

- Smoking is prohibited in stores that sell fireworks and in fireworks factories. ILL. REV. STAT. Ch. 127-1/2, Paragraphs 109 & 113 (1983).

## Indiana

### Limitations on Smoking in Public Places

- Indiana's Clean Indoor Air Act prohibits smoking in public places or at public meetings, except in designated smoking areas. Violation is a Class C infraction. Reference Date 1987. IND. CODE ANN. Sections 13-1-13-1 to 13-1-13-9 (1987).

### Regulation of Sale to and Use of Tobacco Products by Minors

- The sale of tobacco to one under 16 years of age is prohibited. Knowledge of the violation is a Class C infraction, and it is no defense that the minor did not smoke the tobacco. Reference Date 1980. IND. CODE ANN. Section 35-46-1-10 (West Supp. 1985-1986).
- Persons in control of vending machines are required to post signs stating that those under 16 years of age are forbidden to buy cigarettes. Failure to post notice is a Class C infraction. Reference Date 1983. IND. CODE ANN. Section 35-46-1-11 (West Supp. 1985-1986).
- The sale and delivery of tobacco to persons under 18 years of age is prohibited. Violation is a Class C infraction. Tobacco vending machines must post notice of the prohibition. Reference Date 1987. IND. CODE ANN. Sections 34-4-38-1 to 34-4-38-3 (West Supp. 1987).

### Schools and School Health Education

- Governing bodies and county superintendents shall include instruction in the nature and effects of tobacco to students in grades four to eight. The State Board of Education must include a separate course on the effects of enumerated drugs, including tobacco, for high school students. Willful refusal to provide the instruction is grounds for dismissal. Reference Date 1975. IND. CODE ANN. Section 20-10.1-4-9 (West 1984).

### Commerce

- Employment of one under 17 years of age to manufacture or pack tobacco is prohibited unless an exemption is granted. In an action for damages for personal injuries by one under 17 years of age based on his or her tobacco related employment, strict liability is applicable. Reckless violation is a Class C misdemeanor. Reference Date 1973. IND. CODE ANN. Sections 20-8.1-4-24, 20-8.1-4-28 & 20-8.1-4-31 (West 1984).
- Cigarette distributors must obtain registration certificates from the Department of State Revenue. Reference Date 1947. IND. CODE ANN. Section 6-7-1-16 (1984).

### Taxation

- The tax rate per pack is 15.5¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.
- A tax is imposed on the distribution of tobacco products other than cigarettes at the rate of 25 percent of the wholesale price. Reference Date 1987. IND. CODE ANN. Sections 6-7-2-2 to 6-7-2-4 (West Supp. 1987).

### Health and Safety Regulations

- Tobacco use is prohibited where food is processed or stored. Reference Date 1949. IND. CODE ANN. Section 16-1-22-21 (West 1984).
- Smoking is prohibited in or near a vehicle carrying explosives and in explosives plants except in designated areas. Violation is a Class C misdemeanor unless the state fire marshal has demanded compliance in writing; violation is then a Class A misdemeanor. Reference Date 1969. IND. CODE ANN. Sections 22-11-13-16, 22-11-13-20, & 22-11-13-28 (West 1981).

## Iowa

### Limitations on Smoking in Public Places

- Smoking is prohibited in indoor theaters, libraries, art museums, concert halls, auditoriums, or similar facilities that are open to the public (except in designated smoking

areas and food consumption areas), elevators, nonsmoking areas of public transportation, health care facilities and patient rooms (except in designated smoking sections), and in nonsmoking areas of public buildings. Signs must be posted designating nonsmoking areas. A violator

of this Act must pay a civil fine of \$50 for each violation. Reference Date 1939. IOWA CODE ANN. Sections 98.1 to 98A.6 & 805.8 (West Supp. 1987).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing cigarettes or cigarette papers or tobacco in any form, including the sale or gift of smokeless tobacco, to a person under 18 years of age is prohibited, unless there is a written authorization from the minor's parent or guardian. A first violation is a "simple" misdemeanor and subsequent violation is a "serious" misdemeanor. Reference Date 1939. IOWA CODE ANN. Sections 98.2, 98.4 & 98.5 (West Supp. 1988).
- Minors under 18 years of age possessing cigarettes or cigarette papers anywhere except at home are required to tell where the cigarettes were obtained. Refusal to comply is a misdemeanor. Reference Date 1909. IOWA CODE ANN. Sections 98.4 and 98.5 (West 1984).

#### **Schools and School Health Education**

- In order for a district to be on an approved list, the effects of tobacco must be taught in both the elementary and secondary schools. The State Board of Public Instruction is responsible for enforcement. Reference Date 1975. IOWA CODE ANN. Section 257.25 (West Supp. 1985).

- A student may be suspended or expelled for tobacco use at school. Reference Date 1965. IOWA CODE ANN. Section 279.9 (West Supp. 1985).

- Area vocational schools and community colleges are not required to prohibit tobacco use. Reference Date 1965. IOWA CODE ANN. Section 280A.23(3) (West Supp. 1985).

#### **Taxation**

- The tax rate per pack is 26¢ and was last changed in 1985. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- Tobacco tax assessment periods, penalties and appeal periods, and filing of sales and services tax refund claims are defined. Reference Date 1967. IOWA CODE ANN. Section 98.45 (West Supp. 1988).
- The rate of the cigarette and little cigar and tobacco products taxes are specified. Reference Date 1971. IOWA CODE ANN. Section 135C.23 (West Supp. 1987).

#### **Health and Safety Regulations**

- The authority to prevent, abate, and control air pollution is delegated. Reference Date 1972. Section 455.B145 (West Supp. 1987).

## **Kansas**

#### **Limitations on Smoking in Public Places**

- Smoking is prohibited where no-smoking signs are posted in public meeting rooms, elevators, indoor theaters, libraries, art museums, concert halls, health care facility waiting rooms, and public buses. Violation is punishable by a fine up to \$25. Reference Date 1975. KAN. STAT. ANN. Section 21-4008 (1981).
- Smoking is prohibited in public places including, but not limited to, restaurants, retail stores, educational facilities, courtrooms, and state, county, or municipal buildings. The use of tobacco products in health care institutions or any place where health care services are provided to the public is also prohibited. Repeals 21-4008. Reference Date 1987. KAN. STAT. ANN. Sections 21-4009 to 21-4014 (Supp. 1987).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- This taxation act provides that selling cigarettes to a person under 18 years of age is prohibited. It is also a

violation for one under 18 years of age to buy cigarettes. Maximum penalty for a violation is a fine up to \$1,000 or up to one year imprisonment or both. Distribution of sample cigarettes to minors under 18 years of age is punishable by a fine of \$500 to \$2,500 or up to one year in prison or both. Reference Date 1933. KAN. STAT. ANN. Sections 79-3321 and 79-3322 (1984).

