Protect and Restore
Local Control

Bronson Frick
Americans for Nonsmokers ‘ Rights
ProtectLocalControl.org
No-Smoke.org
The Power of Local Control: Smoking Control Laws* as of 10/2/2015
American Nonsmokers’ Rights Foundation

Note, some laws shown are not yet in effect.

Note: American Indian and Alaska Native sovereign tribal laws are not reflected on this map.

* Laws shown are those that restrict smoking to any extent. To see a map of 100% smokefree laws, please see United States 100% Smokefree Laws at www.no-smoke.org/pdf/100Map.pdf.
Timeline of State Preemption of Smokefree Air Laws

- Florida
- Oklahoma
- Pennsylvania
- Illinois
- Virginia
- Iowa
- Connecticut
- North Dakota
- Nevada
- Louisiana
- Tennessee
- Kentucky
- Delaware
- Utah
- South Dakota
- South Carolina
- New Jersey
- Michigan
- Oregon
- Washington
- New Hampshire
- Montana
- Rhode Island
- Nebraska
- Wisconsin

Years:
- 1985
- 1986
- 1987
- 1988
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- 1998
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- 2008
- 2009
- 2010
- 2011
- 2012
- 2013
- 2014
- 2015
First Things First: Tools for Working with Partners

**Problem:** Horsetrading, inconsistent positions by state or org; not discussing early in process; shopping for answer

**Solution:** Mult-org policy discipline that preemption is NEVER acceptable.

**Tool:** National “Fundamentals” document, sign at board level; follow with state level versions
Working With Partners con’t.

- Shared bill tracking system

- Help partners and advocates celebrate successfully killing off preemption attempts, even in otherwise good bills

- Use awards, etc to celebrate LOCAL policy momentum in states; these are key steps forward.
Briefing booklet to make it easy for partners to educate/train others (24 pages)

- Industry quotes
- Public health statements
- One-Pagers
- What to Expect
- Language to Look For
- Messaging Tips
- Sample letters, resolutions, ads, etc
Legislators: You Don’t Like It When Washington D.C. Ties Your Hands.

Why Would You Do the Same Thing to Arizona's Cities and Towns?

H.B. 2239 would strip local communities of their right to decide for themselves and their children how tobacco products will be sold, advertised, and used in their hometown. This is classic manipulation by the tobacco industry, a powerful special interest group.

Don’t let them get away with it! Vote no on Big Tobacco’s Anti-Local Control Bills.

Tobacco vs. Kids. Where Arizona draws the line.

CAMPAIGN for TOBACCO-FREE Kids

This ad sponsored by: The Church of Jesus Christ of Latter-Day Saints; The Interreligious Coalition on Smoking or Health; United Church of Christ; The Catholic Church; The Coalition for a Tobacco-Free Arizona and American Cancer Society, Southwest Division.

The National Center for Tobacco-Free Kids
1707 L Street NW, Suite 800, Washington, DC 20036
Conservative Principle? Put THAT in Your Pipe and Smoke It...

LOCAL CONTROL
STATE BAN ON CITY TOBACCO BANS

AZ. LEG.
Please click on your state to learn more about statewide smokefree activity.

**Action Alerts & Press Releases**
- Preemption Watch Bill Tracking Summary  9/19/2014
- Speak out against Alabama’s weak smokefree bill! (Alabama)  3/9/2014

**Breaking News**
- Cigar bars owners get one more shot to argue against ban (Nebraska)  9/26/2014
- Legislature overrides governor’s veto on e-cigs (Missouri)  9/13/2014
- Beshear extends smoking ban to all state property (Kentucky)  9/5/2014
Preemption of Smokefree Air Laws in the U.S.

Setting up a Preemption Strike Force

Goals of a Preemption Strike Force:
- Constant communication and quick mobilization:
  - A strike force makes communication easy by getting a message out to a large number of people by only talking to a few.
  - Because a strike force allows for quick communication, it is easier to plan a rally or get advocates to the capitol on short notice.
- Role delineation:
  - Many people, not just tobacco advocates, support local control
  - A strike force will assign roles so that efforts to defeat preemption are not being duplicated and so that everyone is working together, as a team.

