SmokeLess Texas
A health policy coalition on tobacco issues

Media Alert

April 12, 1995

Bill Rescinding City Public Smoking Ordinances Passes House Committee

AUSTIN — The House State Affairs Committee, chaired by Curtis Seidlits (D-Sherman) passed a bill yesterday that would rescind city public smoking ordinances and prevent the passage of future ordinances.

House Bill 2973, sponsored by Rep. Seidlits, repeals the current Texas law that allows cities to exceed state law regarding public smoking issues. Under the proposed legislation, no city, county, or state authority would be able to make determinations regarding public smoking policy. House Bill 2973 would serve as the only public smoking policy and only individual employers and restaurant owners would be able to make decisions that would provide for a smoke-free environment.

SmokeLess Texas, a health policy coalition on tobacco issues, opposes this legislation. The bill sets a maximum ceiling on public health policy and rolls back the recent progress made by several
Texas cities. Cities that have passed ordinances since January of 1994 would have their ordinances rescinded. These cities include those with the strongest public smoking policies: Arlington, Austin, Plano, West Lake Hills, Wichita Falls.

Many cities and counties have smoke-free policies related to city and county buildings, and these policies would be rescinded, as no political subdivision (city, county, or state authority) may exceed state law under this legislation. The recently passed smoke-free state prison policy would also be rescinded.

Cities like Arlington and Wichita Falls that have passed strong public smoking ordinances are not the only cities affected by this legislation. Since the bill prohibits any future ordinances, it cuts off the current publicly popular trend toward smoke-free public places. All Texas cities and counties are affected as future attempts are prohibited by this bill.

Several cities, including Lubbock and El Paso, are currently in the process of working on city public smoking ordinances.

Under HB 2973, no public place may be totally smoke-free unless it is decided by an employer or person in charge of a building.

SmokeLess Texas, comprised of the American Cancer Society, Texas Medical Association, American Heart Association, Texas Academy of Family Physicians, and the American Lung Association, strongly opposes a maximum ceiling being placed on public health policy.

As written, HB 2973 will reverse years of effort toward a healthier environment. However, should the clause on "statewide uniformity" be removed and the bill become a minimum standard rather than a maximum ceiling, the coalition could support the bill.

Statewide uniformity, the reported goal of the proponents of the bill, is not achieved by HB 2973. On the contrary, rather than a city-by-city policy, the bill creates a building-by-building policy.

The House Calendars Committee will now set HB 2973 on the schedule for House floor debate.
STATE LEGISLATURE THREATENS TO ELIMINATE LOCAL AUTHORITY TO PROTECT PUBLIC HEALTH

BOISE, IDAHO, February 7, 1996 -- The House State Affairs Committee is considering a bill that would strip Idaho communities of their authority to make local tobacco control ordinances.

House Bill 563, introduced by Representative Paul Kjellander, repeals current Idaho law that permits local communities to pass local ordinances cracking down on youth access to tobacco. It makes our youth criminals if they buy tobacco products but does nothing to punish the merchant who sells cigarettes to minors. More importantly, local communities in Idaho will no longer have the ability to write ordinances that could be tailored to their specific tobacco needs.

Similar house bills were defeated in the first session of the 1995 Idaho legislature. “Elected officials need to remember that this was a bad bill in 1995, and it is still a bad bill in 1996.” stresses Selina Carver-Shaw, Deputy Executive Vice President of the American Cancer Society. “At a time when youth smoking rates in Idaho are rising, we need to take measures to crack down on illegal youth access, not encourage it.”

According to a working group of 27 State Attorneys General that studied the illegal problem of tobacco sales to children, it is “imperative” that state laws not preempt local ordinances. The working group in 1994 concluded that some of the most effective initiatives for controlling illegal sales to minors were at the local level, and noted that “...all across the country, the tobacco industry is pursuing an aggressive campaign to enact state laws that preempt local tobacco control efforts.”

In opposition to House Bill 563 are the leading health advocate groups including the American Cancer Society, the Idaho Medical and Hospital Association, the Dental Association, the
American Lung Association, and the Nurses and Respiratory Therapists Associations.

This bill is a direct attempt by the tobacco industry to take away local citizens' control over their own affairs. There is no economic need for a "uniform" law. With over 429 local ordinances reducing youth access on the books across the country, not one business has gone under as a result of a local tobacco control ordinance. Across the country, businesses continue to thrive and prosper under a variety of local tobacco control ordinances.

"The rhetoric legislators should have been hearing over the past several months is clear," stresses Carver-Shaw. "Return lawmaking power to the local level. Remove state impositions. A preemptive statewide law undermines the principle of local control that is so important to cities and counties across Idaho. It becomes a subtle form of an "unfunded mandate.""

"If the local government's ability to make an impact on teenage tobacco addiction is snuffed out, the smoking rates among our children will continue to grow, and adults will continue to die." Carver-Shaw concluded.
Tobacco and restaurant interests in Oregon have spent $1.7 million in the two years prior to this legislative session on campaign contributions and lobbying expenses. Pursuing legislation to overturn tobacco control regulation and dismantle state tobacco prevention programs is a major priority. With yesterday's passage of HB 3874 in the Oregon House, it looks like a California strategy developed by the Tobacco Institute has successfully traveled north.