#### **Commerce**

- Each person engaged in the business of selling cigarettes in the State of Kansas must secure a license from the division of taxation. Reference Date 1933. KAN. STAT. ANN. Section 79-3304 to 79-3306 (Supp. 1987).

#### **Taxation**

- The tax rate per pack is 24¢ and was last changed in 1985. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

## Kentucky

### Limitations on Smoking in Public Places

- Smoking is prohibited on school grounds, except by adult employees in designated smoking rooms. This exception, however, applies only to counties in which there is a first or second class city or urban county government. Violation is punishable by a fine between \$1 and \$5. Reference Date 1972. KY. REV. STAT. Section 438.050 (1985).

### Regulation of Sale to and Use of Tobacco Products by Minors

- The law prohibiting cigarette smoking by minors under 18 years of age was repealed effective January 1, 1975. Reference Date 1974. KY. REV. STAT. Sections 438.020 to 438.040 (1985).

### Commerce

- No person other than a manufacturer shall acquire cigarettes in Kentucky on which the state cigarette tax has not been paid, nor act as a wholesaler, vending machine operator, subjobber, transporter, or unclassified acquirer of such cigarettes without first obtaining a license from the Department of Revenue. Reference Date 1982. KY. REV. STAT. Section 138.195 (1983).
- The Kentucky Tobacco Task Force has been reauthorized to help resolve the problems facing the tobacco program. Uncodified. House Res. 20 (1986).

### Taxation

- The tax rate per pack is 3¢ and was last changed in 1970. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- These provisions create a Tobacco Research Trust Fund. Funding is provided by levying a tax on cigarettes, to be combined with available Federal funding. Funds appropriated for the Research Trust Fund go to the University of Kentucky Tobacco and Health Research Institute and are to be applied exclusively to projects and programs "directed toward improvements in the tobacco industry, and more specifically toward proving or disproving questions of health hazards to tobacco users...." Section 248.520(5). A Tobacco Research Board, comprised of 14 members, is to authorize and review the research projects, and is to make yearly reports. Reference Date 1978. KY. REV. STAT. Sections 248.510 to 248.570 (Supp. 1984).

### Health and Safety Regulations

- Disposing of lighted tobacco products is prohibited in or near forests. Smoking in forests during an emergency period of fire danger is prohibited. Reference Date 1964. KY. REV. STAT. Section 149.370 (1980).
- Taking cigarettes into a mine is prohibited. The mine operator is to make frequent searches to prevent carrying in or using such articles as cigarettes. Reference Date 1952. KY. REV. STAT. Section 352.170(3) (1983).

## Louisiana

### Limitations on Smoking in Public Places

- Smoking is allowed in all areas of the Louisiana Superdome except in the arena. Violators shall be advised of the prohibition by Superdome personnel. Reference Date 1987. LA. REV. STAT. ANN. Section 40:1299.131 (West Supp. 1988).

### Schools and School Health Education

- A student may be suspended for smoking on school property or buses. Reference Date 1922. LA. REV. STAT. ANN. Section 17:416(A)(1)(a)(vi) (West Supp. 1985).

### Commerce

- Every person who sells at wholesale or by vending machine, who is about to engage in the business of receiving unstamped or non-tax paid cigarettes, cigars, and smoking tobacco or who is engaged in the business of receiving stamped cigarettes at wholesale must obtain

a permit from the collector of revenue. Reference Date 1974. LA. REV. STAT. ANN. Section 47:844 & 47:846 (West Supp. 1988).

- Wholesale dealers may present manufacturer's affidavits on returned damaged merchandise at the time of purchase of tobacco stamps as payment for the stamps. Reference Date 1970. LA. REV. STAT. ANN. Section 47:843 (West Supp. 1988).
- Provisions regarding ownership of vehicles involved in the transportation of tobacco products and the prescribed taxation procedures are defined. Reference Date 1985. LA. REV. STAT. ANN. Section 47:863 (West Supp. 1988).
- The minimum amount of bond that tobacco dealers are required to furnish is increased from \$1,000 to \$10,000. Reference Date 1974. LA. REV. STAT. ANN. Section 47:848 (West Supp. 1988).

## Taxation

- The tax rate per pack is 16¢ and was last changed in 1984. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- One million dollars annually from the tax levied on cigarettes goes to the Cancer and Lung Trust Fund. Reference Date 1980. LA. REV. STAT. ANN. Section 47:869 (West Supp. 1985).

## Health and Safety Regulations

- Discarding a cigarette that causes a fire on another's land constitutes criminal negligence. Penalty for violation is a

fine up to \$300 or imprisonment for up to 30 days or both. Reference Date 1944. LA. REV. STAT. ANN. Section 14:204(3) (West 1974).

- This section establishes the Cancer and Lung Trust Fund, which is funded by the \$1,000,000 in revenue derived from the cigarette tax. The monies in the fund are used solely for "cancer research and research on cardio-pulmonary disease and clinical investigation and training in the field of cancer and cardio-pulmonary diseases." The fund is administered by the Department of Health and Human Resources. Reference Date 1980. LA. REV. STAT. ANN. Section 40:1299.88 (West Supp. 1985).

## Maine

### Limitations on Smoking in Public Places

- Smoking is prohibited in any public area of any publicly owned building and at indoor public meetings where no-smoking signs are posted, except where all members present consent. No penalty is provided. Reference Date 1981. ME. REV. STAT. ANN. Title 22, Section 1578-A (West Supp. 1987).
- Smoking is prohibited in nursing homes, except in designated smoking areas. Reference Date 1983. ME. REV. STAT. ANN. Title 22, Section 1825 (Supp. 1984).
- Smoking is prohibited in jury rooms, unless all members consent. No penalty is provided. Reference Date 1983. ME. REV. STAT. ANN. Title 22, Section 1580 (Supp. 1984).
- Smoking is prohibited in all sections of retail stores whose total area open to the public exceeds 4,000 square feet. No-smoking signs are required to be posted. Violation is punishable by a fine of not more than \$50. ME. REV. STAT. ANN. Title 22, Sections 269-A & 1681 to 1684 (1987).
- Every employer must establish, or may negotiate through the collective bargaining process, a written policy concerning smoking and nonsmoking by employees. In order to protect the employer and employees from the detrimental effects of smoking by others, the policy shall prohibit smoking except in designated areas. Failure to establish, post or supervise the implementation of a policy is a civil violation punishable by a fine of not more than \$100. ME. REV. STAT. ANN. Title 22, Section 580-A (1985).
- As a fire prevention measure, smoking is prohibited in mills, public buses, factories, machine shops, shipyards,

covered bridges, stables "or other buildings" where a no-smoking sign is posted. One who smokes in a prohibited area is fined \$5, and one who destroys a no-smoking sign is fined \$10. Reference Date 1954. ME. REV. STAT. ANN. Title 25, Section 2433 (1974).

