MOVING FORWARD WHEN TOBACCO PREEMPTION IS IN EFECT

TCN and PHLC Tobacco Preemption Virtual Series

July 25, 2019

Webinar Logistics

- This webinar is being recorded
- Full webinar materials will be made available via email and will be posted on the TCN and PHLC websites
- Submit discussion questions for today's speakers through the Zoom chat feature

PUBLIC HEALTH LAW CENTER
at Mitchell Hamline School of Law

25TH TOBACCO CONTROL NETWORK ANNIVERSARY

Today's Agenda

- Background on from the Public Health Law Center
- State Preemption Case Study: North Carolina
- State Preemption Case Study: Oklahoma
- Moderated Q&A

TCN Mission

To improve the public's health by providing education and state-based expertise for tobacco prevention and control at the state/territory and national levels.

PUBLIC HEALTH LAW CENTER
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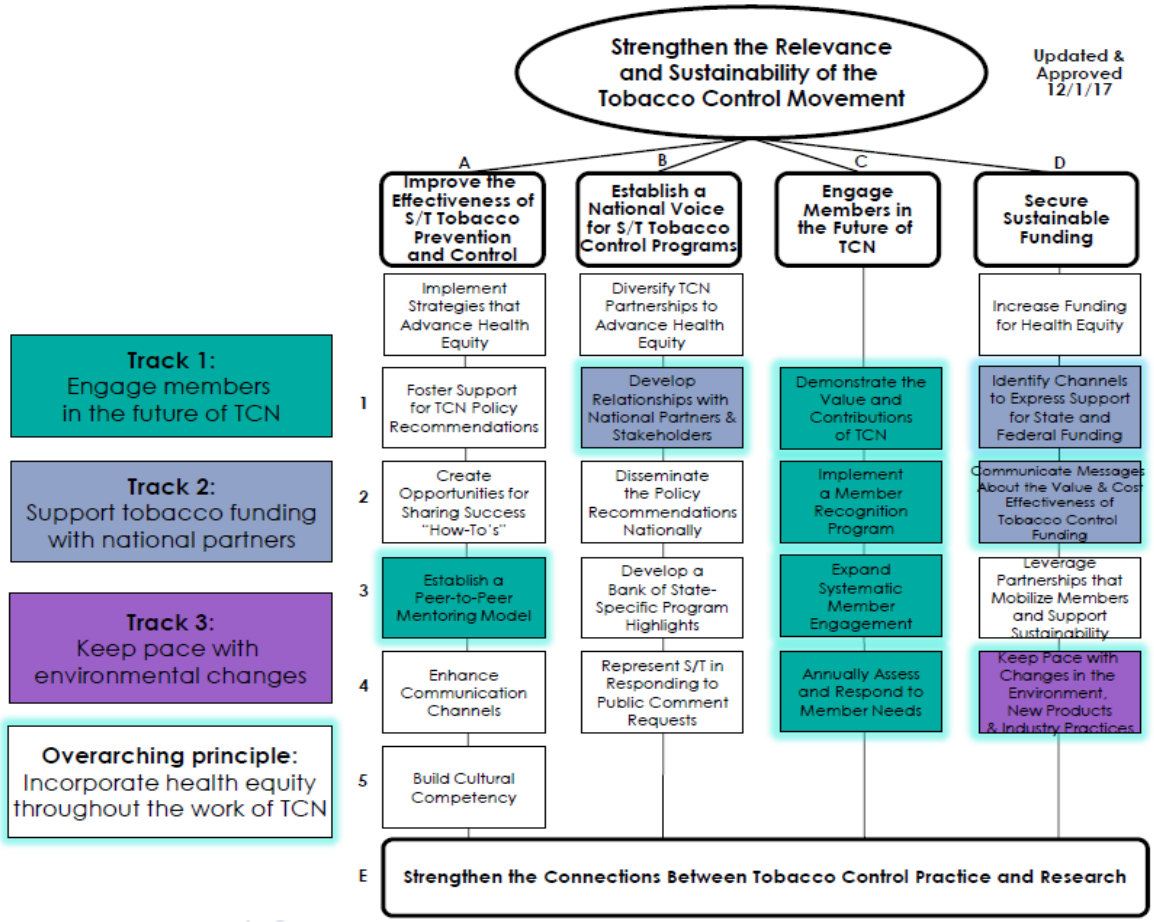
25TH TOBACCO CONTROL NETWORK ANNIVERSARY

TCN 2016-19 Strategic Map



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25TH TOBACCO CONTROL NETWORK ANNIVERSARY

PREEMPTION: THE WORK CONTINUES

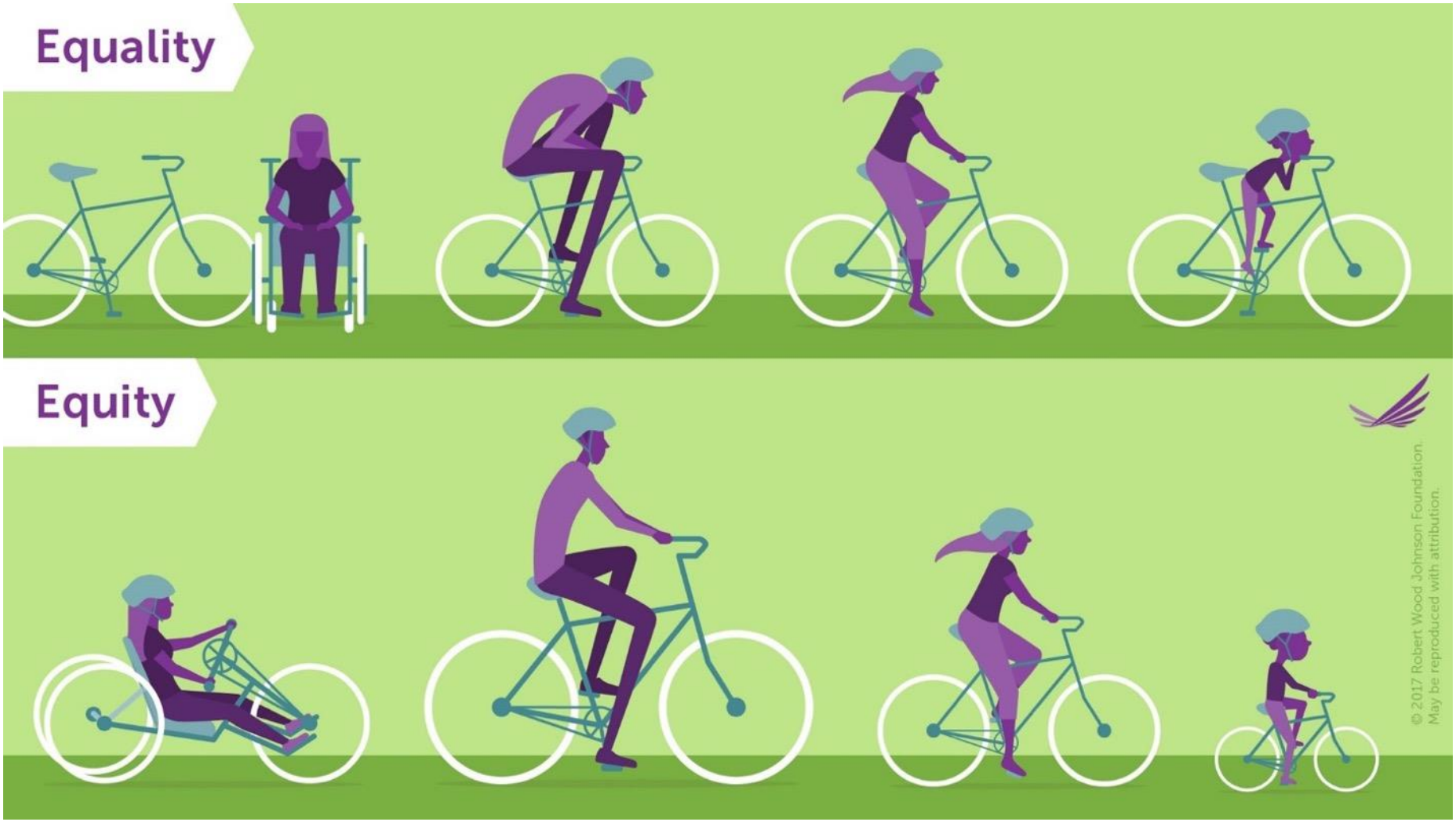
THE PUBLIC HEALTH LAW CENTER

WHY DO WE CARE?
A QUICK RECAP

"[A]ll public health is local – it's got to start and be sustained at the local level." *Howard Koh, Asst. Secretary for HHS*

"While we're not married to any particular form of pre-emption language, we're dead serious about achieving pre-emption in all 50 states." *Tina Walls, Philip Morris*

Source: grassrootschange.net


Equality
Equity
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REPEAL IS IDEAL
BUT NOT ALWAYS POSSIBLE

DON’T LEAVE IT TO CHANCE
ANTI-PREEMPTION LANGUAGE

Nothing in this statute shall be construed to limit a local jurisdiction from regulating tobacco products.

WHERE THERE IS PREEMPTION LITIGATION WILL FOLLOW

U.S. OIL V. CITY OF FOND DU LAC

City Ordinance:

Self-service display.

State Preemption:

Cigarette taxes.

Purchase by minors.

Sales to minors.

