, where tobacco samples may be distributed for use in traditional American Indian ceremonies; in Utah, where tobacco samples may be distributed at professional conventions; in Alaska and California, which exempt minors in correctional facilities from these prohibitions; and in Arizona and Kansas, which exempt snuff from these prohibitions.

A total of 32 state laws prohibit purchase, possession, or use of tobacco products by minors. Sixteen state laws preempt restrictions at the local level on the sale and distribution of tobacco products to minors.

### ***Vending Machines***

Restrictions on vending machine sales of tobacco products are indicated (Table 3B). Although no state has completely banned the sale of tobacco products through vending machines, none allow such sales to minors, and 32 states provide additional restrictions to reduce youth access to vending machines (Table 3B). Twelve states ban vending machines from areas accessible to young persons and allow placement in bars, liquor stores, adult clubs, and other adult-only establishments. In Alaska, Michigan, New York, Vermont, and Washington, DC, supervision of vending machines is required even though they are banned from areas accessible to minors. An additional 18 states limit placement to areas inaccessible to minors unless the machines have locking devices, are supervised, or both. Florida's law has no restrictions on placement of vending machines but requires supervision in all locations at all times. New Jersey's law prohibits tobacco vending machines in schools only, and Nevada's law prohibits them in child day care centers, medical facilities, and several other public places.

Twenty-three state laws penalize the business for first violation, but in Maryland, retailers are not held liable if tobacco products are sold to minors through vending machines that display age-of-sale requirements (Table 3B). Oregon law contains a specific preemption on local vending machine restrictions (Table 3A).

TABLE 2A. States with laws on smoking in government work sites, as of June 30, 1995

State	Type of restriction*	Minimum no. of employees	Non-retaliation provision	Written policy on smoking	Local government covered	Enforcement authority	Penalties for first violation		Signage required
							To business	To smoker	
Alaska	2	No	No	No	Yes	Yes	Fine of \$20-\$300	Yes	Yes
Arizona	2 <sup>†</sup>	No	No	No	No	No	Petty offense	Yes	No
Arkansas	1 <sup>§</sup>	No	No	Yes	No	Yes	No	No	No
California	3 <sup>¶**</sup>	6	No	No	Yes	No	Fine up to \$100	Yes	Yes
Colorado	4 <sup>††</sup>	No	No	No	No	Yes	Corrective action, disciplinary action, or both	Yes	Yes
Connecticut	2 <sup>¶¶</sup>	20	No	No	Yes	No	No	No	Yes
Delaware	2 <sup>¶¶</sup>	1	No	Yes	Yes	Yes	Fine of \$25	Yes	Yes
Florida	2 <sup>¶¶</sup>	No	No	Yes	Yes	Yes	Fine up to \$100	Yes	Yes
Hawaii	2	No	No	Yes	Yes	Yes	Fine up to \$500	No	Yes
Idaho	4 <sup>††</sup>	No	No	No	No	No	No	No	No
Illinois	2 <sup>¶¶</sup>	No	No	No	Yes	Yes	No	No	Yes
Indiana	2	No	No	No	Yes	Yes	No	Yes	Yes
Iowa	2 <sup>¶¶</sup>	No	No	No	Yes	Yes	Fine of \$25	Yes	Yes
Kansas	2	No	No	No	Yes	Yes	Fine up to \$50	Yes	Yes
Kentucky	1 <sup>¶¶</sup>	No	No	No	No	No	No	No	No
Louisiana	2 <sup>¶¶</sup>	25	No	Yes	No	Yes	No	No	Yes
Maine	2	No	Yes	Yes	Yes	Yes	Fine up to \$100	No	No
Massachusetts	2	No	Yes	No	Yes	No	No	No	No
Michigan	4 <sup>††</sup>	No	No	Yes	No	Yes	No	No	Yes
Minnesota	2	No	No	No	No	Yes	No	Yes	Yes
Missouri	2	No	No	No	No	No	Infraction	Yes	Yes
Montana	2	7	No	No	No	Yes	No	No	Yes
Nebraska	2	No	No	No	No	Yes	No	Yes	Yes
Nevada	2 <sup>¶¶</sup>	No	No	No	Yes	Yes	Misdemeanor	Yes	Yes
New Hampshire	2	4	Yes	Yes	Yes	Yes	Fine of at least \$100	Yes	Yes
New Jersey	2	No	No	Yes	Yes	Yes	No	Yes	Yes
New Mexico	2	15	No	Yes	Yes	Yes	Fine of \$10-\$25	Yes	Yes
New York	2	No	No	Yes	Yes	Yes	Possible fine	Yes	Yes
North Carolina	1 <sup>¶¶</sup>	No	No	No	No	No	No	No	No
North Dakota	2	No	No	No	No	Yes	Fine up to \$100	No	Yes
Ohio	4 <sup>††</sup>	No	No	No	No	No	No	No	No
Oklahoma	2 <sup>¶¶</sup>	No	No	No	Yes	Yes	No	No	Yes
Oregon	2	No	No	Yes	No	No	No	No	No
Pennsylvania	2 <sup>¶¶</sup>	No	No	Yes	Yes	No	Fine up to \$50	Yes	Yes
Rhode Island	2	No	Yes	Yes	Yes	Yes	Fine of \$50-\$500	No	Yes

MIMWR

November 3, 1995

South Carolina	2 <sup>¶</sup>	No	No	No	Yes	Yes	Misdemeanor; fine of \$10-\$25	Yes	Yes
South Dakota	4 <sup>††</sup>	No	No	No	No	No	Corrective action, disciplinary action, or both	Yes	Yes
Tennessee	1 <sup>¶</sup>	No	No	No	No	No	No	No	No
Utah	4 <sup>¶</sup>	No	No	No	Yes	Yes	Fine up to \$100	Yes	No
Vermont	2	No	No	No	Yes	No	Fine of \$100	No	No
Virginia	2 <sup>¶</sup>	No	No	No	Yes	Yes	Fine up to \$25	Yes	Yes
Washington	4 <sup>††</sup>	No	No	No	No	No	No	No	No
Washington, DC	2	No	No	Yes	Not applicable	Yes	Fine up to \$300	Yes	Yes
Wisconsin	2	No	No	No	Yes	Yes	Fine up to \$10	Yes	Yes
Wyoming	3 <sup>††</sup>	No	No	No	No	Yes	No	No	Yes
<b>Total<sup>§§</sup></b>	<b>41</b>	<b>7</b>	<b>4</b>	<b>15</b>	<b>25</b>	<b>30</b>	<b>25</b>	<b>24</b>	<b>32</b>

\*1=no restrictions, 2=designated smoking areas required or allowed, 3=no smoking allowed or designated smoking areas allowed if separately ventilated.  
4=no smoking allowed (100% smoke free).

<sup>†</sup> Legislation restricts smoking in government buildings but does not specify work sites.

<sup>§</sup> Requires smoking policy but does not specify smoking restrictions.

<sup>¶</sup> Preemptive law enacted.