- Restaurants are required to establish no-smoking areas and to post a sign indicating the smoking policy. ME. REV. STAT. ANN. Title 22, Section 1579-A (West Supp. 1987).
- The "Workplace Smoking Act of 1985" requires employers to establish, post, and enforce a written policy concerning smoking and nonsmoking by employees in that portion of the facility for which they are responsible. ME. REV. STAT. ANN. Title 22, Section 1580-A (West Supp. 1987).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigarettes or tobacco to one under 18 years of age is prohibited. A violator of this section is fined between \$20 and \$50 for each violation. Reference Date 1983. ME. REV. STAT. ANN. Title 22, Section 1579 (Supp. 1984).
- The sale of cigarettes in vending machines not supervised by an adult is prohibited, except when located in areas where minors are not allowed by law. ME. REV. STAT. ANN. Title 22, Section 1628 (West Supp. 1987).

### Commerce

- Each person engaging in the business of selling cigarettes in Maine must secure a license from the Tax Assessor. Reference Date 1954. ME. REV. STAT. ANN. Title 36, Section 4362 (1978).

## Taxation

- The tax rate per pack is 28¢ and was last changed in 1985. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- Certain changes have been made in the Maine tax law. All cigarettes sold are subject to a scheduled increase. Reference Date 1975. ME. REV. STAT. ANN. Title 36, Sections 111 to 5255-B (West Supp. 1987).
- This law relates to the taxation of tobacco products. Reference Date 1969. ME. REV. STAT. ANN. Title 36, Section 5224-A (West Supp. 1987).

## Health and Safety Regulations

- Discarding a lighted cigarette from a moving vehicle or on forest, brush, grass or other lands is prohibited. Violations are punishable by a fine from \$10 to \$50. Reference Date 1979. ME. REV. STAT. ANN. Title 12, Sections 9324(3) and 9701 (1981).
- Discarding burning cigarettes and cigars from railroad equipment is prohibited. No penalty is provided. Reference Date 1954. ME. REV. STAT. ANN. Title 12, Section 9406 (1981).

## Maryland

### Limitations on Smoking in Public Places

- Directors of hospitals, nursing homes, health clinics, and physicians' offices are required to establish and implement a plan to protect the health of nonsmoking patients by regulating smoking on the premises. No penalty is provided. Reference Date 1957. MD. HEALTH AND ENV. CODE ANN. Section 11-205 (1982).
- Smoking or carrying lighted tobacco products is prohibited in a public mass transit bus, railcar, or transit station. Maximum penalty is \$250 for each offense. Reference Date 1957. MD. TRANSP. CODE ANN. Section 7-705 (Supp. 1984).
- Smoking is prohibited in any intrastate motor bus carrier. Maximum fine is \$25. Reference Date 1975. MD. ANN. CODE Article 78, Section 35A (1980).
- Smoking is prohibited on public elevators. No-smoking signs must be posted. Maximum fine is \$25. Reference Date 1975. MD. ANN. CODE Article 89, Section 64 (1979).
- The Washington County Commissioners are authorized to enact ordinances regulating smoking in county offices and county office buildings. Reference Date 1987. MD. ANN. CODE Article 25, Section 236B (Supp. 1987).

### Regulation of Sale to and Use of Tobacco Products by Minors

- One who is in the business of manufacturing or selling cigars, cigarettes, smoking or smokeless tobacco products is prohibited from selling cigarettes to one under 16 years of age, unless the individual is an agent of his employer or has prior written consent of his parents. It is also unlawful for any person who is not a dealer to purchase cigars, cigarettes, smoking or smokeless tobacco for an individual. A violator of this section is fined between \$10 and \$100 for each offense, or imprisoned

between five and 30 days if the fine is not paid. Reference Date 1888. MD. ANN. CODE Article 27, Sections 404 & 405 (1985).

- A dealer, vendor, or other person may not sell, barter, or give any smokeless tobacco products to an individual under 16 years of age; subject to penalties. Reference Date 1951. MD. ANN. CODE Article 27, Sections 404 & 405 (1988).

### Commerce

- A license is required to manufacture cigars or cigarettes. A residence may not be used to manufacture cigarettes or cigars except by the immediate family members. Violation of these provisions brings a fine between \$5 and \$100, or imprisonment between 10 days and one year or both. Reference Dates 1884 and 1904. MD. ANN. CODE Article 27, Sections 327, 330 & 333 (1982).
- The position of Inspector of Tobacco has been repealed from the Maryland Department of Agriculture and certain provisions for the State Tobacco Warehouse. Reference Date 1957. MD. ANN. CODE AGRIC. Article Sections 7-101, 7-301, 7-326R, 7-402, 7-404 & 7-413R (Supp. 1987).
- Daily reports from leaf tobacco sellers are required after each sales day during the auction season. Reference Date 1957. MD. ANN. CODE AGRIC. Article Sections 7-403 & 7-411 (Supp. 1987).
- The bond requirement for persons who weigh leaf tobacco for a commission selling agency has been repealed. Reference Date 1957. MD. ANN. CODE AGRIC. Article Section 7-209 (Supp. 1987).
- The sale or offer for sale of clove cigarettes in the state is prohibited. Violation is a misdemeanor subject to a \$500 fine. Reference Date 1986. MD. ANN. CODE Article 27, Section 40A (1988).

- The State Tobacco Authority is authorized to impose a penalty on an auction warehouse that oversells its daily quota. Reference Date 1957. MD. ANN. CODE AGRIC. Article Section 7-207 (Supp. 1987).

#### **Taxation**

- The tax rate per pack is 13¢ and was last changed in 1980. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The most recent population figures are required to be used in the computation of tobacco tax revenue distribution. Reference Date 1958. MD. ANN. CODE Article 81, Section 460 (Supp. 1987).
- The Maryland Acquired Immune Deficiency Syndrome (AIDS) Research and Information Fund supported with,

in addition, the taxes on cigarettes to conduct or finance research has been repealed. MD. ANN. CODE Health-General Section 18-333 (1987).

- This law imposes a specified tax of 6 1/2 mills per cigarette on sample cigarette packages and alters, after modification in the Federal tax, the applicability of the supplemental state tax on cigarettes. Reference Date 1958. MD. ANN. CODE Article 81, Section 432, 433 & 460 (Supp. 1987).

