

Tobacco Control Tribune :: April 2011

[View in a web browser](#)[Add American Lung Association to Your Address Book](#)**Leading Tobacco Control News**[Print](#) | [Email Us](#)**CDC Article Illustrates Decade of Progress in Passing Smokefree Workplace Laws**

An article released in the April 22 edition of the Centers for Disease Control and Prevention (CDC)'s Morbidity and Mortality Report (MMWR) shows the amazing progress that has been made from 2000 to 2010 in protecting people from secondhand smoke in workplaces, restaurants and bars. In a separate release, the American Lung Association noted that 27 states had met its [Smokefree Air Challenge](#) as of the end of 2010, while only one state met the Challenge in 2000. The CDC article also predicted that all 50 states and the District of Columbia could have a comprehensive smokefree law in place by 2020 if current trends continue. However, this will be an uphill battle given that passage of comprehensive smokefree laws at the state level has slowed substantially over the past few years, and strong smoking laws in some states—such as Illinois, Minnesota, Nevada and Ohio—could possibly be weakened.

(Source: CDC, [State Smoke-Free Laws for Worksites, Restaurants and Bars—United States 2000–2010](#), MMWR, April 22, 2011; 60(15): 472–475; and Press Release: [American Lung Association Reflects on Progress of Smokefree Air Laws at the State Level](#), American Lung Association, April 22, 2011.)

U.S. Food and Drug Administration Plans to Regulate E-Cigarettes as Tobacco Products

On April 25, the U.S. Food and Drug Administration announced the federal government would not appeal to the U.S. Supreme Court a decision by the U.S. Court of Appeals for the District of Columbia that prohibits the FDA from regulating electronic or e-cigarettes as drug-delivery devices except when used for therapeutic purposes. Instead, FDA announced that they are planning to assert jurisdiction over and regulate e-cigarettes as tobacco products as suggested under the appeals court decision. It is unclear how long it will be before actual FDA regulations are put into place and finalized.

(Source: U.S. Food and Drug Administration, [Letter to Stakeholders: Regulation of E-Cigarettes and Other Tobacco Products](#), April 25, 2011.)

Nearly 20 Percent of Lung Cancer Patients Keep Smoking

A recent study sponsored by the U.S. National Cancer Institute and published in the journal *Cancer Epidemiology, Biomarkers & Prevention* found that nearly 20 percent of lung cancer patients, and their family caretakers, continue to smoke even after the diagnosis. Dr. Norman H. Edelman, chief medical officer of the American Lung Association, detailed the health consequences and complications associated with continued smoking, including COPD and interference with potential chemotherapy treatments. The research also spoke to the need for more support and resource programs, for family members as well as patients.

(Source: John Leighty, [Nearly 20% of Lung Cancer Patients Keep Smoking](#), US News and World Report, April 8, 2011.)

Indiana Tobacco Prevention and Cessation Agency Dismantled Under Proposed Senate Budget

On April 21, the state Senate approved a two-year budget for fiscal year 2012 and 2013; tucked in at the last minute was a large funding cut to tobacco prevention and cessation programs. Even worse is a proposal to move Indiana's successful and independent Tobacco Prevention Agency, which is solely focused on preventing and reducing tobacco use, into the state health department. The overall budget bill now moves to conference committee with the state House of Representatives. The legislature is scheduled to

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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.

adjourn April 29, leaving little time to reverse this decision made behind closed doors without public comment or input.

(Source: Maureen Hayden, [Anti-Tobacco Group Fights for Funds](#), Terre Haute Tribune-Star, April 23, 2011.)

White House Begins Effort to Curb Tobacco Use among Military Families

On April 12, the Obama Administration introduced a new initiative, *Joining Forces*, to help support military families and improve the health of active-duty personnel, their families and veterans. The American Lung Association, in conjunction with several other leading public health organizations, will be working with the White House in efforts to reduce tobacco use among military personnel and their families. The wellness component of the White House initiative specifically includes both preventing tobacco use and helping current smokers quit, which are both key to reducing the debilitating disease and death caused by tobacco and preventing the children of military personnel from starting to smoke.

(Source: Press Release: [President Obama, Vice President Biden, First Lady Michelle Obama and Dr. Jill Biden Launch National "Joining Forces" Initiative to Support America's Military Families](#), White House, April 12, 2011.)

Smokefree Casinos Preferred by Most New Englanders

In a recent public opinion survey released April 16 conducted by the Center for Policy Analysis at the University of Massachusetts Dartmouth, half of the residents in six New England states who participated in some form of gambling in the past year say they are more likely to visit a casino where smoking is prohibited on the gaming floor. Only 15 percent say they would be less likely to visit a casino where smoking is prohibited, while 35 percent say it doesn't matter. Among respondents who had actually visited a casino in the past year, 53 percent said they are more likely to visit a casino that prohibits smoking. Among women, who constitute a majority of slot-machine players at New England casinos, 57 percent prefer a smoke-free gaming floor, the survey found.