EVEN VICTORIES HAVE A COST

FOOTHILLS BREWING CONCERN, INC. V. CITY OF GREENVILLE

City Ordinance:

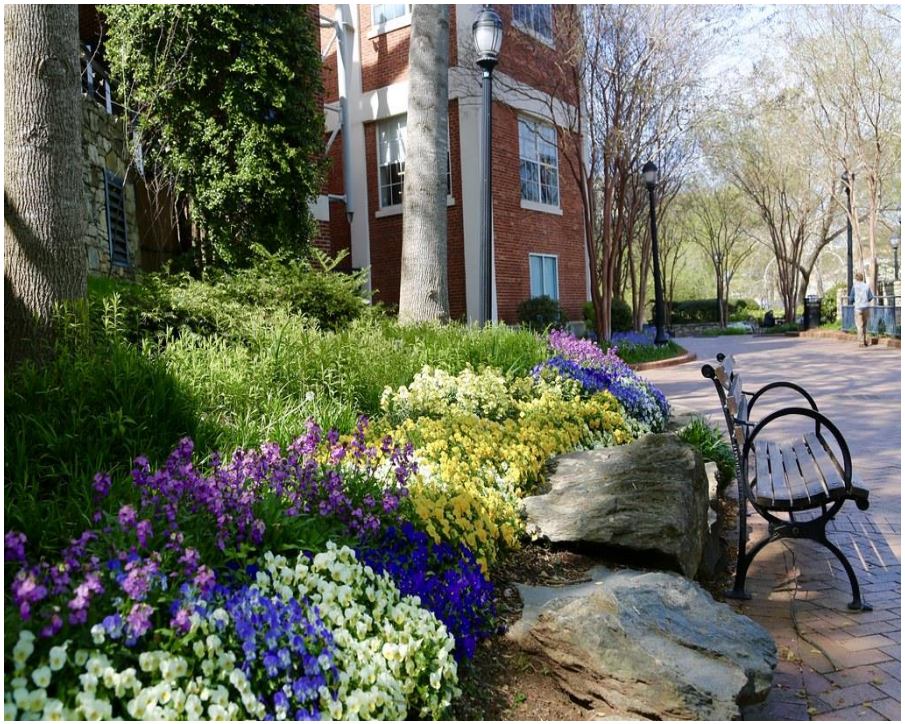
Amended smoke-free law.

State Preemption:

Youth access section of state code says:

"Any laws, ordinances, or rules enacted pertaining to tobacco products [or alternative nicotine products] may not supersede state law or regulation."

S.C. Code Ann. § 16-17-504(A)



MORE POSITIVE NEWS
SIGNIFICANT COSTS REMAIN

TOPEKA
TOBACCO 21 LITIGATION

- "…[A] municipality has the right to legislate…local police powers even though there are state laws on the subject uniformly applicable to all municipalities." *Blevins v. Hiebert,* 247 Kan. 1 (1990).
- "…[W]here an ordinance and the statute are prohibitory and the only difference is that the ordinance goes further in its prohibition…there is no conflict." *Junction City v. Lee,* 216 Kan. 495 (1975).
- Supreme Court decision June 28, 2019.

DON'T FORGET TO LOOK FOR…

- "Preemption"
- "Supersede"
- "Shall be consistent" with state law
- "Uniform" state standard
- "Exclusive"
- "Occupy the field"

AND look EVERYWHERE!

KNOW YOUR RESOURCES
WHO CAN HELP?

PUBLIC HEALTH LAW CENTER
Tobacco Control Legal Consortium

PREEMPTION

April 2018

UNTANGLING THE PREEMPTION DOCTRINE IN TOBACCO CONTROL

What is Preemption?

Preemption refers to the legal doctrine that establishes a general framework through which the laws of different levels of government interact. Due to the hierarchical structure of government, the laws of lower government units have to yield to higher government laws when there is conflict.[1] Thus, federal laws can preempt conflicting state law,[2] and likewise, state law can preempt the laws of lower state political subdivisions, such as counties, cities, and towns. When a law is preempted, it is invalid and has no effect. In a local tobacco control context, preemption removes decision-making authority from local governments and centralizes it in the federal and state governments.

Preemption may be express or implied. Express preemption refers to those instances in which a legislature has explicitly indicated its intention to preempt certain types of laws made by lower government units.[3] The Federal Cigarette Labeling and Advertising Act (FCLAA), for example, contains a provision expressly preempting state governments from regulating cigarette advertising.[4]

Implied preemption, on the other hand, arises when the legislature's intent is implicitly contained in a legislation's structure and purpose.[5] Courts have generally recognized two types of implied preemption: (i) field preemption, where a law so thoroughly occupies a legislative field that it would be reasonable to infer that the legislature left no room for the lower government to supple-

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Preemption

a cautionary tale and

Lessons Learned

Sally Herndon, MPH

North Carolina Tobacco Prevention and Control Branch

North Carolina's **"Dirty Air Law"**

In 1993, the NC General Assembly passed H957, which stated that 20% of space of government buildings should be set aside for smoking, as was *practicable*, and that local governments could not pass anything stronger.

Strategy

Make progress where you can…

Without closing doors on future progress.

20 years of Chipping Away at Preemption: Smoke-free Regulations in NC

- Preemptive legislation in 1993: “the dirty air law”
- Floor of House of Representatives goes smoke-free, 2003
- Floor of Senate goes smoke-free, 2005
- Entire General Assembly goes smoke-free, 2006
- State Government Buildings and Vehicles go smoke-free; local government authority expanded to government buildings and vehicles, 2007
- Smoke-free Restaurants and Bar Law, 2009
    - local government authority under G.S.130A-498 further expanded to government grounds and enclosed public places
- Legislator challenges local authority to ban smoking on government grounds and fails to win support, 2013

Chipping Away: Smoking Restrictions in Other Government Workplaces in North Carolina

Long-term Care Facilities
State law prohibits smoking in all long-term care facilities; including nursing homes, adult care homes, and rest homes. The law authorizes DHHS to impose fines upon facilities that fail to implement and enforce the prohibition.

The law also requires home care agencies to prohibit their employees from smoking in a patient's home.

Prisons
State law prohibits any person from using tobacco products inside or on the grounds of a state correctional facility. There may be an exception for authorized religious purposes.

UNC University System
State law authorizes the sixteen campuses of the UNC system to prohibit smoking on their grounds--within 100 linear feet of a building:
UNC and ECU Medical Care Facilities authorized to prohibit smoking on all grounds.

Community Colleges,
Community Colleges may prohibit smoking and all tobacco product use in their buildings and on their grounds.

Public Schools K-12
State law requires local boards of education to adopt policies prohibiting the use of tobacco at all times:

- In school buildings,
- In school facilities,
- On school campuses,
- In or on any other property owned by the local school administrative unit, and
- At school-sponsored events at other locations when in the presence of students or school personnel.

Chipping Away:

NC Legislative Champions wrote these express anti-preemption clauses

North Carolina Tobacco Free Schools law:

- Nothing in this section, G.S. 143-595 through G.S. 143-601, or any other section prohibits a local board of education from adopting and enforcing a more restrictive policy on the use of tobacco in school buildings, in school facilities, on school campuses, or at school-related or school-sponsored events, and in or on other school property.“

NC law that gives clear authority for Tobacco Free Community Colleges:

- Nothing in G.S. 130A-498, G.S. 143-595 through G.S. 143-601, or any other section prohibits a local community college board of trustees from adopting and enforcing a more restrictive policy on the use of tobacco in community college buildings, in community college facilities, on community college campuses, or at community college-related or community college-sponsored events, and in or on other community college property."

NC Alliance for Health:

A Strategic Coalition

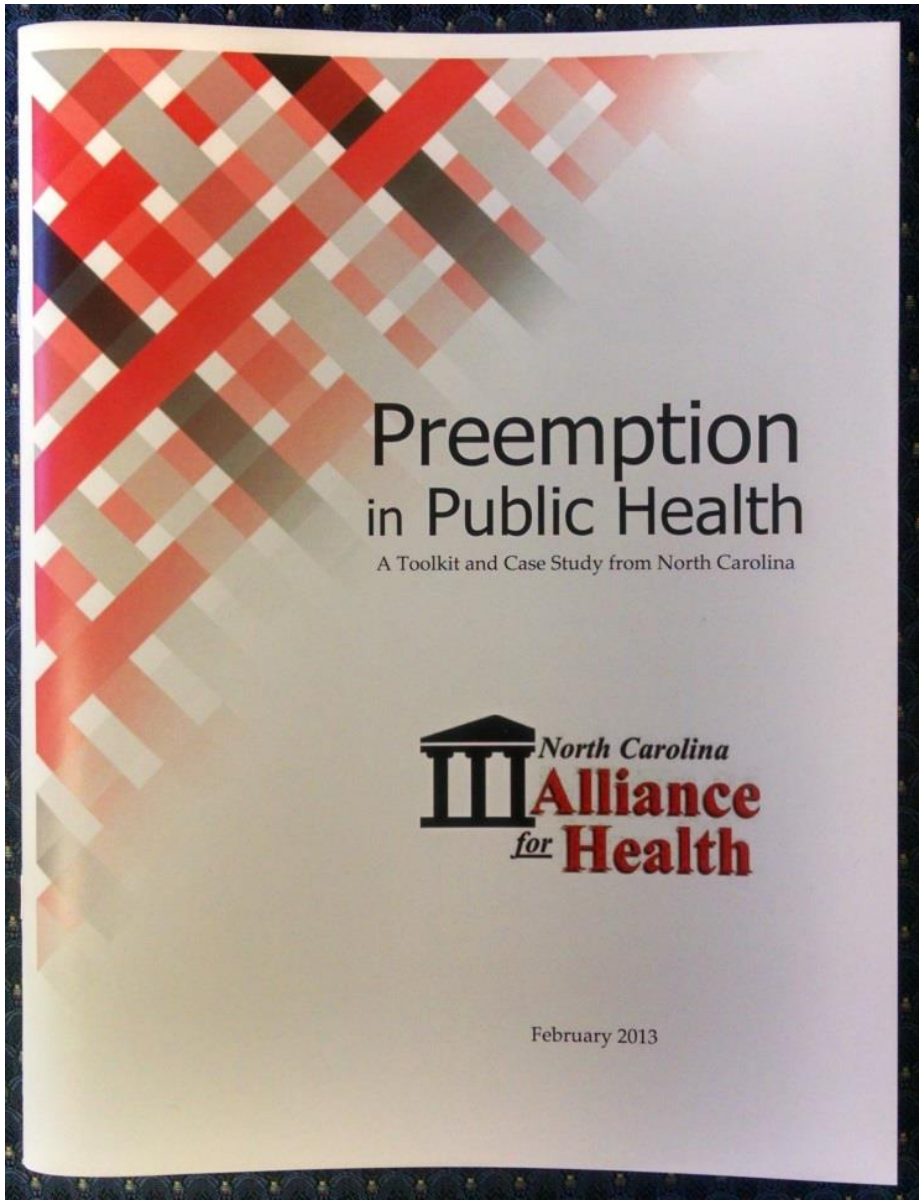
2007-2009 Priority:

