

Policy and Legislation to Reduce Tobacco Use and Tobacco-Related Disease in Maryland

Kathleen Hoke Dachille
University of Maryland School of Law
Center for Tobacco Regulation
500 West Baltimore Street
Baltimore, Maryland 21201
(410)706-1294 phone; (410)706-1128 facsimile
kdachille@law.umaryland.edu

Legislation and Policy

- Clean Indoor Air Laws
- Youth Issues
 - Access to tobacco;
 - Exposure to ads/use
 - Foster Care
 - Movies
 - Kool Mixx
 - Penalties for possession.
- Insurance Coverage
- Smokefree Housing
- Sundry

Clean Indoor Air Laws

Purpose/Effect

Laws prohibiting smoking in workplaces and public places:

- ***Reduce tobacco consumption*** by decreasing users and quantity used;
- ***Reduce exposure to secondhand smoke*** in virtually all demographics—health improvements often immediate (*i.e.* rate of heart attack);
- ***De-normalize smoking*** from a child's perspective.

Clean Indoor Air Laws

Current State Law

- Regulations promulgated in 1994:
 - Covers *all* workplaces;
 - Enforced (or not) by the Maryland Occupational Safety and Health Administration on employee complaint only.
- Statute carved out exceptions in 1995, most notably for bars and bar areas of restaurants, before regulations went into effect.

Clean Indoor Air Laws

Local Efforts

- Montgomery County comprehensive ban went into effect in 2003.
- Talbot County comprehensive ban passed in 2004.
- Prince George's County comprehensive ban passed in 2005.
- Howard County became “comprehensive” in 2006 (with some grandfathered businesses joining in 2007).
- Baltimore City comprehensive ban bill heard October 2006; to be voted on in early 2007.
- Charles County restaurant ban passed in 2006; may consider including bars soon.

Clean Indoor Air Laws

Statewide Efforts

Comprehensive statewide ban on smoking in public places and workplaces, to be enforced by MOSH and DHMH, considered by General Assembly for past several years:

- 2005 (HB 428/SB 332): Failed HGO (11-12); Failed Finance (5-5; Middleton abstained)
- 2006 (HB 375/SB 298): Failed HGO (11-11; one excused; Chairman abstained); No vote in Finance.

Clean Indoor Air Statewide Efforts

Why does CIA fail in Maryland?

- Strong opposition from powerful restaurant lobby;
- Strong opposition from licensed beverage groups;
- Lack of “constant chatter” from overwhelming majority of voters who support CIA (though plenty from advocates);
- Argument that it is a local issue.

Clean Indoor Air Laws

Statewide Efforts

Unique Challenges of 2007:

- Loss of Senate sponsor;
- Reshaping of General Assembly and committees;
- Lack of support from Governor (regardless of outcome of election).

Clean Indoor Air Laws

Statewide Efforts

Positive Signs for 2007:

- “Fresh” Senate leadership and new support in House;
- 2006 Surgeon General Report;
- Strong advocacy network;
- Addition of Prince George’s and Howard Counties’ comprehensive bans.

Clean Indoor Air Laws Statewide Efforts

WANT TO HELP?

Contact SmokeFree Maryland

www.smokefreemd.org

Contact your legislators

www.mlis.state.md.us

Attend committee gathering hosted by Center at
University of Maryland School of Law,

November 17 or 18; 9 a.m. to 3 p.m.

Contact Bonita Pennino for details:

Bonita.Pennino@cancer.org

Youth and Tobacco Access

- Access at retailer level varies throughout state; lowest where comprehensive enforcement program in place (*i.e.* Montgomery);
- No State program; active programs in:
 - Montgomery
 - Prince George's
 - Howard
 - Baltimore City
 - Carroll
 - Kent
 - Anne Arundel
 - Talbot
 - Frederick

Youth and Tobacco Access

Counties considering youth access enforcement programs should ensure:

- Comprehensive and consistent program;
- Effective penalties; and
- Coordination with Comptroller;
- Coordination with Attorney General.

Youth and Tobacco Access

After 2004 and 2005 failed efforts to secure statewide legislation setting parameters:
Comptroller agreed in summer 2005 to take suspension referrals for chronic violators;
Active counties have made and continue to make referrals;
Licenses have been suspended.

Youth and Tobacco Access

Attorney General has entered into AVCs with major oil companies and chain retailers (*i.e.* Walgreens, CVS) to require adoption of policies and practices to reduce youth access.

www.oag.state.md.us/Tobacco/index.htm

Attorney General has entered into agreement with Reynolds to stop selling flavored cigarettes.

www.oag.state.md.us/tobacco/flavored.pdf

Youth and Tobacco

Youth Penalties for Possession/Use

- State legislators have raised concerns about lack of real penalties for minors;
- Public health advocates have suggested using the “system” to identify youth in need of cessation;
- Failed legislative efforts to rework youth penalties;
- Center researching efficacy of various proposals with goal of *reduction in youth use* not increasing penalties for sake of penalties.

Youth and Tobacco

Exposure to Secondhand Smoke

HB 1353 (2006)(Del. Cardin):

Require Department of Human Resources,
Social Services Administration to
promulgate regulations designed to protect
foster children from exposure to
secondhand smoke when in placement;

Failed in House Judiciary Committee;

Opened door to discussion with agency to
take action.

Youth and Tobacco

Secondhand Smoke Exposure

Center publication:

*“Secondhand Smoke and the Family Courts:
The Role of Smoke Exposure in Custody
and Visitation Decisions”*

***[www.wmitchell.edu/tobaccolaw/resources/
family%20law.pdf](http://www.wmitchell.edu/tobaccolaw/resources/family%20law.pdf)***

Plan to educate judges hearing and lawyers handling custody and visitation cases.

Youth and Tobacco

Kool Mixx

Maryland AG led efforts that forced Reynolds to abandon the Kool Mixx campaign:

- ✓ Targeted youth in violation of MSA;
- ✓ Targeted African American community;
- ✓ Reynolds agreed to pay \$1.46 million for youth prevention.

www.oag.state.md.us/Tobacco/KoolMixxSettlement.pdf

Youth and Tobacco

Smoking in the Movies

Maryland AG led efforts to convince movie production companies to:

- ✓ Curtail depiction of smoking in movies, especially those targeted to minors;
- ✓ Carry anti-smoking PSAs before movies that depict smoking, even on DVD versions.

www.oag.state.md.us/Tobacco/Fox_Filmed_Entertainment_9_5_06.pdf

www.oag.state.md.us/Tobacco/PSA_letter_Paramount.pdf

Smokefree Housing Multiunit Dwellings

- Center member of International Smokefree Housing Task Force;
- Planning to launch website and brochures to:
 - Educate landlords on “right” to go smokefree;
 - Empower tenants to demand smokefree housing;
 - Work slowly but methodically to change culture on accommodation of smoker to detriment of non-smoker.

***For an example of our planned efforts, see
www.mismokefreeapartment.org.***

Sundry

- **Insurance Coverage for Cessation Medications**--HB 303 (2005);
- **Internet Sales Ban**—SB 846 (2005);
- **CRF Diversion Fights**—annual fight!;
- **Fire Safe Cigarettes** (so not at all about prevention or cessation but indulge me).

The End

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