A trio of bills currently moving through the Oregon legislature includes strategies identified in "California: A Multifaceted Plan to Address the Negative Environment." (Link available on www.oregonfollowthemoney.org.) HB 3953 is preemption legislation that blocks local governments from passing smoking bans and allows smoking in bars, bowling alleys, and bingo parlors. HB 3874 prohibits the use of cigarette tax money to advocate for new anti-smoking legislation. These two bills have passed the Oregon House and now go to the state Senate. HB 3542 rounds out the three bills of greatest interest to tobacco interests and their allies. HB 3542 would end statewide tobacco prevention efforts by requiring the state to send smoking prevention dollars to county governments with few strings attached.

All of these strategies were included in the California plan developed by the Tobacco Institute in 1991. The Institute's plan targeted a successful tobacco prevention and education program established by Proposition 99 that increased California tobacco taxes. In Oregon, voters passed Measure 44 in 1996, which created an equally successful tobacco prevention program here. The Oregon program has apparently drawn the attention of the tobacco industry.

The Tobacco Institute has been disbanded as a result of the settlement of the tobacco industry lawsuit brought by Attorney Generals from many states including Oregon. But the Institute's work seems to be reflected in recent calls for action for smoker's rights on the websites of Brown & Williamson and RJ Reynolds as well as legislation in Oregon. The political muscle behind these strategies can be seen in Oregon campaign contributions and spending on lobbyists.

Total contributions to current members of the Oregon legislature from tobacco interests totaled $108,300 with 94% going to Republicans and 6% to Democrats. Forty-six of Oregon's current legislators have received tobacco company money with contributions from this sector ranging from a high of $13,750 to Senate President Gene Derfler when he was elected in 1998 to a low of $100 to Representative Bill Morrisette, a Democrat from Springfield.

Contributions to 2000 Oregon candidates from tobacco companies came to $102,090 with 86% of those dollars ending up in the coffers of current legislators. Contributions to 1998 candidates were $63,940 with 79% going to winners including five of the 15 current Senators elected that year. Tobacco sector contributions in 1998 include donations from the Tobacco Institute, the group that wrote the plan in California to combat anti-smoking efforts. A more detailed breakdown of campaign contributions can be found at www.oregonfollowthemoney.

Oregon lobbying expenditures by major tobacco companies came to $145,751 in 2000 and $164,149 in 1999. Annual spending on lobbyists is reported at the end of the year so the 1999 figures are the most recent available for lobbying expenses during a legislative session. An annual breakdown
for the last four years is on www.oregonfollowthemoney for Phillip Morris, Lorillard, RJ Reynolds and Brown & Williamson as well as the Tobacco Institute, which lobbied in Oregon through 1998.

But the web of interests tied to tobacco is wider. In this era of mergers Phillip Morris now owns Kraft Foods and Miller Brewing. Contributions to current Oregon legislators from these companies totaled $40,200. Lobbying expenditures by Phillip Morris Management for Kraft and Miller during 2000 came to $48,751 while they spent $124,665 in 1999.

The Tobacco Institute's plan for California also advocates working with the restaurant industry through the formation of RSVP, Restaurants for a Sensible Voluntary Policy. There is no exact counterpart in Oregon but Phillip Morris and RJ Reynolds as well as a cigar store contributed $2,483 to the PAC of the Oregon Restaurant Association. (See who contributes to Oregon PACs at www.oregonfollowthemoney.org)

The Oregon Restaurant Association has been particularly interested in HB 3953, the bill that prohibits cities from passing their own smoking bans. For example, the Oregon Restaurant Association testified in support of this preemption legislation but no tobacco industry lobbyist appeared at the hearing. Indeed, the Restaurant Association is the only industry group that has consistently testified in support of the trio of bills that form the tobacco industry strategy.

Contributions to all 2000 candidates from the Oregon Restaurant Association came to $258,936. Total contributions to current members of the Oregon legislature, including Senators elected in 1998, from the Restaurant Association totaled $209,885 with 92% going to Republicans and 8% to Democrats. Sixty-seven of Oregon's current legislators have received money from the Restaurant Association's political committee.

Contributions ranged from a high of $13,050 to Senator John Minnis to the Oregon Restaurant Association's lowest contribution of $500 given to 13 different legislators. In addition, restaurant owners and managers gave $42,800 to Oregon candidates in 2000.

Lobbying expenditures by the Oregon Restaurant Association were $382,220 in 2000 and $395,796 in 1999.

Presumably the $1.7 million spent by tobacco and allied interests is a reflection of the much greater profits they will realize by favorable legislative outcomes. However, it is important to keep in mind the human costs of smoking and how Oregonians are affected by the legislative agenda of the tobacco sector and its allies. Tobacco contributed to 6,571 deaths in Oregon in 1998. This is the number of residents in Cottage Grove. The economic burden of tobacco is $1.5 billion in public and private costs for medical treatment and indirect costs for lost workdays and productivity.

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