\*\*Whereas most state laws stipulate areas in which smoking is restricted, California's law designates places and circumstances under which smoking is allowed.

<sup>††</sup> Smoking restricted by executive order.

<sup>§§</sup> Total number of state laws that have restrictions, enforcement, penalties, or signage (i.e., sign is posted indicating where smoking is prohibited).

NOTE: This table summarizes only those states that have legislative restrictions on smoking in government work sites or preempt localities from enacting such legislation. "Minimum no. of employees" indicates whether the law requires a minimum number of employees at the work site for the law to be in effect. "Non-retaliation provision" indicates whether the law protects an employee from retaliation for enforcing or attempting to enforce the law. "Written policy on smoking" indicates whether the law requires the work site to establish written policies regarding the provisions of the law. "Local government covered" indicates whether work sites under the control of political subdivisions of the state are covered by the law. "Enforcement authority" indicates whether the law designates a specific agency, department, office, or governing body responsible for enforcing the law. "Penalties for first violation" indicates the penalty or fine imposed on a work site and whether smokers are penalized for a first infraction. "Signage required" indicates whether the law requires signs to be displayed that describe the law.

TABLE 2B. States with laws on smoking in private work sites, as of June 30, 1995

State	Type of restriction*	Minimum no. of employees	Non-retaliation provision	Written policy on smoking	Enforcement authority	Penalties for first violation		Signage required
						To business	To smoker	
California	3 <sup>‡§</sup>	6	No	No	No	Fine up to \$100	Yes	Yes
Connecticut	2	20	No	No	No	No	No	Yes
Delaware	2 <sup>†</sup>	1	No	Yes	Yes	Fine of \$25	Yes	Yes
Florida	2 <sup>†¶</sup>	No	No	Yes	Yes	Fine up to \$100	Yes	Yes
Illinois	2 <sup>†¶</sup>	No	No	No	No	No	No	Yes
Iowa	2 <sup>†</sup>	No	No	No	Yes	Fine of \$25	Yes	Yes
Louisiana	2 <sup>†</sup>	25	No	Yes	Yes	No	No	Yes
Maine	2	No	Yes	Yes	Yes	Fine up to \$100	No	No
Minnesota	2	No	No	No	Yes	No	Yes	Yes
Missouri	2	No	No	No	No	Infraction	Yes	Yes
Montana	2	No	No	No	Yes	Fine up to \$25	No	Yes
Nebraska	2	No	No	No	Yes	No	Yes	Yes
Nevada	1 <sup>†</sup>	No	No	No	No	No	No	No
New Hampshire	2	4	Yes	Yes	Yes	Fine of at least \$100	Yes	Yes
New Jersey	2	50	No	Yes	Yes	No	No	Yes
New York	2	No	No	Yes	Yes	Possible fine	Yes	Yes
North Carolina	1 <sup>†</sup>	No	No	No	No	No	No	No
Pennsylvania	2 <sup>†</sup>	No	No	Yes	No	Fine up to \$50	Yes	Yes
Rhode Island	2	No	Yes	Yes	Yes	Fine of \$50–\$500	No	Yes
Tennessee	1 <sup>†</sup>	No	No	No	No	No	No	No
Utah	2 <sup>†</sup>	No	No	No**	Yes	Fine up to \$100	Yes	No
Vermont	2	10	Yes	Yes	Yes	Fine of \$100	No	No
Virginia	1 <sup>†</sup>	No	No	No	No	No	No	No
Washington, DC	2	No	No	Yes	Yes	Fine up to \$300	Yes	Yes
Wisconsin	2	No	No	No	Yes	Fine up to \$10	Yes	Yes
<b>Total††</b>	<b>21</b>	<b>7</b>	<b>4</b>	<b>11</b>	<b>16</b>	<b>15</b>	<b>13</b>	<b>18</b>

\* 1=no restrictions, 2=designated smoking areas required or allowed, 3=no smoking allowed or designated smoking areas allowed if separately ventilated.

‡ 4=no smoking allowed (100% smoke free).

† Preemptive law enacted.

§ Whereas most state laws stipulate areas in which smoking is restricted, California's law designates places and circumstances under which smoking is allowed.

¶ Restricts smoking in worksites but does not specify private or government worksites.

\*\* If 10 or more employees, written policy required.

†† Total number of state laws that have restrictions, enforcement, penalties, or signage (i.e., sign is posted indicating where smoking is prohibited).

NOTE: This table summarizes only those states that have legislative restrictions on smoking in private work sites or preempt localities from enacting such legislation. "Minimum no. of employees" indicates whether the law requires a minimum number of employees at the work site for the law to be in effect. "Non-retaliation provision" indicates whether the law protects an employee from retaliation for enforcing or attempting to enforce the law. "Written policy on smoking" indicates whether the law requires the work site to establish written policies regarding the provisions of the law. "Enforcement authority" indicates whether the law designates a specific agency, department, office, or governing body responsible for enforcing the law. "Penalties for first violation" indicate the penalty or fine imposed on a work site and whether smokers are penalized for a first infraction. "Signage required" indicates whether the law requires signs to be displayed that describe the law.

### **Licensing**

Laws pertaining to retail licensing for the sale of tobacco products are summarized (Table 3C). Thirty-three state laws require some form of retail licensure for the sale of tobacco products (Table 3C). Eighteen state laws include chewing tobacco, snuff, or both in their licensing requirements. In North Carolina, a retail license is required to sell all tobacco products except cigarettes. All state laws that require businesses to be licensed to sell tobacco products also penalize businesses for violation of licensing requirements.

### **Advertising Tobacco Products**

Only nine states have laws that restrict the advertising of tobacco products (Table 4). California's law bans tobacco advertising on state government property and on video games, and the laws in Louisiana and Pennsylvania ban advertising on lottery tickets. Utah's law restricts tobacco advertising on public transportation, requires health warnings on print ads for smokeless tobacco in magazines published in the state, and bans tobacco advertising on billboards. In Kentucky and Texas, the size or placement of billboards near schools or churches is restricted. In Illinois, Michigan, and West Virginia, a health warning is required to be displayed on all billboards that advertise smokeless tobacco.

### **Excise Taxes on Tobacco Products**

All states tax cigarettes; the average tax is 31.5¢ per pack and ranges from 2.5¢ per pack in Virginia to 75¢ per pack in Michigan (Table 5). In all states, the tax is a fixed amount, not a percentage of the price per pack. Forty-two states also tax smokeless tobacco products.

## **DISCUSSION**

Statewide enforcement efforts, preemptive legislation, court decisions, and federal legislation all influence the impact of state tobacco-control legislation. This section will highlight the importance of state legislation, the protection afforded by laws, and the influence of other factors on the effects of these laws.

### **Smoke-Free Indoor Air**

Restrictions on smoking in public places are designed to reduce or eliminate the public's exposure to ETS, which is a known human carcinogen (7,8). A total of 79 state laws pertaining to smoke-free indoor air have been enacted since January 1, 1991; some have strengthened existing restrictions on smoking. Many local governments also have taken action to protect the public from exposure to ETS. As of September 1992, a total of 543 cities and counties nationwide had adopted restrictive smoking laws (9). Although they are not discussed in this report, state regulations offer additional protection from exposure to ETS. For example, regulations adopted in Maryland prohibit smoking or limit it to separately ventilated areas in work sites, which are broadly defined.