#### **Health and Safety Regulations**

- Smoking is prohibited in mines. Reference Date 1957. MD. NAT. RES. CODE ANN. Section 7-404(e) (1983).
- Smoking is prohibited in fireworks plants, unless in a designated smoking area. Reference Date 1955. MD. ANN. CODE Article 38A, Section 23 (1982).

## **Massachusetts**

#### **Limitations on Smoking in Public Places**

- Smoking is prohibited in public elevators, supermarkets, and Massachusetts Bay Transportation Authority mass transit vehicles. Smoking is restricted to designated areas in museums, libraries, health care facilities, and mass transit conveyances. The person in control of these facilities must post no-smoking notices. Reference Date 1947. MASS. GEN. LAWS ANN. Chapter 272, Section 43A (West Supp. 1985).
- A separate provision prohibiting smoking in public conveyances and transportation facilities provides for a fine up to \$50 or up to 10 days in jail, or both for violation. Reference Date 1947. MASS. GEN. LAWS ANN. Chapter 272, Section 43 (West 1970).
- The fine for violation of smoking in public conveyances is increased from \$50 to \$100. Reference Date 1947. MASS. GEN. LAWS ANN. Chapter 272, Section 43A (West Supp. 1987).
- Smoking is prohibited in buildings used for stabling horses. Maximum penalty is a \$200 fine, one month imprisonment, or both. After an order of compliance is issued, noncompliance is punished by a fine of up to \$10 per day. Reference Date 1924. MASS. GEN. LAWS ANN. Chapter 272, Sections 86C, 86E, & 86F (West 1970).
- This law protects the public health by prohibiting smoking in jury rooms. Reference Date 1986. MASS. GEN. LAWS ANN. Chapter 234, Section 34C (West Supp. 1987).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing cigarettes, chewing tobacco, snuff, or tobacco in any of its forms to one under 18 years of age is prohibited, unless by a parent or guardian. This is punishable by a fine of not less than \$100 for the first offense, not less than \$200 for second offense, and not less than \$300 for third or subsequent offense. Vending machines must have a notice posted prohibiting minors' use. One who violates this section is punishable by a fine up to \$50. Reference Date 1985. MASS. GEN. LAWS ANN. Chapter 270, Section 6 (West Supp. 1987).

#### **Schools and School Health Education**

- Schools are required to provide education about the effects of tobacco. Reference Date 1974. MASS. GEN. LAWS ANN. Chapter 71, Section 1 (West 1982).
- The use of tobacco in public schools during normal school hours is prohibited. Reference Date 1987. MASS. GEN. LAWS ANN. Chapter 71, Section 2A (West Supp. 1988).

#### **Commerce**

- It is unlawful to employ one under 16 years of age to manufacture or pack tobacco. Reference Date 1887. MASS. GEN. LAWS ANN. Chapter 149, Section 61(21) (West 1982).
- Manufacturing tobacco in one's home constitutes unlawful industrial homework. Reference Date 1937. MASS.

GEN. LAWS ANN. Chapter 149, Section 144 (West 1982).

- No person shall sell cigarettes or act as a manufacturer, wholesaler, vending machine operator, unclassified acquirer, transporter, or retailer of cigarettes in Massachusetts unless licensed to do so. Reference Date 1945. MASS. GEN. LAWS ANN. Chapter 64C, Section 2 (1978).

#### **Taxation**

- The tax rate per pack is 26¢ and was last changed in 1983. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

#### **Health and Safety Regulations**

- Discarding lighted cigarettes and cigars from vehicles on a road near forest lands or open fields, or upon forest land

is prohibited. Maximum penalty is a fine up to \$100, or imprisonment up to 30 days. Reference Date 1930. MASS. GEN. LAWS ANN. Chapter 148, Section 54 (West 1985).

- Whoever sells exploding cigars or cigarettes is subject to a fine up to \$100. Reference Date 1967. MASS. GEN. LAWS ANN. Chapter 148, Section 52A (West Supp. 1985).
- One who sells adulterated smoking products is subject to a fine between \$200 and \$500, or imprisonment up to six months. Reference Date 1958. MASS. GEN. LAWS ANN. Chapter 94, Section 307 (West 1984).
- The membership of the Special Commission to investigate, study, and report on the health effects of indoor air pollution has been increased. MASS. Resolve of 1987. Ch. 2 (1987).

## **Michigan**

#### **Limitations on Smoking in Public Places**

- Smoking on a school bus within one hour of pupils' use of the bus is prohibited. Reference Date 1981. MICH. COMP. LAWS ANN. Section 257.316a (Supp. 1985).
- Smoking is prohibited in retail food establishments, except in designated areas. No-smoking signs must be posted at entrances. Maximum penalty is a \$100 fine. Reference Date 1968. MICH. COMP. LAWS ANN. Section 289.707a (1984).
- Food service establishments with a seating capacity of 50 or more people are required to post notices and designate areas for nonsmokers. The area is not to exceed 50 percent of the establishment. Reference Date 1978. MICH. COMP. LAWS ANN. Section 333.12905 (West Supp. 1987).
- Nursing homes must adopt a policy regulating smoking to provide patients with no-smoking rooms, designated smoking areas, and prohibit tobacco sales except as provided for by owners. Notices must be posted for smoking and nonsmoking areas. Reference Date 1978. MICH. COMP. LAWS ANN. Sections 333.21333 and 333.21733 (1980).
- Smoking is prohibited in all passenger elevators and violation is punishable by a fine of \$50 or 90 days imprisonment. Signs must be posted in elevators containing the prohibition and penalty. Reference Date 1967. MICH. COMP. LAWS ANN. Section 408.820 (1985).
- Smoking is prohibited in public places and at meetings of public bodies, except in designated smoking areas. Reference Date 1978. MICH. COMP. LAWS ANN. Sections 333.12601 to 333.12617 (West Supp. 1987).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing cigarettes to one under 18 years of age is punishable by a fine up to \$50 or up to 30 days imprisonment for each offense. A person under 18 years of age who smokes cigarettes in public is subject to a fine up to \$10 or imprisonment up to five days. One who allows a person under 18 years of age to enter upon his land to smoke cigarettes is subject to a fine up to \$50 or imprisonment up to 30 days. However, a parent or guardian is not in violation of this section if the smoking is done on the parent's property. Reference Date 1972. MICH. COMP. LAWS ANN. Section 722.643 to 722.651 (Supp. 1985).
- Furnishing any form of tobacco to one under 17 years, unless upon parent's or guardian's written order, is punishable by a fine of from \$5 to \$50 or by imprisonment of from 10 to 30 days or both. Reference Date 1889. MICH. COMP. LAWS ANN. Sections 722.651 and 722.652 (1968).