Comprehensive Smokefree Workplaces Law

Primary bill sponsors could not get the votes for comprehensive law.

NC Restaurants and Lodging Association wanted a “level playing field”

Compromise was 2009 Smoke-free Restaurant and Bars Law with considerable return of local authority

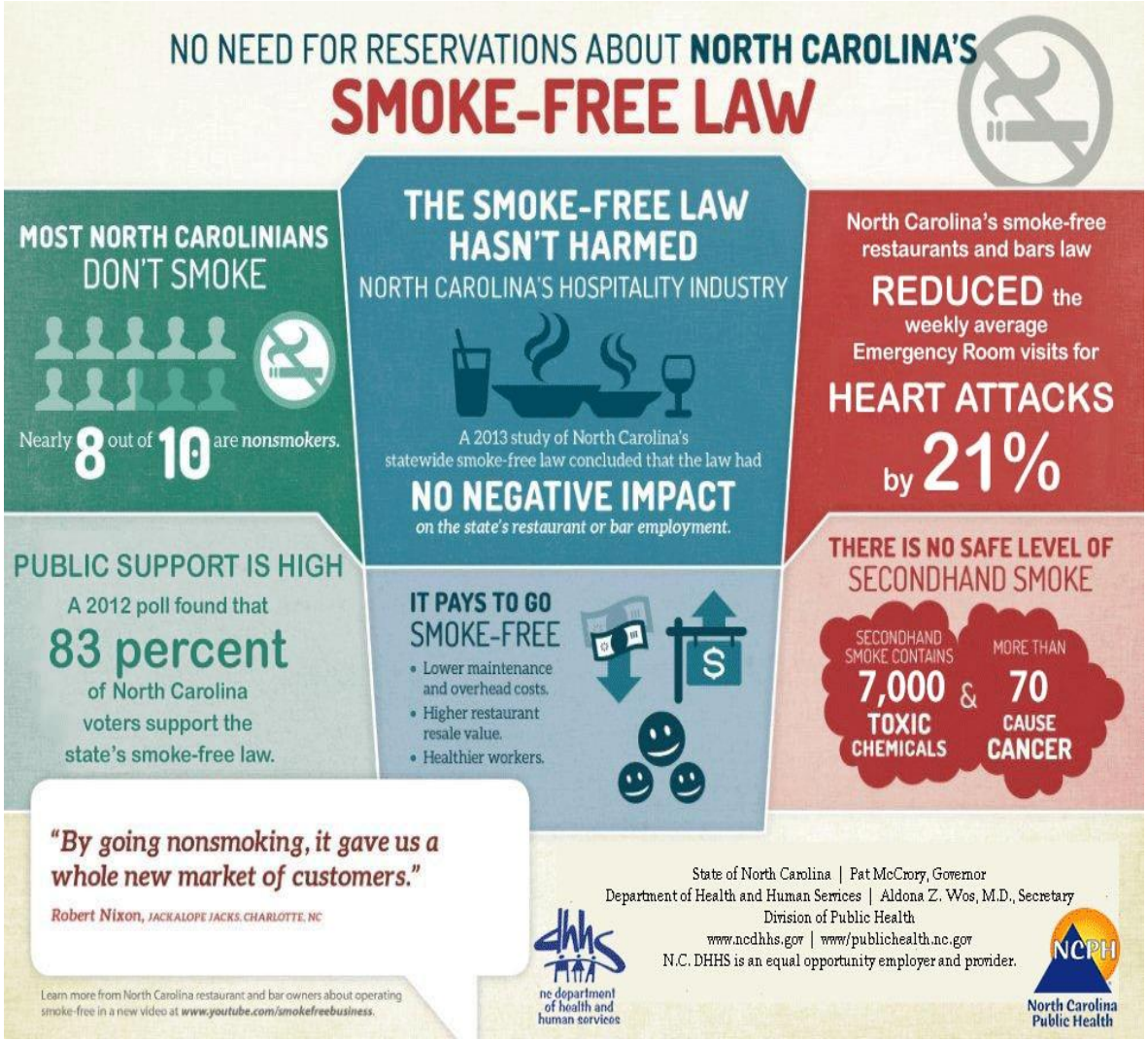


NC Governor signs and Bipartisan Bill Sponsors Celebrate Passage of NC Smoke-free Restaurants and Bars Law, 2009

Local authority is granted in NC for most instances (repealing most of the preemptive language)

- "§ 130A-498. Local governments **may restrict smoking in public places. ….and enforce ordinances, board of health rules, and policies restricting or prohibiting smoking that are more restrictive than State law** and that apply in local government buildings, on local government grounds, in local vehicles, or in public places.

Strategy:
First: Take A Full Year to Fully and Successfully Implement the Smoke-free Restaurants and Bars Law



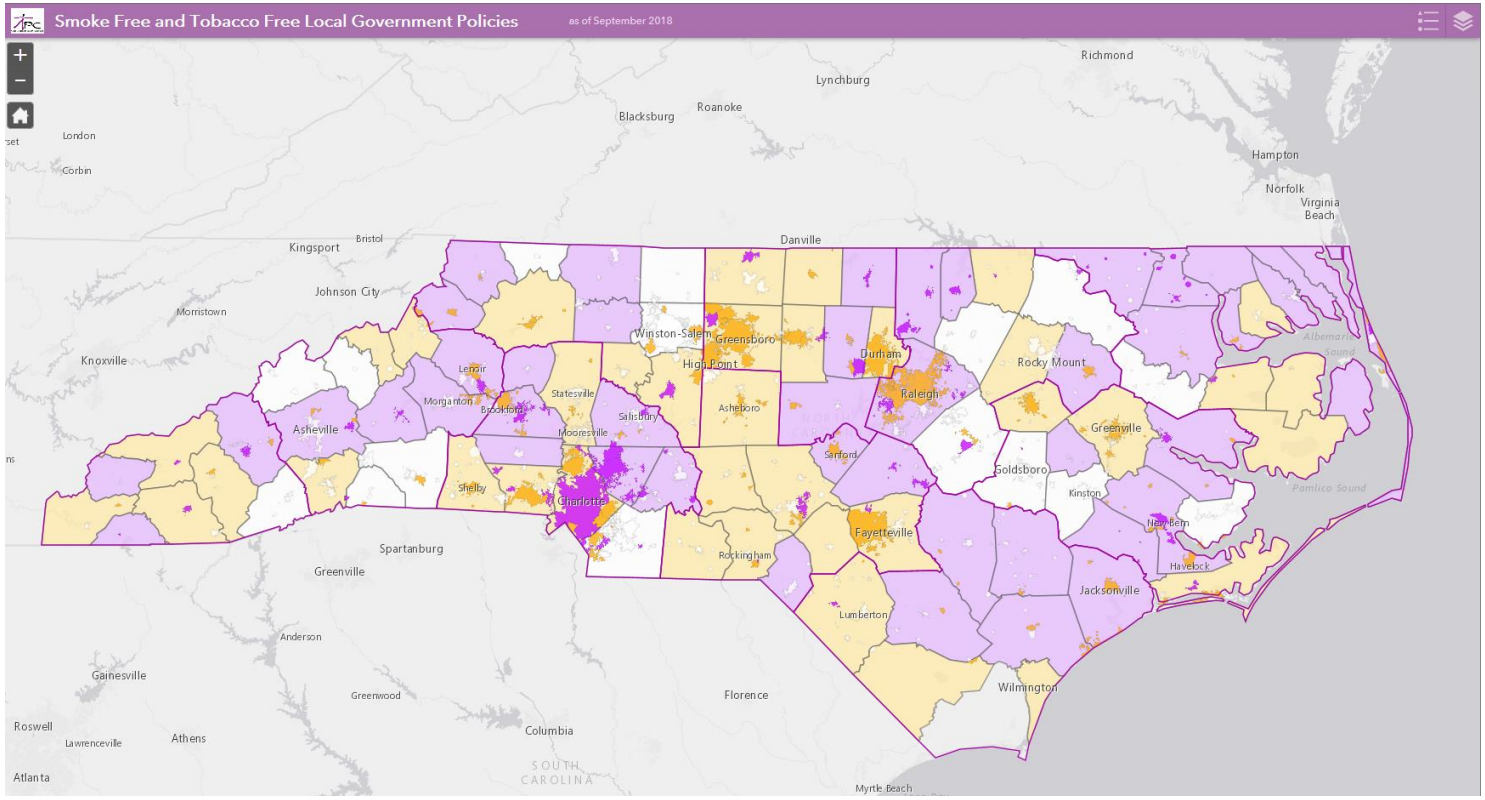
Local Government Authority to Regulate Smoking

