



## Leading Tobacco Control News

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### American Lung Association Releases 2010 State of Tobacco Control Report

On January 20, the American Lung Association released its annual [State of Tobacco Control](#) report, which tracks progress at both the state and federal levels on key tobacco control laws and policies. The Lung Association found that while the federal government has made significant progress in implementing tobacco control policies over the past two years, most states are failing to pass proven policies to protect their citizens from the dangers of tobacco use. For more information on the report, and to see the state and federal government's grades, go to [www.stateoftobaccocontrol.org](http://www.stateoftobaccocontrol.org).

### NY Attorney General Sues Online Tobacco Sites

Earlier this month, New York State's Attorney General, Eric Schneiderman, filed lawsuits against six website operators for illegally selling tobacco products over the Internet. New York is one of a handful of states that prohibits the online sale of tobacco products to consumers (Connecticut, Maryland, Ohio, Vermont, and Washington are some of the others). Attorney General Schneiderman contends that the websites have lax standards regarding age verification, making it easier for minors to purchase cigarettes online. Internet tobacco sales are also responsible for a significant loss in state revenue because the websites do not collect sales tax. [» Read More](#)

(Source: Frank Eltman, NY's Attorney General Sues Online Tobacco Sites, Associated Press, February 3, 2011.).

### Federal Regulators Will Formally Prohibit E-Cigarettes on Airplanes

U.S. Secretary of Transportation, Ray LaHood, recently announced that the Department of Transportation plans to issue a formal prohibition on the use of e-cigarettes on airplanes later this spring. Senator Frank Lautenberg (D-NJ), the author of the original legislation that prohibited smoking on planes in 1987, asked the department to clarify smoking regulations, to ensure that passengers understand that the no-smoking rules include e-cigarettes. [» Read More](#)

(Source: Roger Yu, Federal Regulators to Formally Ban E-Cigarette Use on Planes, USA Today, February 11, 2011.)

Public Health Groups Condemn Tobacco Companies for Trying to Delay and Weaken Penalties for Violating Racketeering Laws

Branded as racketeers in the 2006 decision by U.S. District Judge Gladys Kessler in the Department of Justice lawsuit against the major tobacco companies, it appears the companies are still up to their old tricks. As part of the decision, the companies were required to make corrective statements about the health harms of smoking and secondhand smoke and their deceptive practices through newspaper and television advertising and other ways that tobacco products are marketed. The federal government has been determining the most effective statements, and was supposed to submit them to the court in February. However, the tobacco companies are attempting to block the public release of these proposed statements, in attempts to weaken and delay penalties against them, and continue to deceive the public. The American Lung Association and other public health groups, as parties to the lawsuit, have taken action

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For more information on tobacco taxes in your state, go to: <http://slati.lungusa.org>, click on a state and then the "Tobacco Excise Tax" link.

If you have questions or

in strong opposition to this tobacco company deception, and to ensure the public knows the truth. [» Read More](#)

(Source: American Lung Association press release, Public Health Groups Condemn Tobacco Companies for trying to Delay and Weaken Penalties for Violating Racketeering Laws, February 7, 2011.)

[News on Smokefree Air Laws/Ordinances](#)

**New York, NY**

On February 22, New York City Mayor Michael Bloomberg signed into law smoke-free legislation which extends the city's current smoking restrictions to public parks and beaches, and even pedestrian plazas such as Times Square. The bill goes into effect 90 days from the date of signing, and will be enforced by the beginning of summer. The legislation was widely supported by health and environmental advocates, including the American Lung Association in New York. While several states and other cities, such as Los Angeles and Chicago, have instituted similar laws for public parks, this bill represents one of the broadest laws for a major city. [» Read More](#)

(Source: NY Mayor signs parks, beaches smoking ban into law, Associated Press, February 23, 2011.)

**Texas**

A recent poll conducted by the Smoke-free Coalition of Texas showed that a large majority (70 percent) of Texans would agree to support a statewide law prohibiting smoking in virtually all public places and workplaces. Support for smoke-free legislation runs equally strong across party lines, with Republicans (67 percent), independents (69 percent), and Democrats (74 percent) all in favor, while earning majority support among tea party voters (54 percent) as well. Following the release of the results, Texas state legislators introduced legislation on February 1 to protect all Texans from exposure to secondhand smoke. If Texas passes the bill, it would become the 28th state in the U.S. to enact comprehensive smokefree legislation. [» Read More](#)

(Source: Dave Montgomery, Legislators say 70% of Texans Favor Smoking Ban, Star Telegram, February 1, 2011.)

