

Demystifying Common Legal Threats and Challenges to Smoke-Free Policies

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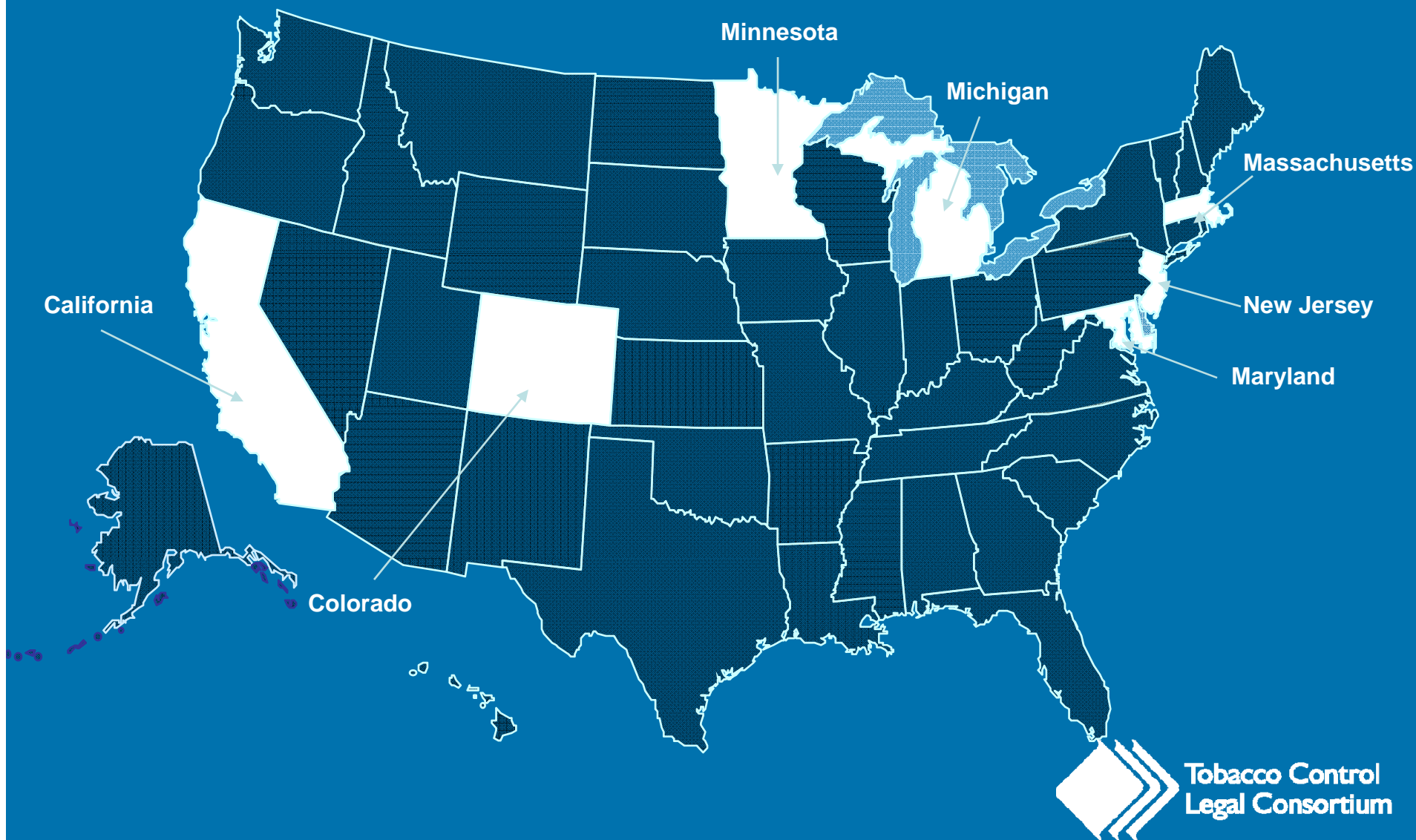


The Tobacco Control Legal Consortium

A national legal network supporting tobacco control policy change.