#### **Schools and School Health Education**

- School instruction about the effects of tobacco is required. Reference Date 1976. MICH. COMP. LAWS ANN. Section 380.1170 (Supp. 1985).
- The Critical Health Problems Education Act requires an educational program that includes the topic of tobacco. Reference Date 1948. MICH. COMP. LAWS ANN. Section 388.382(a) (1976).

#### **Commerce**

- No person shall sell, purchase, possess, or acquire cigarettes, or act as a manufacturer, wholesaler, vending

machine operator, unclassified acquirer, or transporter of cigarettes in Michigan unless licensed to do so by the revenue division of the Department of the Treasury. Reference Date 1949. MICH. COMP. LAWS ANN. Section 7.411(3) (1984).

### **Taxation**

- The tax rate per pack is 21¢ and was last changed in 1982. The Tobacco Institute, *Tax Burden on Tobacco: Historical Compilation, 1986* vol. 21, p. 9.

- The tax imposed for each cigarette sold in the state is increased from 10.5 to 12.5 mills. Reference Date 1979. MICH. COMP. LAWS ANN. Section 205.507, 205.507(a), and 205.520 (West Supp. 1988).

### **Health and Safety Regulations**

- Selling adulterated cigarettes constitutes a misdemeanor. Reference Date 1931. MICH. COMP. LAWS ANN. Section 750.27 (1968).

## **Minnesota**

### **Limitations on Smoking in Public Places**

- The Minnesota Clean Indoor Air Act (enacted "to protect the public health, comfort and environment....") prohibits smoking in public places and meetings, except in designated smoking areas.

Public place means any enclosed indoor area used by the general public or serving as a place of work, including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, hospitals, health care facilities, day care centers, nursing homes, auditoriums, arenas, and meeting rooms, but excluding private, enclosed offices occupied exclusively by smokers even though such office may be visited by nonsmokers.

- Proprietors of public places are responsible for posting appropriate signs and for arranging nonsmoking seating areas. Factories, warehouses, and similar places of work not usually frequented by the general public are not included except where the public health commissioner determines that smoke pollution exists that is detrimental to nonsmoking employees. No public place other than a bar may be designated as a smoking area in its entirety. If a bar is designated as a smoking area in its entirety, this designation must be posted conspicuously on all entrances normally used by the public. Violation constitutes a petty misdemeanor. Affected individuals and state officials may institute injunction actions against repeated violators. Reference Date 1975. MINN. STAT. ANN. Sections 144.411 to 144.417 (West Supp. 1988).
- It is a trespass, punishable as a misdemeanor, to intentionally smoke where no-smoking signs are posted or when the operator of a common carrier requests no smoking. Reference Date 1971. MINN. STAT. ANN. Section 609.605(1) (West Supp. 1985).

### **Regulation of Sale to and Use of Tobacco Products by Minors**

- One having control of a cigarette vending machine is required to post a sign which states that persons under 18 years of age are forbidden to buy cigarettes. Violation

constitutes a misdemeanor. Reference Date 1961. MINN. STAT. ANN. Section 325E.07 (West 1981).

- Furnishing tobacco, cigarette papers, or pipes for smoking to one under 18 years of age constitutes a misdemeanor. Using tobacco, cigarette papers, or pipes for smoking by one under 18 years of age constitutes a petty misdemeanor. Local ordinances may provide more stringent regulation. Reference Date 1981. MINN. STAT. ANN. Section 609.685 (West Supp. 1985).

### **Schools and School Health Education**

- Teacher education institutions must provide, and each prospective teacher must satisfactorily complete, courses in the misuse of and dependency upon tobacco. Reference Date 1959. MINN. STAT. ANN. Section 126.05 (West 1979).

### **Commerce**

- No person shall engage in the business of selling, manufacturing, or transporting cigarettes in the State of Minnesota without first having received a license from the State Commissioner of Taxation. Reference Date 1947. MINN. STAT. ANN. Sections 297.01 & 297.04 (West 1972).
- The distribution of tobacco product samples is prohibited except in tobacco stores. Reference Date 1975. MINN. STAT. ANN. Sections 144.412 & 144.414 (West Supp. 1988).
- No person shall distribute smokeless tobacco products, including snuff and chewing tobacco, except in tobacco stores. Reference Date 1986. MINN. STAT. ANN. Section 325F.76 to 325F.78 (West Supp. 1988).

### **Taxation**

- The tax rate per pack is 38¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.

- The Omnibus Tax Law increases the cigarette and liquor taxes. Reference Date 1987. Minnesota Tax & Spending Law Ch. 268 (1987).

#### Health and Safety Regulations

- State fire officials may post no-smoking signs in areas "wherever they deem public safety requires." No penalty is provided for violation. Reference Date 1965. MINN. STAT. ANN. Section 299F.38 (West 1972).
- Discarding a lighted cigarette or cigar on forest land and failing to extinguish it immediately constitutes a misdemeanor punishable by a fine of between \$25 and \$100, or by imprisonment of between 10 and 90 days. Reference Date 1929. MINN. STAT. ANN. Section 88.19 (West 1977).
- When it is determined that a forest fire hazard exists, the commissioner may prohibit smoking by written order, except in homes and enclosed vehicles. Rewards of up

to \$25 may be given for information leading to conviction of violation. Reference Date 1978. MINN. STAT. ANN. Sections 88.22 & 88.76 (West Supp. 1985).

- One who negligently sets fire to a hotel or its furnishings by smoking is guilty of a misdemeanor. Notices must be posted in every sleeping room to advise occupants of this provision. Reference Date 1982. MINN. STAT. ANN. Section 327.74 (West Supp. 1985).
- Intentionally smoking near explosives or inflammable materials constitutes a misdemeanor. If a risk of death or serious bodily harm is knowingly created, the penalty may be a fine up to \$10,000 or up to five years imprisonment, or both. Reference Date 1971. MINN. STAT. ANN. Section 609.60(1) (West Supp. 1985).

## Mississippi

#### Limitations on Smoking in Public Places

- Once a bus driver requests a passenger to stop smoking a cigar or pipe on a public bus, and the passenger continues to smoke, he may be ejected from the bus. The violator is also guilty of a misdemeanor. Reference Date 1942. MISS. CODE ANN. Section 97-35-1 (1973).

#### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigars, cigarettes, smoking tobacco, or snuff to one under 18 years of age without prior written consent of the minor's parent or guardian is prohibited. Violation is punishable by a fine between \$20 and \$100, imprisonment for from one week to three months, or both. Reference Date 1892. MISS. CODE ANN. Section 97-5-25 (1973).
- The judge shall charge the grand jury concerning enforcement of the statute relating to furnishing tobacco to minors. Reference Date 1978. MISS. CODE ANN. Section 13-5-47(2) (Supp. 1984).