Who Should Be a Part of a Strike Force:
- Coalition members from around the state who can rally advocates
- Coalition lobbyists
- Lobbyists from the American Heart Association, Lung Association and Cancer Society
- Lobbyists from organizations like municipal leagues and other groups that care about protecting local control
- Partners from organizations that support public health and may also face preemption threats, such as menu labeling and nutrition.
- Elected officials who are known champions of smokefree air and local control

What Does a Strike Force Do?
- Proactive planning and rapid response
- Brainstorm new partners and new strategies for defeating preemption
- Collect resolutions on protecting local control from municipalities and from organizations
- Assign lobby targets based on districts from around the state
- Educate the media
- Help bring people to the capitol for citizen lobby days and critical hearings

Resources on Protecting Local Control:
- Visit www.protectivecontrol.org
- Visit http://protectnonsmokers.org
- Contact ANR for more information and to answer any questions, at (510) 841-3032.

Preemption Watch Bill Tracking

Preemption Watch Bill Tracking Summary
Publication Date: 9/19/2014

September 15, 2014
As you work to protect local control from preemption threats to additional public health issues, take a look at a helpful fact sheet that identifies key issues.

Legislative sessions have ended in Massachusetts, Michigan, New Jersey, and California. Please email ANR with any new smokefree bills—or anticipated bills that we should keep our eyes open for—or preemption attempts in your state and we will be sure to add them to Preemption Watch.

In 2014, we expect to see attempts at preemption legislation not just in tobacco control but in various public health issues, including nutrition and anti obesity efforts. Of particular concern are bills that could preempt multiple public health issues including tobacco control. As you prepare for your 2015 legislative sessions, check out a dress-down preemption fact sheet from Grassroots Change.

ANR tracks pending legislation relating to state smokefree air policies as part of the continued fight to prevent preemption legislation before it can be passed and to overturn preemption in states where it already exists.

Since even a strong bill can become preemptive at any point in the legislative process, it is very important to track the latest bills throughout the entire legislative session and keep a watchful eye out for all attempts to remove local control.

Below is a listing of state bills that have been introduced in state legislatures thus far. Please visit the www.proteconcontrol.org and click on the state of your choice to view the summary, text, and status of pending bills.

The new and pending legislative bills are classified below into eight categories to clearly delineate which bills will protect public health and should be supported from those that should be opposed because they do not effectively protect public health, weaken a strong law, or intend to preempt local control. New bills and changes in bill status since the last update appear in bold.

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- **Strong** Bill includes 100% smokefree nonhospitality workplaces and/or restaurants and/or bars; strengthens existing smokefree laws; or repeals preemption
- **Weak** Bill includes ventilation, smoking rooms, or other key exemptions.
- **Weakens** Bill weakens a current strong 100% smokefree law.
- **Preemptive** Bill contains preemptive language that removes the right to local control.
- **Outdoor** Bill primarily addresses smoking in outdoor locations.
- **Housing** Bill addresses smoking in multi-unit housing. E-cigarette Bill addresses smoking in outdoor locations. Other** Bills contain other provisions and should be watched.
“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, July 8, 1994

Preemption is ALWAYS a deal-breaker!
Engaging local governments

* Local control resolutions – Cities, Leagues, etc
* Sign on letters for local officials
* Create templates for coalitions and partners to use
* Creates accountability for legislature
* Hook for convos in advance of threat
* Seek to do in bi-partisan way (polling affirms)
* Difference between support for issue vs support of local control for issue
Feedback to state lawmakers

Leagues/Local Governments/local officials/political family
Coalition/Core State and National partners
State lawmakers
Other Allies - Diversity of other orgs
Public
Preemption Strike Force

- Rapid Response System since preemption often inserted last minute in the shadows. Train partners and supporters to expect threat and to respond quickly. Execute prepared plans.
Legal Technical Assistance System

- Expect legislative AND legal preemption challenges to early laws in every state.
- Use model language
- System of legal TA support
- Help city attorneys to not panic
- Some states had unclear preemption status. Local laws passed and won in court.
- Tobacco Control Legal Consortium
1) Stand-alone legislation to restore local control

2) Anti-preemption language embedded in issue legislation (both at legislature and ballot).

Tip: Our opponents had trouble messaging in opposition to smokefree issue and local control at same time. We used this to our advantage.
Challenges

* **Opt-out** – industry effort to twist local control

* **Exempt and preempt** – carve out key venues or issues (e-cigs, casinos, etc)

* **Preemption bills on multiple issues at same time**

* **Insurance Premium threat** to localities for addressing range of issues