Tobacco Law Centers



Our Capacity

Not a substitute for
local resources

Small, but spirited



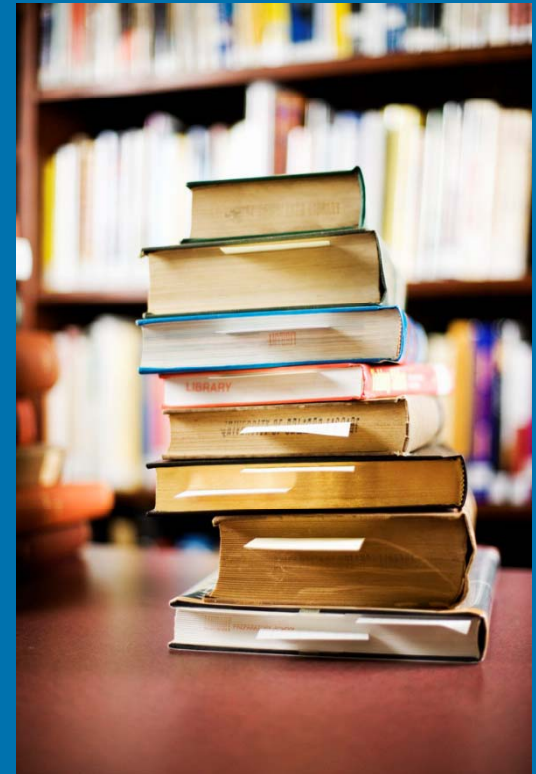
Tobacco Control
Legal Consortium

Who We Serve

- Public health advocacy organizations and community coalitions
- Public health officials
- Elected officials
- City and county attorneys
- Private attorneys and individual citizens

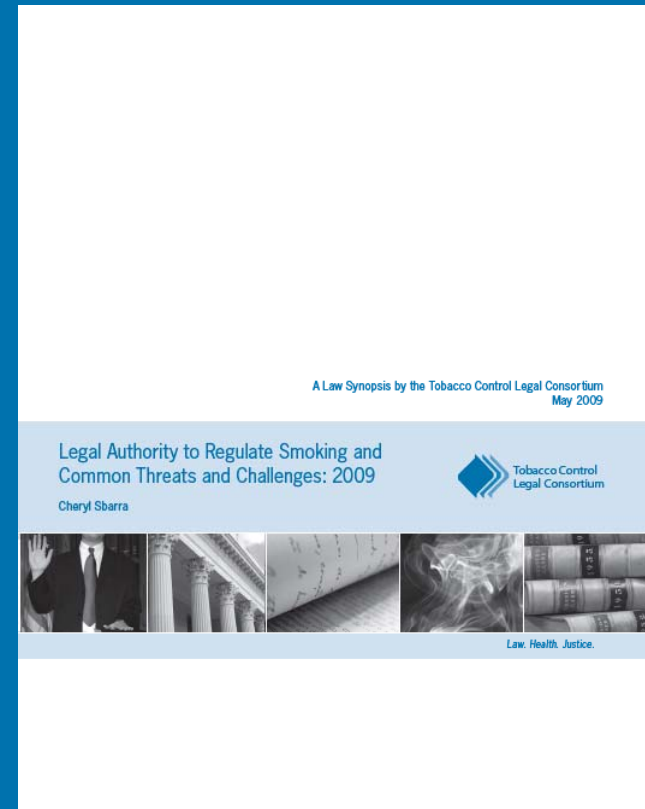
What We Do:

- Policy development
- Legal research, analysis, and interpretation
- Litigation support