#### Commerce

- Every distributor, wholesaler, retailer, distributing agent, vendor, and every other person engaged in the sale or

use of tobacco upon which a tax is required to be paid, must receive a permit from the State Tax Commission allowing him to engage in such business. Reference Date 1942. MISS. CODE ANN. Section 27-69-5 (1972).

- Nonresident tobacco dealers must be licensed to ship tobacco products into Mississippi. Reference Date 1942. MISS. CODE ANN. Section 27-69-7 (Supp. 1987).
- This law reduces or eliminates the credit allowed to dealers for affixing tobacco stamps. MISS. CODE ANN. Chapter 500.

#### Taxation

- The tax rate per pack is 18¢ and was last changed in 1985. *The Tobacco Institute, The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

#### Health and Safety Regulations

- Discarding cigarettes or cigars on a public road or on another's private property constitutes a misdemeanor in addition to civil liability for damages. Violators may be ordered to pick up litter along the roadways or punished by a fine up to \$500 or both. Reference Date 1973. MISS. CODE ANN. Section 97-15-29 (Supp. 1984).

## Missouri

### Regulation of Sale to and Use of Tobacco Products by Minors

- Any municipality may prohibit furnishing cigarettes or cigarette wrappers to minors within its corporate limits, and may provide punishment or fines. Reference Date 1895. MO. ANN. STAT. Section 71.740 (Vernon 1952).
- A minor is defined as a person under 18 years of age for purposes of the Aid to Families with Dependent Children provisions. (No general definition of minor was located). Reference Date 1982. MO. ANN. STAT. Section 208.040 (Vernon Supp. 1985).

### Commerce

- Every cigarette wholesaler must obtain a license from the director of the Missouri Department of Revenue. MO. ANN. STAT. Section 149.035 (Vernon 1976).

### Taxation

- The tax rate per pack is 13¢ and was last changed in 1982. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- A tax is imposed on the sale of cigarettes equal to a portion of the federal excise tax. Reference Date 1985. MO. ANN. STAT. Section 149.082 (Vernon's Supp. 1988).

## Montana

### Limitations on Smoking in Public Places

- The Montana Clean Indoor Air Act of 1979 restricts smoking to designated areas of any enclosed public area or vehicle. Enclosed work places for more than one employee are also included. The Act's purpose is to protect nonsmokers' health and to reserve areas for smokers. Areas included are elevators, restaurants, stores, offices, trains, buses, educational or health facilities, indoor recreational facilities, museums, galleries, libraries, and public meeting rooms. Restrooms, taverns and bars that do not serve meals, and rooms or vehicles with a capacity of six or less are exempted from the Act. A person required to designate smoking or non-smoking areas, who fails to do so, may be fined up to \$25. Reference Date 1979. MONT. CODE ANN. Sections 50-40-101 to 50-40-109 (1983).
- A designated nonsmoking area is required in each enclosed public place. Violation is punishable by a fine of not more than \$100. Reference Date 1985. MONT. CODE ANN. Sections 50-40-104 & 50-40-201 (1985).

### Commerce

- Every wholesaler, subjobber, retailer, or cigarette vendor shall obtain a license from the Montana Department of Revenue. Reference Date 1969. MONT. CODE ANN. Section 16-11-120 (1985).
- A 7-day credit limit is set on sales or delivery of cigarettes or other tobacco products from a wholesaler to a retailer. Reference Date 1937. MONT. CODE ANN. Section 53-3-204 (1985). Repealed in 1985. Section 28, Ch. 670 in 1985.

### Taxation

The cigarette excise tax is increased to 24¢ per package. The tax on cigarettes sold in packages of more than 20 cigarettes is based on a per cigarette basis. Reference Date 1947. MONT. CODE ANN. Sections 16-11-111, 16-11-119 & 17-5-408 (1985).

### Health and Safety Regulations

- Discarding lighted cigarettes or cigars near a forest is prohibited. Violation is a misdemeanor. Reference Date 1939. MONT. CODE ANN. Section 76-13-124 (1983).

## Nebraska

### Limitations on Smoking in Public Places

- The Nebraska Clean Indoor Air Act was enacted for the purpose of protecting "public health, comfort, and environment by prohibiting smoking in public places and at public meetings, except in designated smoking areas." Coverage includes any enclosed indoor area used by the public or that serves as a workplace including, but not limited to, restaurants, retail stores, offices and other commercial establishments, public conveyances, educational facilities, hospitals, nursing homes, auditoriums, arenas, and meeting rooms. Private offices used only by employees who smoke, an entire room or hall used for a private function and controlled by the function's sponsor and bars or restaurants with serving areas of less than 1,200 square feet, however, are exempted. With respect to factories, warehouses, and similar places of work not usually frequented by the general public, the Department of Health is required to establish rules to restrict or prohibit smoking in those places of work when the close proximity of workers or the inadequacy of ventilation causes smoke pollution detrimental to the health and comfort of non-smoking employees.

Notices must be posted designating smoking and non-smoking areas. The health department has rulemaking power to implement the Act and may waive these provisions upon request. Violation of the Act is penalized as a class V misdemeanor or by injunction. Reference Date 1979. NEB. REV. STAT. Sections 71-5701 to 71-5713 (1981).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Smoking cigars, cigarettes, or use of other tobacco in any form by one under 18 years of age constitutes a class V misdemeanor. However, if the minor discloses who furnished the tobacco, the minor may avoid prosecution. Reference Date 1911. NEB. REV. STAT. Section 28-1418 (1981).
- One who furnishes cigarettes, cigarette papers, or tobacco in any form, to one under 18 years of age is guilty of a class III misdemeanor for each offense. Reference Date 1885. NEB. REV. STAT. Section 28-1419 (1981).
- A licensee who furnishes cigars, tobacco, cigarettes, or cigarette material to a minor is guilty of a class III misdemeanor. An additional penalty can be revocation of license. Corporation officers, directors, or managers are subject to this section's penalty. Reference Date 1919. NEB. REV. STAT. Section 28-1425 (1981).

- A minor who misrepresents his age to buy tobacco products is guilty of a class V misdemeanor. Reference Date 1919. NEB. REV. STAT. Section 28-1427 (1981).

### Schools and School Health Education

- Public schools are required to provide instruction in tobacco abuse as part of a drug abuse education program. Reference Date 1885. NEB. REV. STAT. Section 79-1270 (Supp. 1984).

### Commerce

- It is unlawful for any person, partnership, or corporation to sell, keep for sale, or give away in the course of trade, any cigars, tobacco, cigarettes, or cigarette materials without first obtaining a license. Reference Date 1919. NEB. REV. STAT. Section 28-1420 (1979).