The U.S. Congress and federal agencies also have taken action to reduce exposure to ETS. The Pro-Children Act of 1994 (20 USC 6081-6084) requires persons and/or federal agencies that provide services to children in indoor facilities (e.g., schools, libraries, day care, health care, and early childhood development settings) to prohibit

TABLE 2C. States with laws on smoking in restaurants, as of June 30, 1995

State	Type of restriction*	Minimum seating capacity†	Enforcement authority	Penalties for first violation		Signage required
				To business	To smoker	
Alaska	2	50	Yes	Fine of \$20-\$300	Yes	Yes
California	3 <sup>s¶</sup>	No	No	Fine up to \$100	Yes	Yes
Connecticut	2 <sup>s</sup>	75	No	No	Yes	Yes
Delaware	2 <sup>s</sup>	50	Yes	Fine of \$25	Yes	Yes
Florida	2 <sup>s</sup>	50 (35)	Yes	Fine up to \$100	Yes	Yes
Hawaii	2	50	Yes	Fine up to \$20	Yes	Yes
Idaho	2	30	Yes	Fine up to \$50	Yes	Yes
Illinois	2 <sup>s</sup>	No	No	No	Yes	Yes
Iowa	2 <sup>s</sup>	50	Yes	Fine of \$25	Yes	Yes
Kansas	2	No	Yes	Fine up to \$50	Yes	Yes
Louisiana	1 <sup>s</sup>	No	Yes	No	Yes	Yes
Maine	2	No	Yes	Fine of \$100-\$500	No	Yes
Maryland	2	No (60)	No	No	No	No
Massachusetts	2	75	Yes	No	No	Yes
Michigan	2 <sup>s</sup>	>50 (50); <50 (25)	Yes	Misdemeanor	No	Yes
Minnesota	2	No	Yes	No	Yes	Yes
Missouri	2	50	Yes	Infraction	Yes	Yes
Montana	2	No	Yes	Fine up to \$25	No	Yes
Nebraska	2	No	Yes	No	Yes	Yes
Nevada	2 <sup>s</sup>	50	Yes	Misdemeanor; fine up to \$100	Yes	No
New Hampshire	2	50	Yes	Fine of at least \$100	Yes	Yes
New York	2	50 (70)	Yes	Possible fine	Yes	Yes
North Carolina	1 <sup>s</sup>	No	No	No	No	No
North Dakota	2	50 (50)	Yes	Fine up to \$100	No	Yes
Oklahoma	2 <sup>s</sup>	50	Yes	No	No	Yes
Oregon	2	30	Yes	Fine up to \$100	No	Yes
Pennsylvania	2 <sup>s</sup>	75	Yes	Fine up to \$50	Yes	Yes
Rhode Island	2	50	Yes	Fine of \$50-\$500	Yes	Yes
South Carolina	1 <sup>s</sup>	No	No	No	No	No
Tennessee	1 <sup>s</sup>	No	No	No	No	No
Utah	4 <sup>s</sup>	No	Yes	Fine up to \$100	Yes	No
Vermont	2	No	No	No	No	No

Virginia	2 <sup>§</sup>	50	Yes	Fine up to \$25	Yes	Yes
Washington	1	No	Yes	No	No	Yes
Washington, DC	2	50 (25)	Yes	Fine up to \$300	Yes	Yes
Wisconsin	2	50	Yes	Fine up to \$10	Yes	Yes
<b>Total**</b>	<b>31</b>	<b>22</b>	<b>28</b>	<b>23</b>	<b>23</b>	<b>29</b>

\* 1=no restrictions, 2=designated smoking areas required or allowed, 3=no smoking allowed or designated smoking areas allowed if separately ventilated.  
4=no smoking allowed (100% smoke free).

† Minimum seating capacity required by most restrictive law; percentage of seats required to be in smoke-free area is in parentheses.

§ Preemptive law enacted.

¶ Whereas most state laws stipulate areas in which smoking is restricted, California's law designates places and circumstances under which smoking is allowed.

\*\*Total number of state laws that have restrictions, enforcement, penalties, or signage (i.e., sign is posted indicating where smoking is prohibited).

NOTE: This table summarizes only those states that have legislative restrictions on smoking in restaurants or preempt localities from enacting such legislation. "Minimum seating capacity" indicates whether the law requires the restaurant to have a minimum number of seats for the law to be in effect and indicates in parentheses the percentage of seats required to be smoke-free. "Enforcement authority" indicates whether the law designates a specific agency, department, office, or governing body responsible for enforcing the law. "Penalties for first violation" indicates the penalty or fine imposed on a work site and whether smokers are penalized for a first infraction. "Signage required" indicates whether the law requires signs to be displayed that describe the law.

TABLE 2D. States with laws on smoking in other sites,\* as of June 30, 1995

State	Bars	Child day care centers	Home-based child day care	Shopping malls	Grocery stores <sup>†</sup>	Enclosed arenas	Public transportation	Hospitals	Prisons	Hotels and motels
Alaska	1	4	1 <sup>§</sup>	1	2	1	2	4	2	1
Arizona	1	1	1	1	1	1	2	2	1	1
Arkansas	1	4	1 <sup>§</sup>	1	1	1	1	2	1	1
California <sup>¶</sup>	1	4	4**	3	3	3	3	3	1	2
Colorado	1	1	1	1	1	2	2	2	1	1
Connecticut	1	1	1	1	2	1	2	2	1	1
Delaware	1	4	1	1	2	1	4	4	1	1
Florida	1	4	1 <sup>§</sup>	1	2	2	4	2	1	1
Georgia	1	4**	1	1	1	1	4	1	1	1
Hawaii	1	4**	1 <sup>§</sup>	1	2	1	2 <sup>††</sup>	2	1	1
Idaho	1	1	1	1	2	2	2 <sup>§§</sup>	2	1	1
Illinois	1	4	4**	1	2	2	2	2	1	1
Indiana	1	1	1	1	1	1	1	2	1	1
Iowa	1	1	1	2	2	2	2	2	1	2
Kansas	1	4**	1 <sup>§</sup>	1	2	2	4	2	1	1
Louisiana	1	4	1 <sup>§</sup>	1	1	1	4	2	1	1
Maine	1	2	2**	2	2	2	2	2	1	1
Maryland	1	1	1	1	2	1	4	4	1	1
Massachusetts	1	2	1 <sup>§</sup>	1	4	1	2 <sup>§§</sup>	2	1	1
Michigan	1	4	4**	1	2	2	2	3	1	1
Minnesota	1	4**	1 <sup>§</sup>	1	2	2	2 <sup>§§</sup>	4	1	2
Mississippi	1	1	1	1	1	1	4	1	1	1
Missouri	2	4**	1 <sup>§</sup>	2	2	2 <sup>¶¶</sup>	2	2	1	1
Montana	1	1	1	1	2	2	2 <sup>§§</sup>	2	1	1
Nebraska	2	1	1	1	2	2	2	2	1	1
Nevada	1	2	1 <sup>§</sup>	1	2	1	2	2	1	1
New Hampshire	1	4**	1 <sup>§</sup>	2	2	2	4	4	2	2
New Jersey	1	1	1	1	4	1	4	2	1	1
New York	1	4	1	1	2	2	4	2	1	1
North Dakota	1	4**	1 <sup>§</sup>	1	1	1	2	2	1	1
Ohio	1	3	3**	1	1	1	2 <sup>§§</sup>	2	1	1
Oklahoma	1	4	1 <sup>§</sup>	1	1	2	2	2	1	1
Oregon	1	1	1	1	2	2	1	2	1	1
Pennsylvania	1	1	1	1	1	2	2	2	1	1
Rhode Island	1	1	1	1	2	1	4	2	1	1
South Carolina	1	4	1 <sup>§</sup>	1	1	2	4	2	1	1
South Dakota	1	2**	1 <sup>§</sup>	1	1	1	2	2	1	1