What We Do: Education and Training

- *www.TCLCOnline.org*
- Law Synopses
- *The Verdict Is In*
- *Legal Update*



Smoke-Free Laws



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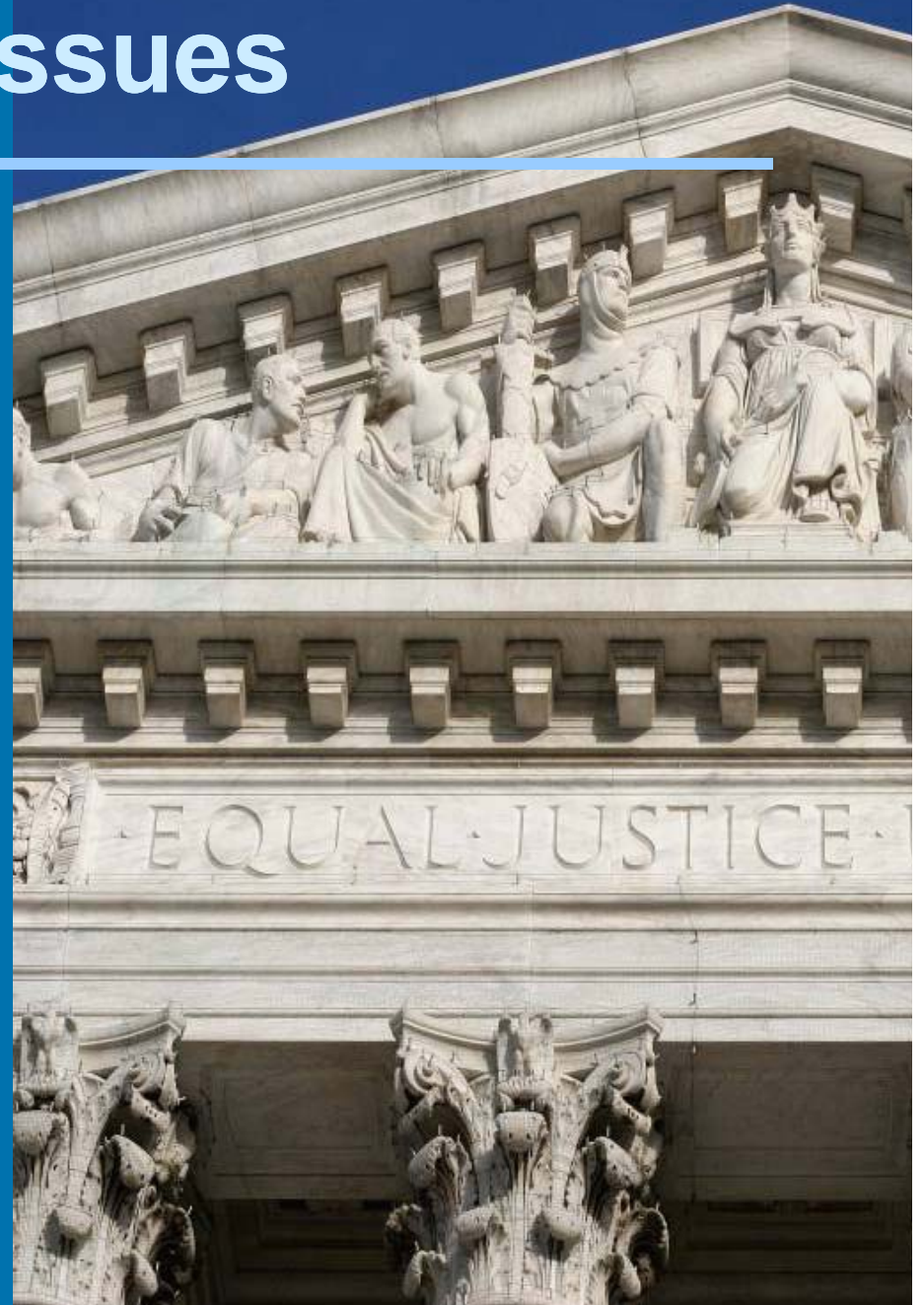
Litigation

- Legislation
- Ordinances
- Regulations



Common Legal Issues

- Authority to Regulate
 - Preemption
 - Rulemaking Authority
- Fairness
 - Equal Protection
 - Special Legislation
 - Privileges & Immunities
- Due Process
 - Vagueness





**Results May
Vary**



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Minimizing the Effects of Litigation

- Try to avoid exemptions
- Work hard at getting clear and consistent language
- Try to address issues in the law itself
- Follow all legal requirements when advocating for a law and when passing the law/rules – Don't take shortcuts!
- Get to know legal counsel before the law is passed
- Start the conversation about enforcement and implementation early