### Taxation

- The tax rate per pack is 27¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.
- One cent of the cigarette tax is placed in the Nebraska Cancer Research Fund. Reference Date 1981. NEB. REV. STAT. Section 77-2602 (Supp. 1984).
- The Tobacco Products Tax Act establishes that each first owner of tobacco products to be sold in the state be licensed. The cigarette tax is increased to 27¢ per package of 20 cigarettes. Reference Date 1947. NEB. REV. STAT. Sections 59-1502, 77-2602, 77-2602.03, 77-2609, 77-2713.2, 77-4001 to 77-4025 (Supp. 1988).

### Health and Safety Regulations

- The Game and Parks Commission may regulate smoking in state parks and recreation grounds. Violation constitutes a class V misdemeanor. Reference Date 1929. NEB. REV. STAT. Sections 81-805(2) and (9) (1981).
- Legislative appropriations to the Department of Health are to be distributed to Nebraska's medical colleges and post secondary educational institutions for cancer and smoking disease research. The Department of Health shall establish program criteria, application procedures, and other similar administrative procedures. Reference Date 1981. NEB. REV. STAT. Sections 81-637 to 81-640 (Supp. 1984).

## Nevada

### Limitations on Smoking in Public Places

- To protect human health and safety, smoking is prohibited except in designated smoking areas in public elevators, libraries, museums, public buses, public meetings held in rooms located in public buildings including university lecture and concert halls, hallways, waiting rooms and cafeterias open to the public in state buildings, in public waiting rooms, lobbies and hallways of health care facilities and offices of health care professionals. Additionally, smoking is prohibited in buildings owned or operated by a public governmental agency and in hotels, motels or restaurants when designated by the owner. One who violates this section is subject to a fine between \$10 and \$100. Reference Date 1975. NEV. REV. STAT. Section 202.2491 (1988).
- Smoking in a mill or other building where notices prohibiting smoking are posted constitutes a misdemeanor. Reference Date 1911. NEV. REV. STAT. Section 475.050 (1979).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigarettes, cigarette papers, or tobacco of any description to one under 18 years of age is prohibited without the written consent of the minor's parent or guardian. Superintendents of juvenile facilities may supply tobacco to minors 16 years or older who are confined to institutions, with parental permission. A violator of this section is subject to a fine up to \$500. Subsequent violations by tobacco dealers can result in license forfeiture. Reference Date 1911. NEV. REV. STAT. Section 202.010 (1979).

### Commerce

- It is unlawful to employ one under 16 years of age to work in a tobacco warehouse or tobacco manufacturing plant. Reference Date 1919. NEV. REV. STAT. Section 609.190(1)(e) (1983).

- A person shall not engage in business as a dealer of cigarettes in the State of Nevada unless he or she first secures a wholesaler's or retailer's license from the state. Reference Date 1947. NEV. REV. STAT. Section 370.080 (1983).
- It is a misdemeanor to sell or offer for sale a cigarette that contains cloves to the extent of 20 percent or more by weight. Reference Date 1985. NEV. REV. STAT. Section 202.2495 (1988).

### Taxation

- The tax rate per pack is 20¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.
- The distribution of the proceeds from the cigarette tax are reallocated. Reference Date 1983. NEV. REV. STAT. Section 370.500 (1988).
- The rate of tax on cigarettes is increased contingent upon the expiration of part of the federal tax. Reference Date 1977. NEV. REV. STAT. Sections 370.165 & 370.350 (1988).

### Health and Safety Regulations

- The state forester firewarden may prohibit or restrict smoking in any place other than a vehicle or cleared land when there is a fire safety risk. Public announcements and posted signs will be used to notify prohibition or restrictions. Violation constitutes a misdemeanor. Reference Date 1953. NEV. REV. STAT. Section 473.065 (1983).
- Discarding lighted cigarettes or cigars from a moving vehicle, or in a place where a fire may start is prohibited. Violation is punishable as a misdemeanor. Reference Date 1929. NEV. REV. STAT. Section 475.030 (1979).

## New Hampshire

### Limitations on Smoking in Public Places

- Smoking is restricted to designated smoking areas in enclosed places that are publicly owned or supported by tax revenues. Included are publicly owned, operated or supported transportation, common carrier waiting rooms, elevators, retail stores, entertainment facilities, educational facilities, government offices, polling places, health care facilities, and public meetings. No-smoking signs are to be posted and are not to be removed or defaced. Willful

refusal to obey restrictions is a violation and may be enjoined. To enforce such a violation, the attorney general may bring a civil action for appropriate relief. Reference Date 1981. N.H. REV. STAT. ANN. Sections 155.45 to 155.49 (Supp. 1983).

- The Clean Indoor Air in Restaurants Act requires restaurants that seat 50 persons or more to designate non-smoking areas. Reference Date 1987. N.H. REV. STAT. ANN. Sections 155:57 to 155:63 (Supp. 1987).

- Smoking is prohibited in grocery food stores. The person in charge of the store is responsible for posting signs and enforcement. Reference Date 1986. N.H. REV. STAT. ANN. Sections 155:54 to 155:56 (Supp. 1986).
- Employers are required to establish and to adopt smoking policies in the workplace. Reference Date 1986. N.H. REV. STAT. ANN. Sections 155:50 to 155:53 (Supp. 1986).

#### **Regulations of Sale to and Use of Tobacco Products by Minors**

- The sale and distribution of tobacco products to persons under 18 years of age is prohibited and punishable by a fine of \$25 for the first offense. This includes tobacco products in vending machines. Reference Date 1939. N.H. REV. STAT. ANN. Sections 78:12-b & 78:12-c (Supp. 1986).

#### **Commerce**

- Each manufacturer, wholesaler, subjobber, vending machine operator, and retailer of tobacco products must secure a license from the tax commissioner. Reference Date 1939. N.H. REV. STAT. ANN. Section 78:2 (1971).

- The commissioner shall refund the purchase price for stamps destroyed after affixing to outdated, damaged, or tobacco products that could not be sold. Reference Date 1939. N.H. REV. STAT. ANN. Section 78:10 (Supp. 1986).

#### **Taxation**

- The tax rate per pack is 17¢ and was last changed in 1983. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- If the Federal excise tax on cigarettes is abolished, the rate of the New Hampshire cigarette tax shall be 25¢. Reference Date 1939. N.H. REV. STAT. ANN. Section 78:7 (Supp. 1986).