Texas	1	1	1	1	1	1	2	2	1	1
Utah	1	4**	4**	4	4	4	4	2	1	2
Vermont	2	1	1	2	2	2	2	2	1	2
Virginia	1	2	1 <sup>§</sup>	1	2	2	4	2	1	1
Washington	1	1	1	2	2	2	2 <sup>§§</sup>	2	1	1
Washington, DC	1	2	1 <sup>§</sup>	1	2	1	4	2	1	1
West Virginia	1	1	1	1	1	1	4	1	1	1
Wisconsin	1	4**	1 <sup>§</sup>	1	2	1	2 <sup>§§</sup>	4	1	1
<b>Total***</b>	<b>3</b>	<b>27</b>	<b>6</b>	<b>8</b>	<b>30</b>	<b>23</b>	<b>42</b>	<b>42</b>	<b>2</b>	<b>6</b>

\* 1=no restrictions, 2=designated smoking areas required or allowed, 3=no smoking allowed or designated smoking areas allowed if separately ventilated.  
 4=no smoking allowed (100% smoke free).

† Because law does not always explicitly refer to grocery stores, restrictions on retail stores are often included here.

§ Prohibits smoking in child care facilities; however, language does not specify home-based child day care.

¶ Whereas most state laws stipulate areas in which smoking is restricted, California's law designates places and circumstances under which smoking is allowed.

\*\* Nonsmoking regulations are in effect when children are on the premises.

†† Taxis only.

§§ Prohibits smoking on certain forms of public transportation but allows designated smoking areas on others.

¶¶ Enclosed arenas with a capacity of >15,000 persons are exempt.

\*\*\* Total number of state laws that have restrictions.

NOTE: This table summarizes only those states that have legislative restrictions on smoking in the specific sites.

TABLE 3A. States with laws on sales of tobacco products to minors, as of June 30, 1995

State	Preemptions*	Minimum age for legal sale (years)	Includes chewing tobacco or snuff	Enforcement authority	License suspension or revocation for violation	Penalties for first violation to business owner, manager and/or clerk	Prohibits purchase, possession, and/or use by minors	Signage required
Alabama	No	19	Both	No	No	Fine of \$10-\$50	No	No
Alaska	No	19	Both	No	Both	Fine of at least \$300	Yes <sup>†</sup>	Yes
Arizona	No	18	Chewing tobacco only	No	No	Petty offense	Yes	No
Arkansas	No	18	Both	No	Both	Misdemeanor; fine of \$100	No	Yes
California	1	18	Both	No	No	Fine of \$200-\$300	Yes <sup>§</sup>	Yes
Colorado	No	18	Both	No	No	Class 2 petty offense; fine of \$200	Yes	Yes
Connecticut	No	18	Both	Yes	Both	Fine up to \$50	Yes	Yes
Delaware	No	18	Both	No	No	Class B misdemeanor	No	No
Florida	No	18	Both	Yes	Both	2nd degree misdemeanor; fine of \$500	No	Yes
Georgia	No	18	Both	Yes	No	Misdemeanor	Yes	Yes
Hawaii	No	18	Both	No	No	Fine up to \$100	Yes	Yes
Idaho	No	18	Both	No	No	Misdemeanor	Yes	No <sup>¶</sup>
Illinois	No	18	Both	No	No	Petty offense; fine of \$200	Yes	No <sup>¶</sup>
Indiana	No	18	Both	No	No	Class C infraction	Yes	Yes
Iowa	1	18	Both	Yes	Both	Simple misdemeanor; fine of \$300	Yes	No
Kansas	No	18	Chewing tobacco only	No	Both for chewing tobacco only	Misdemeanor; fine up to \$1,000	Yes	No
Kentucky	1	18	Both	Yes	No	Fine of \$10-\$25	No	Yes
Louisiana	1	18	Both	Yes	No	Fine up to \$50	Yes	Yes
Maine	No	18	Both	No	No	Fine of \$10-\$1,000	Yes	Yes
Maryland	No	18	Both	No	No	Fine up to \$300	Yes	No
Massachusetts	No	18	Both	No	No	Fine of at least \$100	No	Yes
Michigan	1	18	Both	No	No	Misdemeanor; fine up to \$50	Yes	Yes
Minnesota	No	18	Both	No	No	Misdemeanor	Yes	No
Mississippi	1	18	Both	Yes	No	Misdemeanor; fine of \$20-\$100	No	Yes
Missouri	No	18	Both	No	No	Fine of \$25	No	Yes
Montana	1	18	Both	No	No	Fine of \$100	No	Yes
Nebraska	No	18	Both	No	Both	Class III misdemeanor	Yes	No
Nevada	No	18	Both	No	Both	Fine up to \$500	No	No
New Hampshire	No	18	Both	Yes	No	Fine up to \$25	Yes	Yes
New Jersey	No	18	Both	No	No	Fine of \$250	No	Yes
New Mexico	1	18	Both	Yes	No	Misdemeanor; fine up to \$1,000	Yes	Yes
New York	2	18	Both	Yes	Suspension	Fine of \$100-\$300	No	Yes