(Source: Survey: Brian Hallenback, [Smokefree Casinos Preferred by Most New Englanders](#), The Day, April 16, 2011.)

News on Smokefree Air Laws/Ordinances

Texas

Statewide legislation to prohibit smoking in virtually all public places and workplaces in Texas has been moving through the Texas state legislature in April, and lawmakers are expected to vote on the bill in the state House of Representatives in early May, according to media reports. A similar version of the bill in the state Senate has passed out of committee, and is waiting to be sent to the Senate floor. The proposed legislation has received strong support from the general public, public health advocates (including the American Lung Association in Texas) and politicians throughout the state. If the legislation passes and is signed into law, Texas' would be the 28th state to meet the American Lung Association's [Smokefree Air Challenge](#).

(Source: Kristen Guilfoos, [Smoking ban expected to pass this year](#), Amarillo News, April 8, 2011.)

Missouri—local ordinance initiatives

In a special election on April 5, residents of four Missouri cities (O'Fallon, Springfield, Cape Girardeau, and Webb City) voted on smokefree ballot initiatives to prohibit smoking in almost all public places and workplaces. Out of the four cities, three initiatives were successful—O'Fallon (73% majority), Springfield (53%) and Webb City (57%). Both the Springfield and O'Fallon ordinances will go into effect in 60 days although the O'Fallon law could possibly be suspended if opponents are successful in putting a new initiative to amend the law on the ballot. Webb City's non-binding straw poll supporting smokefree air went to a vote of the city council, but the city council decided to ignore the will of the voters. The American Lung Association in Missouri was actively involved in seeking to pass these initiatives.

(Source: [Group Wants Second Vote on Smoking Ban in O'Fallon, Mo.](#), Mark Schlinkmann, St. Louis Post Dispatch, April 22, 2011 & information from American Lung Association in Missouri staff.)

Bismarck, ND

In a special referendum election on April 19, Bismarck residents voted overwhelmingly to prohibit smoking in all bars, truck stops and tobacco shops in the city. Voters also struck down a proposal that would have allowed smoking huts for bar patrons who wanted to smoke outside. Kimberlee Schneider, spokeswoman for the Smoke Free Bismarck effort and the American Lung Association in North Dakota, credited local volunteers and grassroots efforts with the success of the ordinance. The new ordinance is expected to take effect before the end of April.

(Source: Leann Eckroth, [Bismarck voters approve smoking ban but no smoke huts](#), Bismarck Tribune, April 19, 2011.)

If you have questions or 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.

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Ohio

Facing massive state budget cuts, public health and smokefree advocates, including the American Lung Association in Ohio, are concerned that the state will no longer have sufficient funds to enforce the statewide smokefree law. Over the last several years, Ohio has used money from the state's tobacco settlement fund to provide local health departments with the necessary resources to implement and enforce the law. However, in Governor John Kasich's proposed budget, all state tobacco-prevention funds will be eliminated by fiscal year 2013. Ohio's Department of Health and local public health departments are exploring ways to maintain this essential funding.

(Source: Tom Brockman, [State Anti-Smoking Funds Soon May Be Cut](#), NBC 4i, April 18, 2011.)

News on Cigarette Tax Increases**Louisiana**

A group of Louisiana lawmakers have introduced legislation in Louisiana's just started 2011 legislative session to raise the state's cigarette tax by 70 cents to \$1.06 per pack. The state's current tax, 36 cents, is the third lowest in the country. Louisiana also has some of the highest rates of chronic diseases, including lung cancer and heart disease, both of which can be caused by smoking. The proposed legislation faces stiff opposition from Gov. Bobby Jindal, who has already said he will veto the bill if it makes it to his desk, and is also opposing renewal of four cents of the current cigarette tax that is scheduled to expire July 1, 2012, which would reduce the tax to 32 cents per pack.

(Source: Jan Moller, [Gov Bobby Jindal Opposes Renewal of 4-Cent Portion of Louisiana Cigarette Tax](#), New Orleans Times-Picayune, April 21, 2011.)

Vermont

On April 22, the state Senate approved a 53-cent hike in the state cigarette tax, a day after rejecting a \$1.00 increase. Gov. Peter Shumlin was a major opponent of the \$1.00 increase, which would have a much larger affect on youth and adult smoking rates. The state House of Representatives approved an even less effective 27-cent increase previously, so the final amount will be negotiated between the two houses in conference committee. The Coalition for a Tobacco-Free Vermont, which includes the American Lung Association in Vermont, was disappointed in the increase in the cigarette tax was not at a higher level.

(Source: [Vt Senate Compromises, Agrees to 53 Cent Per-Pack Tax Hike on Cigarettes](#), Associated Press, April 22, 2011.)

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