A local government may adopt and enforce ordinances, board of health rules, and policies restricting or prohibiting smoking that are more restrictive than state law and that apply to:

- Local Government Buildings
- Local Government Grounds
- Local Government Vehicles
- Enclosed Public Places

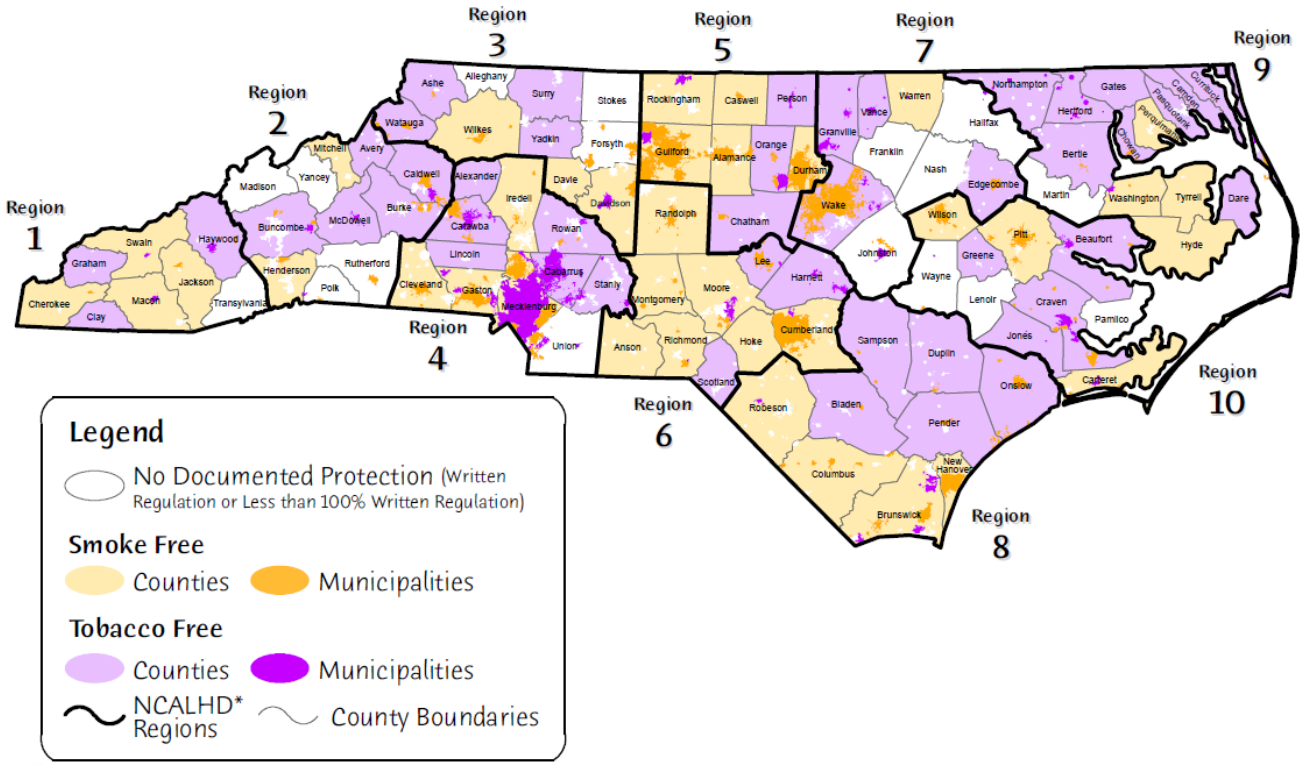
NCGS § 130A-498

Smoke-free and Tobacco-Free Maps and Dashboards are a key factor in success



https://tobaccopreventionandcontrol.ncdhhs.gov/maps/maps.htm

North Carolina
Counties and Municipalities Reporting 100% Smoke-Free or Tobacco-Free Government Buildings



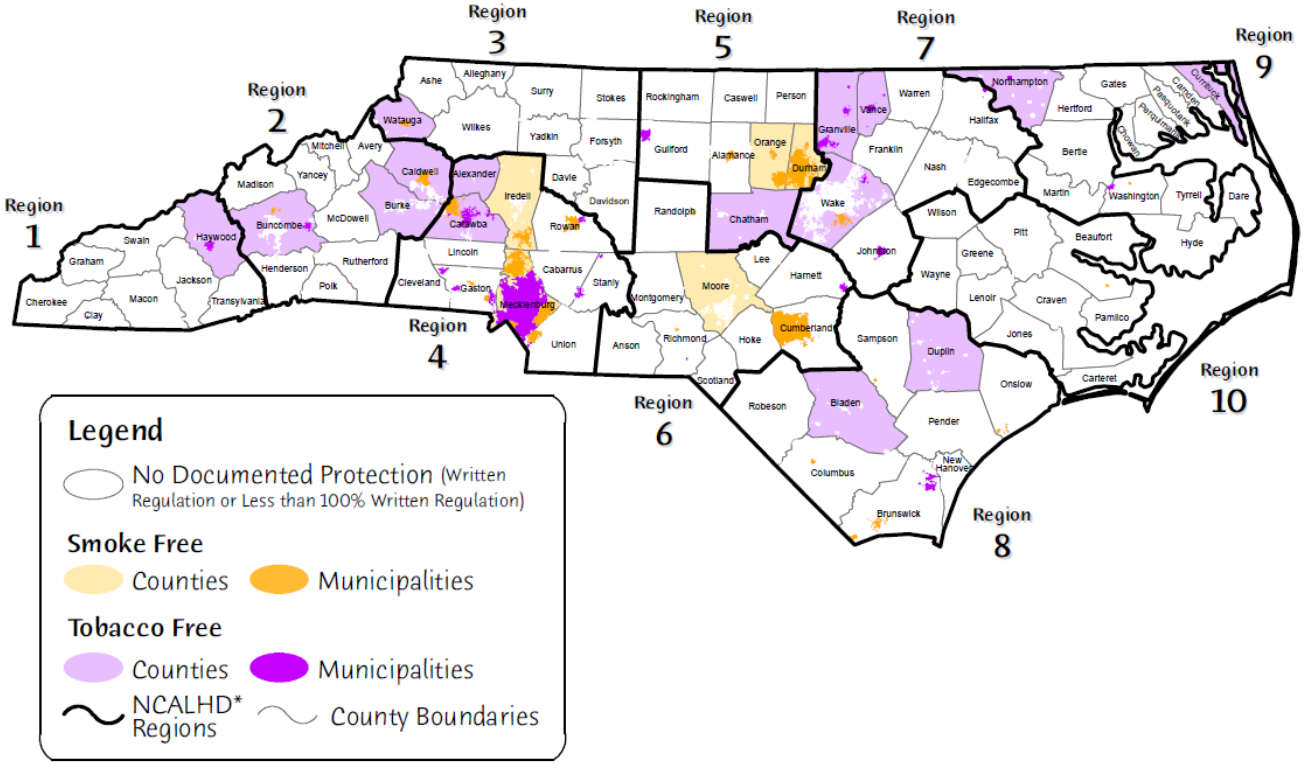
schs
State Center for Health Statistics
September 2018

NOTE: Information provided here is from ongoing reporting. Policies presented here are reported to the NC Tobacco Prevention and Control Branch (NC TPCB). If your government entity has a 100% smoke free or tobacco free policy which is not reported here, please contact NC TPCB at 919-707-5400.
*North Carolina Association of Local Health Directors

NC Tobacco Prevention and Control Branch

NCPH North Carolina Public Health

North Carolina
Counties and Municipalities Reporting 100% Smoke-Free or Tobacco-Free on Government Grounds