North Carolina	No	18	Both	No	No	Misdemeanor; fine up to \$500	No	No
North Dakota	No	18	Both	No	No	Class B misdemeanor	Yes	No
Ohio	No	18	Both	No	No	4th degree misdemeanor	No	Yes
Oklahoma	1	18	Both	Yes	No	Fine of \$25	Yes	Yes
Oregon	3	18	Both	Yes	No	Fine of \$100-\$500	Yes	Yes
Pennsylvania	No	18 (all tobacco products) 21 (cigarettes)	Both	No	No	Fine of at least \$25	No	No
Rhode Island	No	18	Both	No	Both	Fine of \$100	Yes	Yes
South Carolina	No	18	Both	No	No	Misdemeanor; fine of \$25-\$100	No	No
South Dakota	1	18	Both	Yes	No	Class II misdemeanor	Yes	No
Tennessee	4	18	Both	Yes	No	Class A misdemeanor; fine up to \$2,500	Yes	Yes
Texas	No	18	Both	No	No	Class C misdemeanor	No	Yes
Utah	No	19	Both	No	No	Class C misdemeanor	Yes	No
Vermont	No	18	Both	Yes	Both	Fine up to \$100	Yes	Yes
Virginia	No	18	Both	Yes	No	Fine up to \$50	Yes	Yes
Washington	1	18	Both	Yes	Both	Fine of \$100	Yes	Yes
Washington, DC	No	18	Both	No	Both	Misdemeanor; fine of \$100-\$500	No	Yes
West Virginia	No	18	Both	Yes	No	Misdemeanor; fine of \$10-\$25	Yes	No
Wisconsin	1	18	Both	No	Suspension	Fine up to \$500	No	Yes
Wyoming	1	18	Both	No	No	Misdemeanor; fine up to \$50	Yes	Yes
<b>Total**</b>	<b>16</b>		<b>51</b>	<b>18</b>	<b>14</b>	<b>51</b>	<b>32</b>	<b>33</b>

\*1=preemption of youth access provisions, 2=preemption of sampling provisions, 3=preemption of vending machine provisions, 4=preemption of all laws on tobacco control.

† Except minors at adult correctional facilities.

§ Except persons 16 years or older at correctional facilities.

¶ Signage required for sale of tobacco accessories but not for tobacco.

\*\*Total number of state laws that have preemptions, restrictions, enforcement, penalties, or signage (i.e., sign is posted indicating where smoking is prohibited).

NOTE: This table summarizes the legislative restrictions and preemption relating to sale and distribution of tobacco products to minors for all states. The table includes the minimum age for legal sale in years. "Includes chewing tobacco or snuff" indicates whether the laws also restrict sales and distribution of chewing tobacco or snuff. "Enforcement authority" indicates whether the law designates a specific agency, department, office, or governing body responsible for enforcing the law. The table also indicates whether retail licenses may be suspended or revoked for sales of tobacco products to minors; the penalties to business owners, managers, and/or clerks for first violation of the law; and whether purchase, possession, and/or use of tobacco by minors is prohibited. "Signage required" indicates whether the law requires signs to be displayed that describe the law.

TABLE 3B. States with laws on youth access to tobacco products through vending machines,\* as of June 30, 1995

State	Restrictions on access	Banned from locations accessible to youth	Limited placement	Locking device	Supervision	Enforcement authority	Penalties to business for first violation	Signage required
Alaska	Yes	Yes	No	No	Yes	No	Fine of at least \$300	No
Arkansas	Yes	No	Yes	No	Yes	Yes	Misdemeanor; fine of \$100	Yes
Colorado	Yes	No	Yes	No	Yes	No	Class II petty offense; fine of \$200	Yes
Connecticut	Yes	No	Yes	No	Yes	Yes	No	Yes
Florida	Yes	No	No	No	Yes	Yes	Fine up to \$1,000	No
Georgia	Yes	No	Yes	No	Yes	Yes	Misdemeanor; fine up to \$300	Yes
Hawaii	Yes	Yes	No	No	No	No	Fine up to \$1,000	Yes
Idaho	Yes <sup>†</sup>	No	No	No	No	No	Misdemeanor	No
Indiana	Yes	No	Yes	Yes	No	No	Class C infraction	Yes
Iowa	Yes	No	Yes	Yes	Yes	Yes	No	No
Kentucky	Yes	No	Yes	No	Yes	Yes	Fine of \$10-\$25	No
Louisiana	No	No	No	No	No	No	No	Yes
Maine	Yes	No	Yes	No	Yes	No	Fine of \$100-\$500	Yes
Maryland	No	No	No	No	No	No	No	Yes
Massachusetts	No	No	No	No	No	No	No	Yes
Michigan	Yes	Yes <sup>§</sup>	No	No	Yes	Yes	Misdemeanor; fine up to \$1,000	No
Minnesota	Yes	No	Yes	Yes	Yes	No	No	Yes
Mississippi	Yes	No	Yes	No	Yes	Yes	Misdemeanor; fine of \$20-\$100	No
Missouri	No	No	No	No	No	No	No	Yes
Montana	Yes	No	Yes	No	Yes	No	No	No
Nebraska	Yes	Yes <sup>§</sup>	No	No	No	No	Class III misdemeanor	No
Nevada	Yes	No	Yes <sup>¶</sup>	No	No	No	No	No
New Jersey	Yes	No	Yes <sup>**</sup>	No	No	No	Fine of \$250	No
New Mexico	Yes	Yes	No	No	No	Yes	No	No
New York	Yes	Yes	No	No	Yes	Yes	Fine of \$100-\$300	No
Ohio	Yes	No	Yes	No	Yes	No	4th degree misdemeanor	No
Oklahoma	Yes	No	Yes	Yes	Yes	Yes	No	No
Oregon	Yes	Yes <sup>††</sup>	No	No	No	No	Fine up to \$250	No
South Dakota	Yes	No	Yes	No	Yes	Yes	Class II misdemeanor	Yes
Tennessee	Yes	No	Yes	Yes	Yes	Yes	Class C misdemeanor	No
Utah	Yes	Yes	No	No	No	No	Class C misdemeanor	No
Vermont	Yes	Yes <sup>††</sup>	No	No	Yes	Yes	No	Yes

Virginia	No	No	No	No	No	No	No	No	Yes
Washington	Yes	Yes	No	No	No	Yes	No	No	No
Washington, DC	Yes	Yes <sup>§</sup>	No	No	Yes	Yes	Fine up to \$1,000	No	No
Wisconsin	Yes	No	Yes	No	Yes	No	Fine up to \$500	Yes	Yes
Wyoming	Yes	Yes	No	No	No	No	Misdemeanor; fine up to \$50	Yes	Yes
<b>Total<sup>§§</sup></b>	<b>32</b>	<b>12</b>	<b>18</b>	<b>5</b>	<b>21</b>	<b>16</b>	<b>23</b>		<b>17</b>

\*No states provide for a complete ban on all vending machines selling tobacco products.

† Requires businesses that have vending machines to ensure minors do not have access to the machines; however, law does not specify type of restriction, such as limited placement, locking device, or supervision.

§ Allows vending machines in certain licensed establishments not listed in youth access law.

¶ Restricts placement on elevators, public buses, and school buses and in waiting rooms of medical facilities or offices, grocery stores, child care centers, and regional transportation maintenance facilities and offices only.

\*\* Restricts placement at schools only.

†† Exempts hotels and motels.

§§ Total number of state laws that have restrictions, enforcement, penalties, or signage (i.e., sign is posted indicating where smoking is prohibited).