**Indiana**

On January 31, the Indiana State House of Representatives approved a law prohibiting smoking in many public places and workplaces. However, it leaves workers in bars, casinos and private clubs unprotected, and in its current form is opposed by members of the Indiana Campaign for Smokefree Air coalition, including the American Lung Association in Indiana. The legislation heads to the state Senate next. [» Read More](#)

(Source: Mary Beth Schneider, Smoking Ban Clears House, The Indianapolis Star, February 1, 2011.)

**Mississippi**

On February 9, the Mississippi State Senate approved legislation to prohibit smoking in all government buildings and government-owned vehicles. The original measure would have prohibited smoking in virtually all public places and workplaces in Mississippi, but was watered down in a Senate Committee. The bill now moves to the Mississippi House of Representatives, where the hope is to strengthen it back to the original proposal. [» Read More](#)

(Source: Elizabeth Crisp, MS Senate OKs Stripped-down Smoking Ban Bill, The Clarion-Ledger, February 9, 2011.)

**Kentucky**

Public health advocates and citizens activists recently staged a rally at Kentucky's state capitol to push for passage of legislation to prohibit smoking in all indoor public places and workplaces statewide. A number of counties and cities in Kentucky have passed local smoke-free laws, but there are currently very few statewide restrictions on smoking. [» Read More](#)

(Source: Brie Cadman, Advocates Hold Rally to Push for Smoke-Free KY, Change.org, February 9, 2011.)

**California**

On February 17, State Sen. Mark DeSaulnier, introduced legislation which would close loopholes in the state's current law prohibiting smoking in public places and workplaces. There are many exemptions in the law, as it stands now, that fail to protect workers from exposure to toxic secondhand smoke in some workplaces, including hotel/motel lobby and meeting and banquet rooms, tobacco shops, warehouses, breakrooms, businesses with five or fewer employees and other specified locations. The proposed legislation would prohibit smoking in those workplaces. A similar version of this

comments about the content in this e-newsletter, or have questions on tobacco control policy issues, please contact Thomas Carr, Director, National Policy, American Lung Association National Office, Washington, DC, at [tcarr@lungusa.org](mailto:tcarr@lungusa.org).



legislation was approved by the legislature several years ago, but was vetoed by then Governor Schwarzenegger. [» Read More](#)

(Source: Concord Senator Mark DeSaulnier Introduces Smoke-Free Workplace Bill, San Francisco Chronicle, February 18, 2011.)

News on Cigarette Tax Increases

Vermont

In response to planned budget cuts for tobacco prevention and cessation programs, public health groups are pushing Vermont legislators to increase Vermont's cigarette tax by \$1.00 per pack. This would bring Vermont's cigarette tax to \$3.24 per pack, one of the highest in the nation. Supporters of the tax increase, including the American Lung Association in Vermont, say the move will generate substantial revenue and public health benefits for the state. [» Read More](#)

(Source: John Curran, VT Anti-Tobacco Lobby Wants \$1-a-pack Tax Hike, Associated Press, February 2, 2011.)

West Virginia

On February 22, the House Health and Human Resources Committee approved, on a 13-10 vote, legislation that would increase West Virginia's cigarette tax by \$1.00 to \$1.55 per pack. The bill now moves to the House Finance Committee. A portion of the revenue would be used for tobacco prevention and education programs. West Virginia currently has one of the lower cigarette tax rates (\$0.55) in the nation, and the highest adult smoking rate (26.5 percent). A similar bill increasing the cigarette tax by a \$1.00 was approved by the Senate Health and Human Resources on February 17 and is now before the Senate Finance Committee. [» Read More](#)

(Source: Walt Williams, W. Va. House Committee Approves Tobacco Tax Hike, wvnstv.com, February 22, 2011; and Lawrence Messina, WV Tobacco Tax Hike wins Senate Panel Approval, Associated Press, February 18, 2011.)

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