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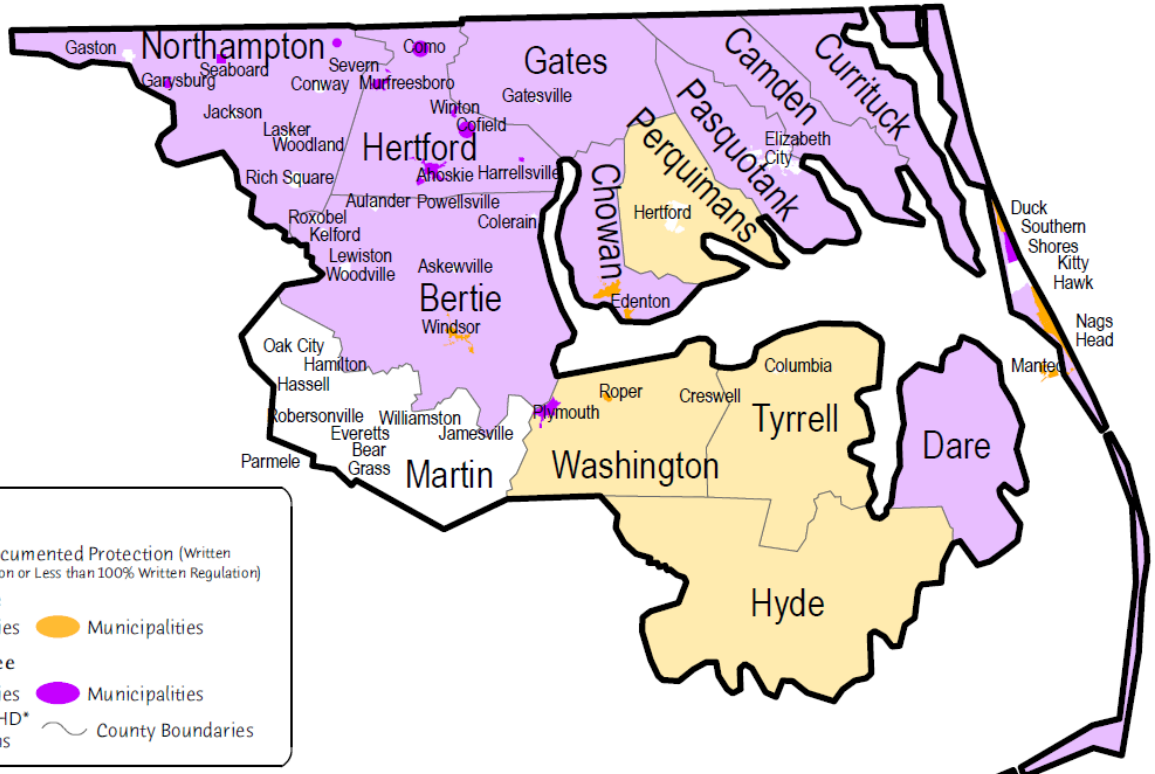
*North Carolina Association of Local Health Directors

NC Tobacco Prevention and Control Branch
North Carolina Public Health

North Carolina NCALHD* Region 9
Counties and Municipalities Reporting 100% Smoke-Free orTobacco-Free in Government Buildings



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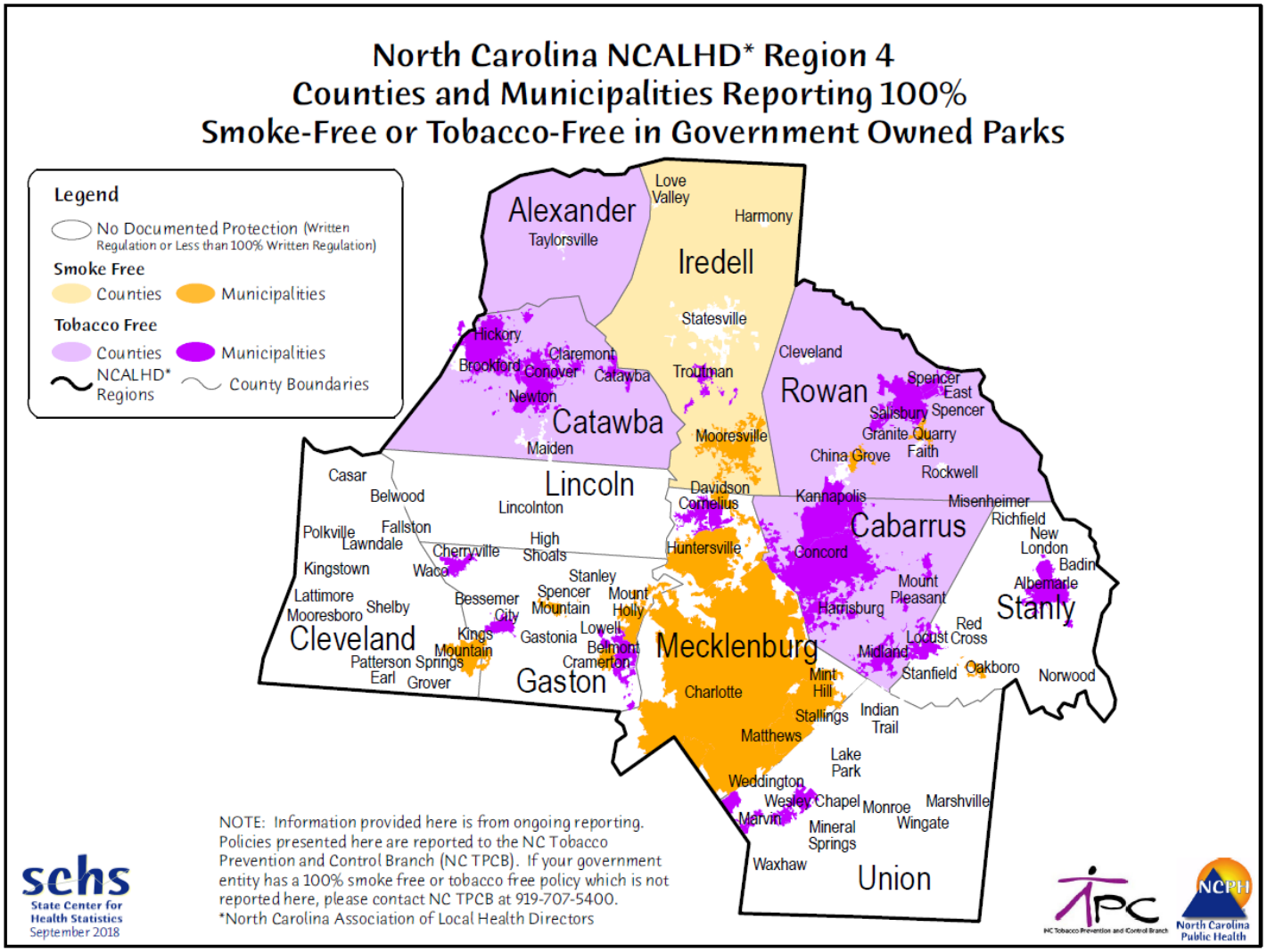
North Carolina NCALHD* Region 4
Counties and Municipalities Reporting 100%
Smoke-Free or Tobacco-Free in Government Owned Parks
Legend
No Documented Protection (Written Regulation or Less than 100% Written Regulation)
Smoke Free
Counties
Municipalities
Tobacco Free
Counties
Municipalities
NCALHD* Regions
County Boundaries
Alexander
Taylorsville
Iredell
Love Valley
Harmony
Statesville
Troutman
Mooresville
Davidson
Cornelius
Huntersville
Hickory
Claremont
Brookford
Conover
Catawba
Newton
Maiden
Catawba
Cleveland
Rowan
Spencer
East Spencer
Salisbury
Granite Quarry
China Grove
Faith
Rockwell
Kannapolis
Misenheimer
Richfield
Cabarrus
Concord
New London
Badin
Albemarle
Stanly
Mount Pleasant
Harrisburg
Red Cross
Locust
Midland
Stanfield
Oakboro
Norwood
Casar
Belwood
Lincolnton
Lincoln
Polkville
Fallston
Lawndale
Cherryville
High Shoals
Kingstown
Waco
Stanley
Lattimore
Mooresboro
Shelby
Bessemer City
Spencer Mountain
Mount Holly
Lowell
Gastonia
Kings Mountain
Belmont
Cramerton
Patterson Springs
Earl
Grover
Cleveland
Gaston
Mecklenburg
Charlotte
Mint Hill
Stallings
Indian Trail
Matthews
Lake Park
Weddington
Wesley Chapel
Marvin
Monroe
Marshville
Wingate
Mineral Springs
Waxhaw
Union
NOTE: Information provided here is from ongoing reporting. Policies presented here are reported to the NC Tobacco Prevention and Control Branch (NC TPCB). If your government entity has a 100% smoke free or tobacco free policy which is not reported here, please contact NC TPCB at 919-707-5400.
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Local Data – New County Dashboards
Can Be Customized for "Peer Counties" or Geographic Regions

NORTH CAROLINA COUNTYWIDE 100% TOBACCO-FREE OR SMOKE-FREE WRITTEN REGULATIONS

LEGEND:

- ☑ 100% Tobacco Free Policy
- ☑ 100% Smoke Free Policy
- ⊗ No Written Regulation or Less than 100% Written Regulation

Tobacco Prevention and Control Branch

	Local Health Dept. Region	Government Buildings	Government Vehicles	Government Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
ORANGE	5	☑	☑	☑	☑	☑	☑
DURHAM	5	☑	☑	☑	☑	☑	☑
BUNCOMBE	2	☑	☑	☑	☑	☑	⊗
MECKLENBURG	4	☑	☑	☑	⊗	⊗	⊗
GUILFORD	5	☑	☑	⊗	⊗	⊗	⊗
NEW HANOVER	8	☑	☑	⊗	⊗	⊗	⊗
PITT	10	☑	☑	⊗	⊗	⊗	⊗
WAKE	7	☑	⊗	⊗	⊗	⊗	⊗
TOTAL # OF POLICIES STATEWIDE		80	51	14	22	26	2

Wake County Uses TPCB Data Dashboards to Inspire Tobacco-Free Policy Change

Before November 16, 2015

NORTH CAROLINA COUNTYWIDE 100% TOBACCO-FREE OR SMOKE-FREE WRITTEN REGULATIONS

LEGEND:
- ☑ 100% Tobacco Free Policy
- ☑ 100% Smoke Free Policy
- ⊗ No Written Regulation or Less than 100% Written Regulation