NOTE: This table summarizes only those states that have tobacco vending machine restrictions or require signs describing youth access restrictions to be affixed to tobacco vending machines. "Restrictions on access" indicates whether there are any restrictions on youth access to these machines. States that have a "no" in this column are included on this table because they have laws requiring that signs on youth access restrictions be affixed to tobacco vending machines. "Banned from locations accessible to youth" indicates whether the law restricts the placement of vending machines to bars, cabarets, factories, businesses, offices, or any other establishment not readily accessible to minors. "Limited placement" indicates whether vending machines are banned from areas accessible to minors or are allowed in such areas only if the machines have locking devices (mechanical lock-out devices requiring tokens) or are supervised (in plain view of an employee). "Enforcement authority" indicates whether the law designates a specific agency, department, office, or governing body responsible for enforcing the law. The table also indicates the penalties to a business for first violation of the law. "Signage required" indicates whether the law requires that signs describing youth access restrictions be affixed to the vending machines.

**TABLE 3C. States with laws on retail licensing for sales of tobacco products, as of June 30, 1995**

State	Any retail license required	Retail license includes chewing tobacco or snuff	Over the counter		Vending machine		Renewal frequency	Penalties to business for violation
			License required	License fee	License required	License fee (machine operator fee/fee per machine)		
Alabama	Yes	Yes	Yes	\$2-\$15*	No	No	1 year	Fine of 15% of license fee
Alaska	Yes	No	Yes	\$25	Yes	\$25/\$0	1 year	Misdemeanor; fine up to \$2,000; license suspension or revocation
Arkansas	Yes	Yes <sup>†</sup>	Yes	\$10 (cigarettes); \$1 (tobacco)	Yes	\$50-\$100 <sup>§</sup> /\$10	1 year	Class C misdemeanor; license suspension or revocation
Connecticut	Yes	No	Yes	\$25	Yes	\$25-\$1,000 <sup>§</sup> /\$0	1 year	Fine up to \$500; license suspension or revocation
Delaware	Yes	Yes	Yes	\$5	Yes	\$0/\$3	No	License suspension or revocation
Florida	Yes	Yes	Yes <sup>¶</sup>	up to \$50	No	up to \$50**	1 year	Fine up to \$500; license suspension or revocation
Georgia	Yes	Yes (vending machine only)	Yes	No	Yes	\$0/\$1	No (over the counter); 1 year (vending machine)	Fine of \$25-\$250; license suspension or revocation
Iowa	Yes	No	Yes	\$50-\$100*	Yes	\$100/\$0	1 year	Fine of \$50; license suspension or revocation
Kansas	Yes	No	Yes	\$12	Yes	\$0/\$12	2 years	Misdemeanor; fine up to \$1,000; license suspension or revocation
Kentucky	Yes	No	No	No	Yes	\$25/\$0	1 year	Fine of \$500
Louisiana	Yes	No	No	No	Yes	No	1 year	Misdemeanor; fine of \$50-\$500; license suspension or revocation
Maryland	Yes	No	Yes	\$30	Yes	\$500/\$0 (\$200 application fee; \$30 renewal fee)	1 year	Misdemeanor; fine of \$1,000; license suspension or revocation
Massachusetts	Yes	Yes	Yes	\$5	Yes	\$100/\$5	2 years (over the counter and vending machine); 1 year (vending machine operator)	Fine up to \$50; license suspension or revocation
Michigan	Yes	Yes	No	No	Yes	\$5-\$100 <sup>§</sup> /\$0	1 year	Fine of 100% of tax due, felony with fine up to \$5,000, or both; license suspension or revocation
Montana	Yes	Yes	Yes	\$5	Yes	\$5-\$50 <sup>§</sup> /\$0	1 year	Misdemeanor; fine of \$100-\$500; license suspension or revocation
Nebraska	Yes	Yes	Yes <sup>¶</sup>	\$10-\$25*	No	\$10-\$25*/\$0	1 year	Class III misdemeanor
Nevada	Yes	No	Yes <sup>¶</sup>	No	No	No	No	Misdemeanor; license suspension or revocation
New Hampshire	Yes	Yes	Yes	\$10	Yes	\$70/\$0	2 years	Misdemeanor; fine up to \$2,000 for individuals and up to \$20,000 for corporations; license revocation

New Jersey	Yes	No	Yes	\$5	Yes	\$0/\$5	1 year	Fine up to \$250; license suspension or revocation
New York	Yes	Yes	Yes	\$100	Yes	\$0/\$25	1 year	Fine up to \$200 (over the counter); fine up to \$100 (vending machine)
North Carolina	Yes	Yes	Yes <sup>††</sup>	\$10	No	No	No	Class 1 misdemeanor
North Dakota	Yes	Yes	Yes <sup>¶</sup>	\$15	No	\$15/\$0	1 year	License suspension or revocation
Ohio	Yes	No	Yes	\$25–\$30 per site <sup>§</sup>	Yes	\$0/\$25–\$30 <sup>§</sup>	1 year	Misdemeanor; license suspension or revocation
Oklahoma	Yes	No	Yes	\$30	Yes	\$0/\$50	3 years (over the counter); 1 year (vending machine)	Fine up to \$30
Pennsylvania	Yes	No	Yes	\$25	Yes	\$25/\$0	1 year	Fine of \$250–\$1,000; license suspension or revocation
Rhode Island	Yes	No	Yes	\$25	Yes	\$100 <sup>§§</sup> /\$25	No	Fine up to \$100; license suspension or revocation
South Carolina	Yes	Yes	No	No	Yes	No	No	Fine of \$20–\$100
Texas	Yes	Yes <sup>¶¶</sup>	Yes	No	Yes	No	2 years	Fine up to \$2,000; license suspension or revocation
Utah	Yes	Yes	Yes	Not specified (set by Commission)	Yes	Not specified (set by Commission)	No	Class B misdemeanor; license suspension or revocation
Vermont	Yes	Yes	Yes	\$10	Yes	\$10/\$0	1 year	Misdemeanor; fine up to \$200; license suspension or revocation
Washington	Yes	No	Yes	\$93	Yes	\$0/\$30	Unspecified <sup>***</sup>	Misdemeanor; license suspension or revocation
Washington, DC	Yes	No	Yes	\$15	Yes	\$0/\$15	1 year	Fine up to \$1,000; license suspension or revocation
Wisconsin	Yes	Yes (over the counter only)	Yes	\$5–\$50 <sup>§</sup>	Yes	\$50/\$0	1 year	Fine of \$25–\$1,000; license revocation
<b>Total<sup>†††</sup></b>	<b>33</b>	<b>18</b>	<b>29</b>	<b>26</b>	<b>27</b>	<b>27</b>		<b>33</b>

\*Based on size of locality.

† Requires separate licenses for cigarettes and other tobacco products.

§ Based on number of sites or vending machines operated.

¶ Includes vending machines.

\*\* Only one fee required if more than one vending machine is operated under the same roof.

†† Excludes cigarettes.

§§ Only if vending machine operator has 25 or more machines.

¶¶ Retailers are allowed to sell both cigarettes and other tobacco products through a combination permit.

\*\*\* Unspecified in law; may be specified elsewhere such as state regulations.

††† Total number of state laws that have restrictions or penalties.

NOTE: This table summarizes only those states that require some form of retail licensure (either over-the-counter or vending machine). This table does not include license requirements for tobacco wholesalers or distributors. "Any retail license required" indicates whether the law requires any person owning a store that sells cigarettes at retail or operates a cigarette vending machine to obtain a license or permit. Whether an over-the-counter or vending machine license is required is also specified. Vending machine licenses may include vending machine operators who supply vending machines to more than one retail store. "Retail license includes chewing tobacco or snuff" indicates whether the license includes the sale of chewing tobacco or snuff. "License fee" indicates whether a fee is required and the amount of the fee for over-the-counter licenses, vending machine operator licenses, or licenses per vending machine. "Renewal frequency" indicates whether and how often licenses have to be renewed. The table also indicates the penalties to a business for violation of the law.

**TABLE 4. States with laws on tobacco advertising (excluding promotions), as of June 30, 1995**

State	Any restriction	Banned on state property	Restriction on public transportation	Restriction on billboards		Other restriction
				Near schools	Other	
California	Yes	Yes	No	No	No	Yes*
Illinois	Yes	No	No	No	Yes <sup>†</sup>	No
Kentucky	Yes	No	No	Yes <sup>§</sup>	No	No
Louisiana	Yes	No	No	No	No	Yes <sup>¶</sup>
Michigan**	Yes	No	No	No	Yes <sup>†</sup>	No
Oklahoma**	No	No	No	No	No	No
Pennsylvania	Yes	No	No	No	No	Yes <sup>¶</sup>
Tennessee**	No	No	No	No	No	No
Texas	Yes	No	No	Yes <sup>††</sup>	Yes <sup>††</sup>	No
Utah	Yes	No	Yes	No	Yes <sup>§§</sup>	Yes <sup>†</sup>
West Virginia	Yes	No	No	No	Yes <sup>†</sup>	No
<b>Total<sup>¶¶</sup></b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>5</b>	<b>4</b>

\*Video games.

<sup>†</sup> Advertising of smokeless tobacco must have warning labels.

<sup>§</sup> No larger than 50 square feet and not less than 500 feet away from a school.

<sup>¶</sup> Lottery tickets.

\*\*Preemptive law enacted.

<sup>††</sup> Must be further than 500 feet from a school or church.

<sup>§§</sup> Banned.

<sup>¶¶</sup> Total number of state laws including each type of provision.

NOTE: This table summarizes only those states that have legislative restrictions on advertising or preempt localities from enacting such legislation.

**TABLE 5. State tax on tobacco products and effective year of most recent tax change, as of June 30, 1995**

State	Cigarettes		Chewing tobacco and snuff	
	Tax (cents per pack)*	Effective year of most recent tax change	Tax	Effective year of most recent tax change
Alabama	16.5	1984	¾¢ per oz. (chew) ½¢ per oz. (snuff)	1984
Alaska	29	1989	25% of WSP <sup>†</sup>	1988
Arizona	58	1994	6.5¢ per oz.	1994
Arkansas	31.5	1993	23% of MSP <sup>§</sup>	1993
California	37	1994	34% of WSP <sup>¶</sup>	1989
Colorado	20	1986	20% of MLP**	1986
Connecticut	50	1994	20% of WSP	1989
Delaware	24	1991	15% of WSP	1987
Florida	33.9	1990	25% of WSP	1985
Georgia	12	1971	None	NA <sup>††</sup>
Hawaii	60	1993	40% of WSP	1965
Idaho	28	1994	40% of WSP	1994
Illinois	44	1993	20% of WSP	1993
Indiana	15.5	1987	15% of WSP	1987
Iowa	36	1991	22% of WSP	1991
Kansas	24	1985	10% of WSP	1972
Kentucky	3	1970	None	NA
Louisiana	20	1990	None	NA
Maine	37	1991	62% of WSP	1991
Maryland	36	1992	None	NA
Massachusetts	51	1993	50% of WSP	1993
Michigan	75	1994	16% of WSP	1994
Minnesota	48	1992	35% of WSP	1987
Mississippi	18	1985	15% of MLP	1985
Missouri	17	1993	10% of manufacturer's invoice price	1993
Montana	18	1993	12.5% of WSP	1993
Nebraska	34	1993	15% of purchase price	1988
Nevada	35	1989	30% of WP <sup>§§</sup>	1983
New Hampshire	25	1990	20% of WSP <sup>¶¶</sup>	1991
New Jersey	40	1990	24% of WP	1990
New Mexico	21	1993	25% of product value	1986
New York	56	1993	20% of WSP	1993
North Carolina	5	1991	2% of cost	1991
North Dakota	44	1993	28% of WPP***	1993
Ohio	24	1993	17% of WSP	1993
Oklahoma	23	1987	30% of factory list price	1985
Oregon	38	1994	35% of WSP	1986
Pennsylvania	31	1991	None	NA
Rhode Island	56	1994	20% of WSP	1992
South Carolina	7	1977	5% of MLP	1968
South Dakota	33	1995	10% of WPP	1995
Tennessee	13	1971	6% of WSP	1972
Texas	41	1990	35% of MLP	1990
Utah	26.5	1991	35% of MSP	1986
Vermont	20	1992	20% of WP	1959
Virginia	2.5	1966	None	NA
Washington	56.5	1994	75% of WSP	1993
Washington, DC	65	1993	None	NA
West Virginia	17	1978	None	NA
Wisconsin	38	1992	20% of MLP	1981
Wyoming	12	1989	None	NA

\* Twenty cigarettes per pack.

† Wholesale sales price.

§ Manufacturer's selling price.

¶ Rates determined by the State Board of Equalization.

\*\* Manufacturer's list price.

†† Not applicable.

§§ Wholesale price.

¶¶ Imposes tax at a rate proportional to the cigarette tax.

\*\*\* Wholesale purchase price

smoking in those facilities if they are regularly or routinely used for the delivery of such services to children (10). In March 1994, the U.S. Department of Defense prohibited smoking in its facilities worldwide (11). In addition, the Occupational Safety and Health Administration has proposed standards, including restrictions on exposure to ETS, for indoor air quality in the workplace (12).

Private companies also have acted to protect workers from ETS: 59% of work sites having more than 50 employees and 85% of companies having 100–749 employees have established formal policies restricting smoking in work sites (13).

The tobacco industry has successfully countered tobacco control policies by promoting preemptive state laws that prevent local jurisdictions from enacting restrictions more stringent than the state law, restrictions at variance with the state law, or related restrictions (9,14). As of June 30, 1995, 17 of the state laws on smoke-free indoor air contained preemptions (Tables 2A–2C). Preemptions diminish the protection generally afforded by stronger local regulations and discourage local control of tobacco use and exposure to ETS (9,14). Additionally, preemptions limit, at the local level, educational efforts and forums for public debate, which are important to changing attitudes about tobacco use and exposure to ETS (14).