Tobacco Prevention and Control Branch

		Local Health Dept. Region	Government Buildings	Government Vehicles	Government Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
ORANGE	5	☑	☑	☑	☑	☑	☑
DURHAM	5	☑	☑	☑	☑	☑	☑
BUNCOMBE	2	☑	☑	☑	☑	☑	⊗
MECKLENBURG	4	☑	☑	☑	⊗	⊗	⊗
GUILFORD	5	☑	☑	⊗	⊗	⊗	⊗
NEW HANOVER	8	☑	☑	⊗	⊗	⊗	⊗
PITT	10	☑	☑	⊗	⊗	⊗	⊗
WAKE	7	☑	⊗	⊗	⊗	⊗	⊗
TOTAL # OF PLACES STATEWIDE		77	54	17	24	28	2

As of November 16, 2015

NORTH CAROLINA COUNTYWIDE 100% TOBACCO-FREE OR SMOKE-FREE WRITTEN REGULATIONS

LEGEND:
- ☑ 100% Tobacco Free Policy
- ☑ 100% Smoke Free Policy
- ⊗ No Written Regulation or Less than 100% Written Regulation

Tobacco Prevention and Control Branch

		Local Health Dept. Region	Government Buildings	Government Vehicles	Government Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
ORANGE	5	☑	☑	☑	☑	☑	☑
DURHAM	5	☑	☑	☑	☑	☑	☑
WAKE	7	☑	☑	☑	☑	☑	⊗
BUNCOMBE	2	☑	☑	☑	☑	☑	⊗
MECKLENBURG	4	☑	☑	☑	⊗	⊗	⊗
GUILFORD	5	☑	☑	⊗	⊗	⊗	⊗
NEW HANOVER	8	☑	☑	⊗	⊗	⊗	⊗
PITT	10	☑	☑	⊗	⊗	⊗	⊗
TOTAL # OF PLACES STATEWIDE		77	55	18	25	29	2

Dashboards are also available for Municipalities

NORTH CAROLINA MUNICIPALITY 100% TOBACCO-FREE OR SMOKE-FREE WRITTEN REGULATIONS

LEGEND:

- ☑ 100% Tobacco Free Policy
- ☑ 100% Smoke Free Policy
- ⊗ No Written Regulation or Less than 100% Written Regulation

TPC Tobacco Prevention and Control Branch

	County	Local Health Dept. Region	Gov't Buildings	Gov't Vehicles	Gov't Grounds	Gov't-Owned Parks Only	Recreation Areas	Public Places
Bladenboro	BLADEN	8	⊗	⊗	⊗	⊗	⊗	⊗
Clarkton	BLADEN	8	⊗	⊗	⊗	⊗	⊗	⊗
Dublin	BLADEN	8	⊗	⊗	⊗	⊗	⊗	⊗
East Arcadia	BLADEN	8	⊗	⊗	⊗	⊗	⊗	⊗
Elizabethtown	BLADEN	8	⊗	⊗	⊗	☑	☑	⊗
Tar Heel	BLADEN	8	⊗	⊗	⊗	⊗	⊗	⊗
White Lake	BLADEN	8	☑	⊗	⊗	⊗	⊗	⊗
Bald Head Island	BRUNSWICK	8	☑	☑	☑	⊗	⊗	⊗
Belville	BRUNSWICK	8	☑	⊗	⊗	⊗	⊗	⊗
Boiling Spring Lakes	BRUNSWICK	8	☑	⊗	⊗	⊗	⊗	⊗
Bolivia	BRUNSWICK	8	⊗	⊗	⊗	⊗	⊗	⊗
Brunswick	BRUNSWICK	8	☑	⊗	⊗	⊗	⊗	⊗
Calabash	BRUNSWICK	8	⊗	⊗	☑	⊗	⊗	⊗
Carolina Shores	BRUNSWICK	8	☑	☑	⊗	⊗	⊗	⊗
Caswell Beach	BRUNSWICK	8	⊗	⊗	⊗	⊗	⊗	⊗
Holden Beach	BRUNSWICK	8	☑	⊗	⊗	⊗	⊗	⊗
Leland	BRUNSWICK	8	☑	☑	☑	☑	☑	⊗
Navassa	BRUNSWICK	8	⊗	⊗	⊗	⊗	⊗	⊗

Local governments can prohibit the use of e-cigarettes and smokeless tobacco

- **The legislature has never passed legislation pre-empting local governments from regulating the use of e-cigarettes (or smokeless forms of tobacco), which are not lighted.**
- **Therefore, local governments can pass such regulations under their basic authority to pass regulations to protect the health and welfare of the community.**
- **If a regulation for government buildings and/or grounds covers all "tobacco products", then our interpretation is that e-cigarettes are included within that definition.**

Guidance from the UNC School of Government, http://canons.sog.unc.edu/?p=7788

NC Counties and Municipalities that Specifically Prohibit Use of E-Cigarettes

Counties (39)

- Alamance
- Beaufort
- Bertie
- Bladen
- Brunswick
- Cabarrus
- Catawba
- Chatham
- Chowan
- Clay
- Dare
- Duplin
- Durham
- Granville
- Guilford
- Haywood
- Henderson
- Hyde
- Iredell
- Jackson
- Lee
- Mecklenburg
- Nash
- New Hanover
- Orange
- Pasquotank
- Pender
- Person
- Pitt
- Rowan
- Rutherford
- Surry
- Transylvania
- Tyrrell
- Vance
- Wake
- Wilkes
- Wilson
- Yadkin

Municipalities (46)

- Apex
- Asheville
- Ayden
- Bessemer City
- Bethel
- Brookford
- Burlington
- Butner
- Canton
- Catawba
- Chapel Hill
- Cherryville
- Conover
- Creedmoor
- Duck
- Dunn
- Durham
- Elon
- Graham
- Granite Falls
- Grifton
- Hayesville
- Henderson
- Kannapolis
- Kill Devil Hills
- Kittrell
- Kitty Hawk
- Lewis
- Manteo
- Mebane
- Middleburg
- Morrisville
- Nags Head
- North Wilkesboro
- Oxford
- Rolesville
- Ronda
- Roxboro
- Saluda
- Southern Shores
- Stem
- Stovall
- Waynesville
- Wilkesboro
- Wilmington
- Winterville

Source: Information compiled from ongoing reporting and documentation collected by the NC Tobacco Prevention and Control Branch. Updated **March 2019**.

March Forth for Healthy Air
Smoke-Free/Tobacco-Free parks are healthier for kids, pets and wildlife.
LET'S DO IT BY MARCH 4TH, 2020!
NCALHD

March Forth for Healthy Air:
Tobacco use (including e-cigarettes) is dangerous indoors. Let's make our government buildings tobacco-free by March 4th, 2020!
NCALHD

March Forth for Healthy Air
Making NC Smoke-Free/Tobacco-Free from the mountains to the coast.
Let's do it by March 4th, 2020!
NCALHD

Resources

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Head, Tobacco Prevention and Control Branch
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Main Line: 919-707-5400
sally.herndon@dhhs.nc.gov

www.tobaccopreventionandcontrol.ncdhhs.gov

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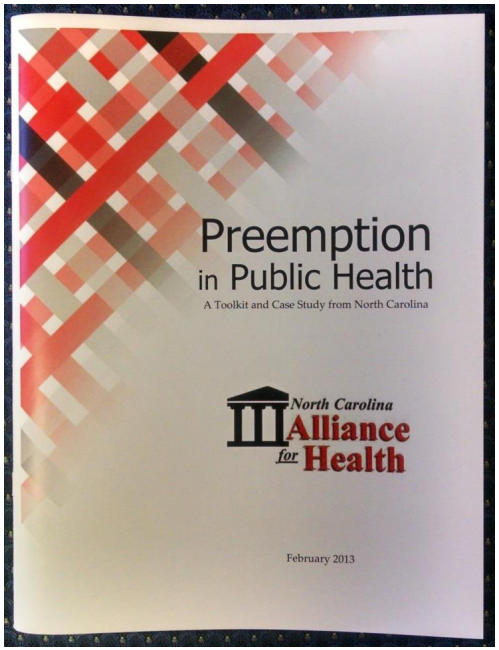


"NINE QUESTIONS"
A Strategy Planning Tool

ADVOCACY INSTITUTE
WASHINGTON, D.C.

Stuck with Preemption?

Oklahoma's
30+ Year Experience

1987 Oklahoma Smoking in Public Places Act (§63-1-1527)

"The State Legislature by adopting this act intends to ***preempt*** any other regulation promulgated to control smoking in public places and to ***standardize laws*** that governmental subdivisions may adopt to control smoking. Cities and towns may enact and enforce laws prohibiting and penalizing conduct under provisions of this act, but the provisions of such laws ***shall be the same*** as provided in this act ***and the enforcement provisions*** under such laws ***shall not be more stringent than those of this act…"***

OKLAHOMA PRESS CLIPPING BUREAU
Oklahoma City, Oklahoma
TULSA WORLD
Tulsa, OK
Circ. 136,468
JUN 26 1987
DATE

Health Board Member Calls Smoking Law Watered-Down Mess

By CATHY MILAM
Of the World Staff

Dr. Dan Brannin, Tulsa oral surgeon and member of the Tulsa City-County Health Board, labeled a state smoking law "a farce" and said Tulsa officials will seek the means to pass a more restrictive local ordinance.

The members of the health board voted unanimously Wednesday to appeal to the state attorney general's office for a ruling on the constitutionality of a provision of the state law that would prevent cities and towns from adopting stricter smoking bans.

Brannin, who was the principal author of the proposed local ordinance, said he believes representatives from the tobacco industry influenced state legislators on the no-smoking issue.

"That law is a farce. It contains no penalties -- it even makes an exception of the state capitol," said Brannin.

"First the Legislature recognizes that passive smoke is a danger to the state's citizens, and then they refuse to take action to prevent those citizens from being exposed to that danger. Where's the logic behind that move?" he asked.

"Instead, we've got this nothing bill that says, 'We know it's a danger, and we don't want you to do it but if you decide not to obey we'll just close our eyes,'" Brannin said.

Brannin said he had consulted with health department attorney Gary Cox about requesting the attorney general's opinion. "(Cox) does feel we do have a leg to stand on, since the legislature's action has demonstrated that the members recognize the dangers of smoking. Preventing local communities from taking sterner measures, to protect Oklahomans in the workplace, doesn't seem right."

Brannin said before bringing the matter to a vote from the board, he'd spoken with Mayor Dick Crawford and City Commissioner J.D. Metcalfe. "Both of them told me I had their full support," he said.

"The tragedy is that there are thousands of people who need the protection," Brannin said.

He pointed to the number of people who appeared during public hearings on the city's proposed smoking ordinance who talked about their disastrous reactions to passive or secondhand smoke.

"But even more, these legislators should have examined the literature about the dangers to unborn children. Pregnant women who work shouldn't be exposed to smoke. The effects on the unborn fetus have been demonstrated.

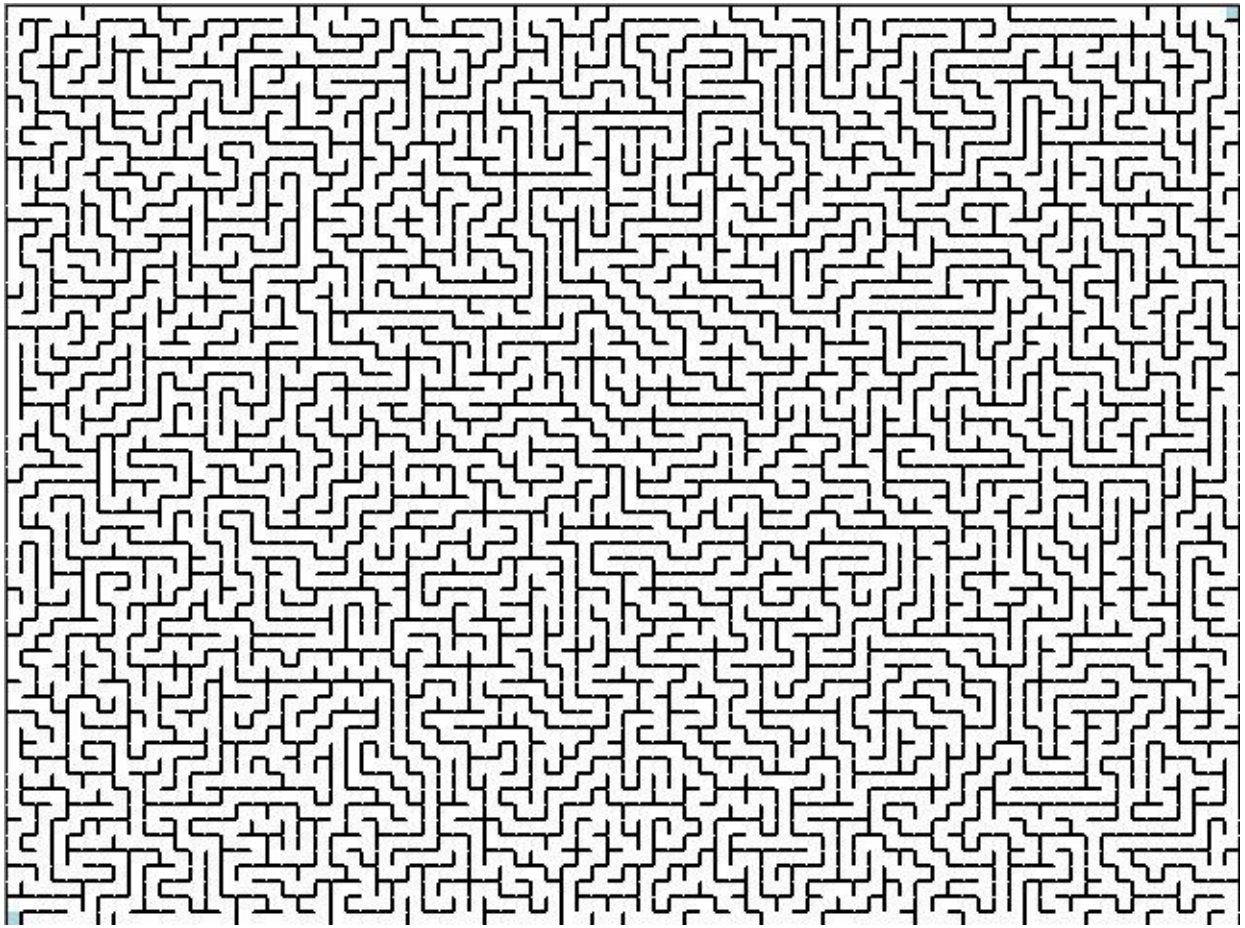
"Even secondhand smoke has been shown to cause the fetus to actually cease breathing for a period of time and to increase the heart rate of the unborn baby," Brannin said.

"I cannot believe that the state legislators refuse to help these helpless unborn babies to defend themselves from a danger that can cause low birthweight, and even lower the child's mental capacity," he said.

"But if the state officials don't have the desire to stand up and defend these unborn children, then at least they shouldn't prevent other entities from providing that defense."

1994 Oklahoma Prevention of Youth Access to Tobacco Act
(§37-600.10)

No agency or other political subdivision of the state, including, but not limited to, municipalities, counties or any agency thereof, may adopt any order, ordinance, rule or regulation concerning the *sale, purchase, distribution, advertising, sampling, promotion, display, possession, licensing, or taxation* of tobacco products…



Coalition Focus

Community Sectors

- City governments
- Schools, Colleges, Career Techs
- Businesses
- Faith organizations
- Early Childhood Centers
- Parks and recreational venues
- Hospitals and Health Systems

Support Provided

- Education and skill building
- Consultation and sample policies
- Signage
- Demonstrated public support
- Testimonials

Why Restore Local Rights?

Local Leaders are Closest to the People

- Oklahoma is one of only two states in the nation that prohibit communities from adopting any ordinance on tobacco that's stronger than state law.
- The national trend is to return lawmaking power to the local level. It's time to get government back in the hands of the elected officials who are closest to the people.
- Communities need the right to address critical matters of public health and safety.
- A powerful change process unfolds as a community is allowed to consider meaningful policies founded on research and public support.

Oklahoma's Health Ranking is 49th Out of 50 States!

- Smoking is Oklahoma's leading cause of preventable death, costing over 6,000 Oklahoma lives and nearly $2.9 billion each year.
- Exposure to secondhand smoke causes heart disease, lung cancer and other serious illnesses among non-smokers. No Oklahoman should have to put their health at risk in order to earn a paycheck.
- In any given year, three out five Oklahoma adult smokers make at least one serious attempt to quit.
- Most smokers become addicted as young people. If current trends continue, an estimated 87,000 children now living in Oklahoma will ultimately die prematurely from smoking.

Healthy Communities = Healthy Businesses

- Oklahoma communities need the right to improve the health of their citizens, compete for new businesses and new residents, and create a healthier workforce.
- There's overwhelming evidence that improving the physical health of workers results in better fiscal health for employers. A healthier workforce is a vital component for continuing competitive growth.
- Reducing tobacco use among workers generates financial returns from reduced health care costs, increased on-the-job productivity, reduced life and health insurance costs, and reduced absenteeism.

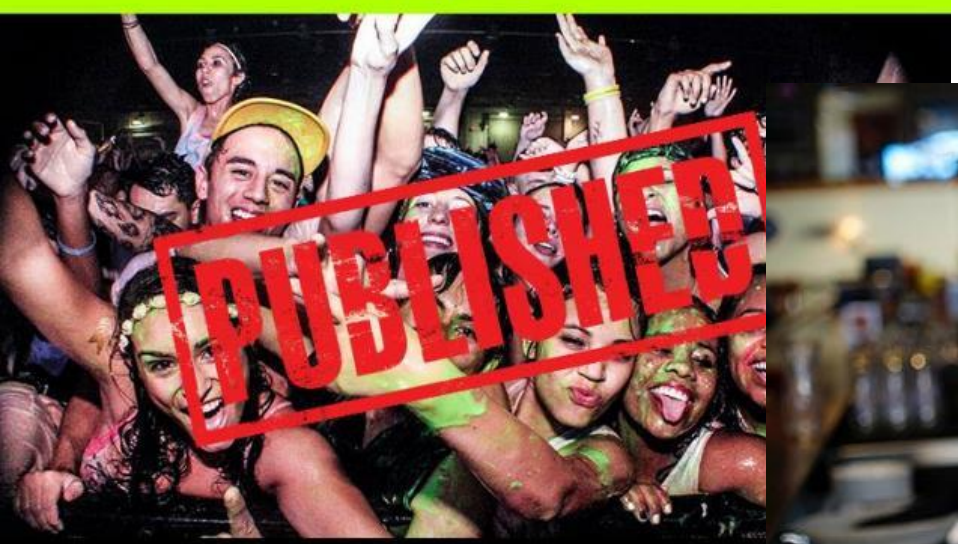
Visit our Smoke Free Oklahoma website: www.smokefreeoklahoma.com

11/15/2010

Executive Orders as a Lever

- 2012 – Governor's Executive Order making all state property **tobacco-free**
    - 2015 – State law making all schools **tobacco-free**
    - 2017 – State law making all state property **tobacco-free**
- 2013 – Governor's Executive Order making all state property **vapor-free**
    - 2019 – State law making all schools **vapor-free**

WREAKING HAVOC ON SMOKING



SOCIAL BRANDING TO REACH
YOUNG ADULT PARTIERS IN OKLA

make it your business

Health and Wellness Symposium

May 9, 2019 | 8:30am–2:00pm

OU-Tulsa | Founders Hall
4502 E 41st St | Tulsa, OK 74135

Brain, Body, and Business

with Keynote Speaker
Gerard Clancy, M.D.