### **Youth Access to Tobacco Products**

Despite laws in every state that prohibit the sale of tobacco products to persons under 18 years of age, most young smokers are able to purchase tobacco products. Underage buyers are able to purchase tobacco products from retail outlets approximately 73% of the time and from vending machines approximately 96% of the time (15,16). The ease with which adolescents can purchase tobacco products is documented (17–19) and underscores the need for strong enforcement of prohibitions (18,19).

In July 1992, Congress enacted Section 1926 of the Public Health Service Act (the Synar Amendment), which requires states to enact legislation restricting the sale and distribution of tobacco products to minors as a condition of receiving Federal substance abuse prevention and treatment block grant funds. Under this provision, states are also required to enforce these laws in a manner "that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18" (20).

Although the visibility and enforcement of youth access laws has increased since July 1992, many states have enacted new legislation or amended existing laws that have weakened current laws regarding youth access to tobacco products. Since July 1992, a total of 30 state legislatures have passed additional laws to prevent youth access; of these, 10 preempt more stringent laws on the local level. Further, more than one half (63%) of all state youth access laws that contain preemption provisions have been enacted since July 1992.

Local action by communities has proven to be effective in enforcing youth access legislation and reducing tobacco use among young persons (18,21). However, the tobacco industry has been equally successful in weakening local control and community involvement through state laws containing preemption provisions (9,14,18).

In August 1995, the Food and Drug Administration (FDA) proposed restricting youth access to tobacco products and reducing the advertising and promotional activities that make these products appealing to young persons. The FDA proposal would not preempt more stringent state and local restrictions (22).

Specifically, the proposed restrictions regarding youth access would establish 18 years of age as the Federal minimum age for sale and would prohibit sales of tobacco products through vending machines, free samples, mail-order sales, and self-service displays. Retailers also would be required to verify age of purchaser by means of photographic identification, and limit sales to face-to-face activity (22).

To spur individual and community action to reduce youth access to tobacco products, CDC and the Center for Substance Abuse Prevention are implementing a multi-media education program, Stop the Sale—Prevent the Addiction, that incorporates both addiction and health consequences as part of the comprehensive educational approach. The program focuses on building support for local enforcement efforts and also informs community leaders about the pervasiveness and appeal of tobacco advertising and promotions.

### **Advertising Tobacco Products**

In 1993, the tobacco industry spent more than \$6 billion for cigarette advertising and promotion, an increase of 15.4% from 1992 (23). The smokeless tobacco industry spent more than \$119 million on advertising and promotion in 1993, a 3.5% increase from 1992 (24). Tobacco advertising creates a climate that increases the social pressure on young people to use tobacco by implying that using tobacco promotes independence, adventure, and glamour (15). Such advertising diminishes awareness of the addictive nature of tobacco and its substantial health risks (15). In 1993, the three most heavily advertised brands (Marlboro, Camel, and Newport) were those most commonly purchased by adolescent smokers, which suggests that cigarette advertising influences adolescents' brand preferences (25).

Section 5(b) of the Federal Cigarette Labeling and Advertising Act (15 USC 1331-1340) states that "no requirement or prohibition based on smoking and health shall be imposed under State law with respect to the advertising or promotion of any cigarettes the packages of which are labeled in conformity with the provisions of this chapter" (26). Many states and localities have restrictions protecting their citizens, particularly children, from exposure to tobacco advertising. These laws often restrict tobacco advertising near schools and in other places where exposure to children is high. The tobacco industry has challenged the legality of such restrictions. A recent challenge was made to a Baltimore, Maryland, ban on tobacco-products billboards that are located in areas with high exposure to minors; the courts upheld the ban (*Penn Advertising of Baltimore, Inc., v. the Mayor and the City of Baltimore et al.*, 862 F. Supp. 1402 [D.Md.1994]aff'd,63F.3d 1318[4th Cir.1995]).

The Comprehensive Smokeless Tobacco Health Education Act of 1986 (15 USC 4401-4408) exempts outdoor billboard advertising of smokeless tobacco from displaying health warnings, but does not preempt state regulation of billboard ads (27). Three state laws require that health warnings be displayed on such advertisements.

The FDA proposed rule would represent a federal policy on restricting advertising and promotions directed towards young persons. The proposed rule, if adopted, would limit advertising and labeling to which children and adolescents are exposed by banning outdoor advertising within 1,000 feet of schools and playgrounds; restricting other ads to black-and-white, text-only format. Advertising that appears in magazines and other publications with a substantial youth readership (more than 15% or two million young persons) also would be in the black-and-white, text-only format, but publications read primarily by adults would not be subject to this requirement. Fur-

thermore, the proposed rule also would prohibit the distribution of non-tobacco items (e.g., t-shirts and hats) that bear tobacco brand names or imagery, and would restrict sponsorship of sporting and cultural events in the brand name of a tobacco product. In addition, manufacturers would be required to establish and maintain a national public education campaign aimed at reversing and reducing the appeal of pro-tobacco messages to young persons (22).

### **Excise Taxes on Tobacco Products**

Changes in the price of tobacco products can substantially affect how many persons use tobacco and how much they use. Price increases encourage current smokers to quit and discourage adolescents from starting, ultimately preventing millions of premature deaths and saving billions of dollars in health-care costs (15,28,29). For example, in 1989, California voters approved Proposition 99, which increased the state's cigarette excise tax by 25¢ per pack. Evidence strongly suggests that this price increase played a substantial role in the decline in per capita cigarette consumption among adults in California (30).

Local jurisdictions often have additional levies to the state and federal cigarette excise taxes. By June 1994, 450 cities, towns, and counties had levied cigarette taxes that totaled \$184 million in local revenues (31).

The average price of cigarettes was 27.9¢ per pack in 1964 and \$1.69 per pack in 1994; however, tax as a percentage of retail price was 49.8% in 1964 and 31.4% in 1994 (31). Thus, during this period, the real price of cigarettes increased mainly because of price increases by tobacco manufacturers (18). Tobacco companies are now making cigarettes more affordable by introducing generic cigarette brands and lowering prices on premium brands.

## **CONCLUSION**

As the focus of tobacco control has expanded to include community-based as well as individual-centered interventions, state initiatives have become increasingly important. Health legislation is intended to protect the public's health by establishing standards and restricting dangerous practices, but these laws also can help prevent disease and promote healthy behaviors (32). Enactment of laws affecting use, promotion, advertising, and taxation of as well as access to tobacco may influence public attitudes regarding the social desirability and acceptability of tobacco use. Thus, laws may shift social norms to be less supportive of tobacco use and therefore encourage changes in individual behavior (6,32). Policies sensitive to public attitudes also can reflect the public's changing attitudes over time.

Because tobacco use is the leading preventable cause of death in the United States, approaches that involve both educating the public regarding the hazards of use and developing tobacco-control policies are relevant. Public health policies that prevent tobacco addiction among young persons and also protect nonsmokers from exposure to ETS can play a prominent role in improving the health of the nation.

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### State and Territorial Epidemiologists and Tobacco Control Coordinators

State and Territorial Epidemiologists and Tobacco Control Coordinators are acknowledged for their contributions to *CDC Surveillance Summaries*. The epidemiologists listed below were in the positions shown as of June 1995.

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