Make it Your Business aims to provide employers the resources, materials and strategies for developing healthy cultures at their organizations.

Register online at
www.tulsa-health.org/MIYB

For more information contact
918.595.4224 or
dbryant@tulsa-health.org

Tobacco Free Coalition for Tulsa County

THEY HEALTHY LIVING

THD TULSA HEALTH Department

TSET
Town of Krebs
20,000
Twenty Thousand Dollars 00/100

We all know….

- Local people spot issues first and they can act swiftly to address them.
- Many innovative approaches have begun at the local level and then spread to the state or federal level
- Preemption maintains health disparities and is a barrier to economic development
- We can never know what the future may hold, and preemption tries to ensure that we will **not** be prepared to act.

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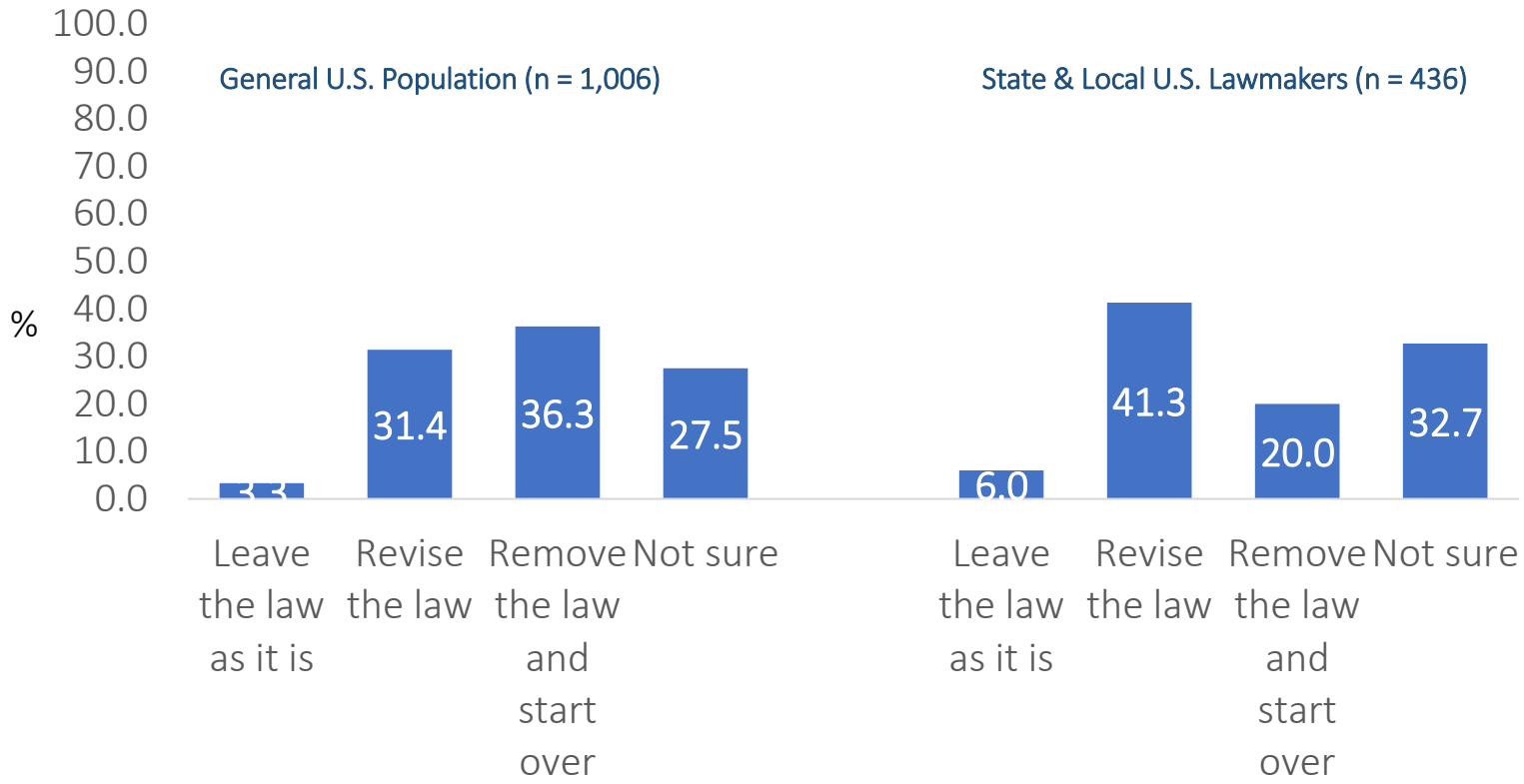
OTRC
OKLAHOMA TOBACCO
RESEARCH CENTER

"If a tobacco-related law was written or influenced by a tobacco company or a tobacco company lobbyist, what do you think lawmakers should do?"



Questions and Answers

Submit your questions through the chat box on your screen

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at Mitchell Hamline School of Law

25TH TOBACCO CONTROL NETWORK ANNIVERSARY

PHLC Preemption Resources

- Untangling the Preemption Doctrine in Tobacco Control
- Checked at the Check-Out Counter: Preemption at the Tobacco Point-of-Sale
- Preemption: The Biggest Challenge to Tobacco Control
- Why Preemption is Bad for Tobacco Control

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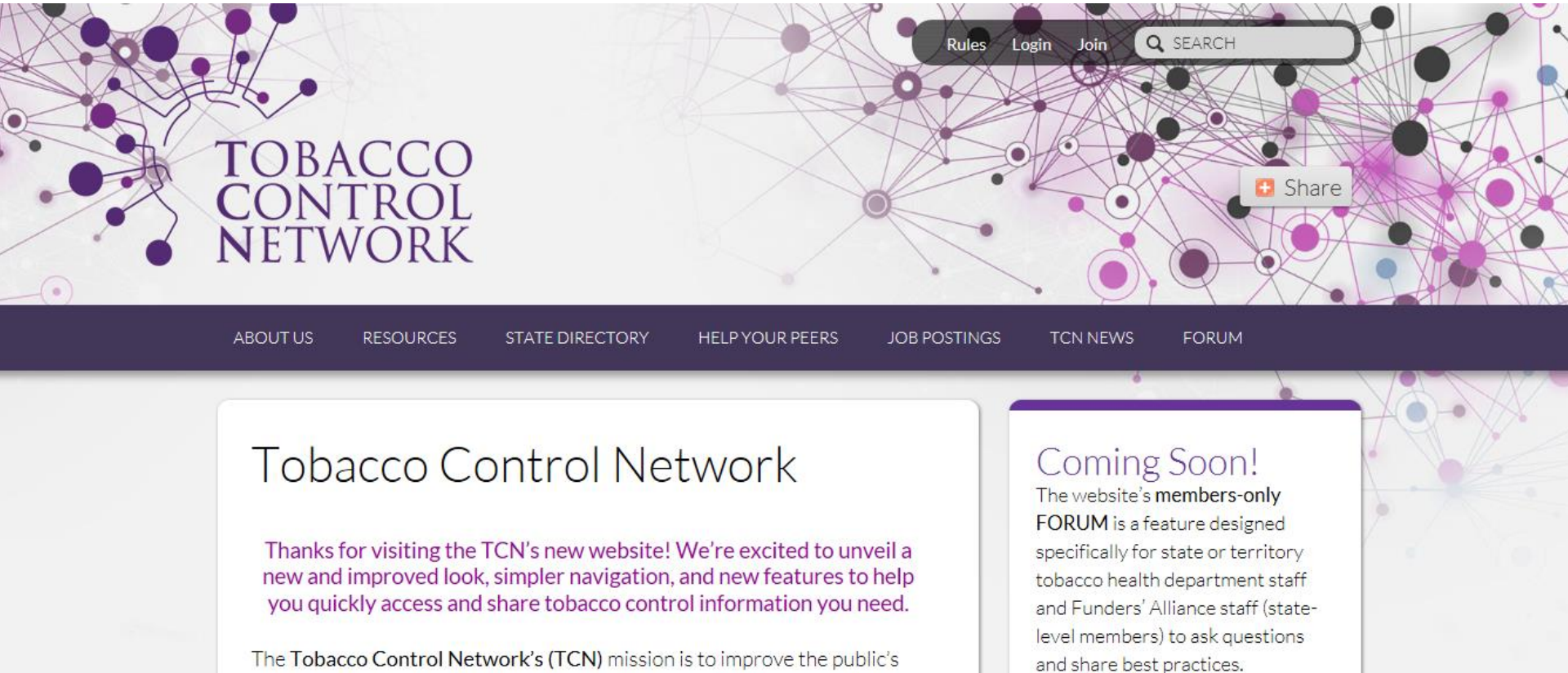
Visit the TCN Website!

www.tobaccocontrolnetwork.org/



On the TCN Website

- Tobacco industry marketing and sales tactics summary brief and supplementary presentation

- Coming up:
  - TCN 2019-22 Strategic Map
  - Elections for the 2019-2020 Executive Committee

- Any TCN inquiries can be directed to tcn@astho.org

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THANK YOU!

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