#### **Health and Safety Regulations**

- Discarding "flammable waste material" on, near, or adjacent to roadways where fire might start in woodlands is prohibited. When a fire hazard is proclaimed, smoking may be prohibited in or near woodlands. Failure to comply with these provisions constitutes a violation. Reference Dates 1909, 1949, and 1951. N.H. REV. STAT. ANN. SECTIONS 224.32 to 224.36 (Supp. 1983).

## **New Jersey**

#### **Limitations on Smoking in Public Places**

- One who smokes or carries lighted tobacco on public transportation or in a public place where municipal ordinance or the person in control of the place prohibits smoking is guilty of a petty offense and is subject to a fine up to \$200. Reference Date 1978. N.J. STAT. ANN. Section 2C:33-13 (Supp. 1987).
- Legislative findings and declarations with respect to smoking in public places recognize a conflict between smokers' and nonsmokers' rights. Tobacco smoke is stated to be, in addition to a health hazard to smokers, an annoyance and nuisance to most nonsmokers, as well as a substantial health hazard to some nonsmokers.

Smoking on passenger elevators, other than in a single family dwelling, is prohibited, and signs must be posted to that effect.

Smoking is also prohibited in health care facilities, except in designated areas. Smoking is permitted in private patient rooms or where all patients have consented, in waiting rooms where nonsmoking areas can be provided, in cafeterias seating 50 or more if an adequate nonsmoking section can be provided, and enclosed employee offices if permitted by the person in control of the facility. The state, its agencies, or political subdivisions may suggest guidelines for nonsmoking areas. Smoking and

no-smoking signs must be posted at entrances to health care facilities and in health care providers' waiting rooms. Smoking is prohibited on school, college, university, and professional training school premises, except in designated areas. Administrators of these institutions are to make and enforce regulations to implement the prohibition. Designated smoking areas must be clearly marked by posted signs at public entrances.

Nonsmoking areas must be established in indoor theaters, libraries, museums, concert halls, auditoriums, or other similar facilities, except sporting event facilities.

Employers must establish written rules to govern smoking in the work place. The rules must contain a written policy and procedures to protect the health, welfare, and comfort of employees from the detrimental effects of tobacco smoke, which shall include designated nonsmoking areas.

Smoking is prohibited in enclosed retail food and market stores. Violation of these restrictions on smoking areas is punishable by a fine up to \$100. Health departments are to notify the person in control of a building of violations and order compliance. Failure to comply is punishable by up to \$25 for the first offense, up to \$100 for the second offense, and up to \$200 for each subsequent offense. Courts may also order immediate compliance. Court action is not available to an individual complainant.

A joint committee composed of General Assembly committee members is to monitor and evaluate the effectiveness of these provisions. The committee is also to receive a report from the Commissioner of Health within two years of the Act's effective date to aid the committee in recommending administrative or legislative changes. This Act's provision supersedes other laws, except where municipal ordinance prohibits smoking or where fire safety laws are in effect in areas where smoking is permitted under this Act. N.J. STAT. ANN. Sections 26:3D-1 to 26:3D-22 (West Supp. 1985). N.J. STAT. ANN. Sections 26:3D-23 to 26:3D-45 (West N.J. Session Law Service, Chs. 184, 186, 318 (1955)).

- The Port Authority may regulate smoking in air terminals, moored floating craft, and marine terminals where appropriate signs are posted. Violation is punishable by a fine up to \$50 for the first offense or up to 30 days imprisonment or both, by up to \$100 or 60 days imprisonment for a second offense or both, and by \$50 to \$200 or 60 days imprisonment for subsequent offenses or both. Reference Date 1953. N.J. STAT. ANN. Sections 32:1-146.4 & 32:1-146.5 (West 1963).
- Smoking is prohibited where appropriate signs are posted in or near Hudson Tubes. Violations are punishable by a fine up to \$50 or up to 30 days imprisonment or both. Reference Date 1964. N.J. STAT. ANN. Sections 32:1-146.8 & 32:1-146.9 (West Supp. 1985).
- New Jersey encourages restaurants to establish non-smoking areas. Every restaurant is required to post signs at every public entrance indicating whether or not it maintains a nonsmoking section. N.J. STAT. ANN. Sections 26:3E7 to 26:3E13 (West N.J. Session Law Service, Ch. 185 (1985)).
- Smoking in places of employment, in certain restaurants, and in enclosed retail and food marketing stores is controlled. Reference Date 1985. N.J. STAT. ANN. Sections 26:3D-23 to 26:3D-45 and 26:3E-7 to 26:3E-13 (1987).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- One who furnishes cigarettes, cigarette papers, or tobacco in any form to a minor under 16 years of age is a disorderly person, and violation is punishable by a fine up to \$100. Reference Date 1904. N.J. STAT. ANN. Section 2A:170-51 (West 1985).

#### **Schools and School Health Education**

- Violations by juveniles of the statute restricting smoking in educational institutions are within the jurisdiction of the municipal court. Reference Date 1982. N.J. STAT. ANN. Section 2A:4A-23 (1987).

#### **Commerce**

- Manufacturing tobacco in one's home is prohibited. Reference Date 1941. N.J. STAT. ANN. Section 34:6-136.3(4) (West 1965).

- Employing one under 18 years of age to prepare, sell, or serve tobacco products is prohibited. Reference Date 1968. N.J. STAT. ANN. Section 34:2-21.17 (West Supp. 1985).
- No person shall engage in or conduct the business of manufacturing, purchasing, selling, consigning, or distributing cigarettes without having first obtained an appropriate license. Reference Date 1948. N.J. STAT. ANN. Section 54:40A-3 (West 1960).
- The revenue stamp discount for distributors is increased and the number of vending machines and premises allowable are also increased. Certain licensing thresholds and penalties under Unfair Cigarette Sales Tax Act of 1952 are defined. Reference Date 1948. N.J. STAT. ANN. Sections 54:40A-4, 54:40A-11.1, 56:7-20 & 56:7-33 (1987).

#### **Taxation**

- The tax rate per pack is 27¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.
- After 1983, \$1,000,000 of the cigarette surtax will be deposited annually in the Cancer Research Fund, to be appropriated toward funding of the New Jersey State Commission on Cancer Research. Reference Date 1982. N.J. STAT. ANN. Section 54:40A-37.1 (West Supp. 1985).
- A seven-member tobacco industry advisory council is established in the Cigarette Tax Bureau to report to the governor, director, and supervisor of the Bureau and to give advice and counsel the enforcement and administration of the Cigarette Tax Act. Reference Date 1968. N.J. STAT. ANN. Section 54:40A-45 (West Supp. 1985).

#### **Health and Safety Regulations**

- Discarding lighted cigarettes or cigars in a forest is prohibited. Reference Date 1981. N.J. STAT. ANN. Section 13:9-44.7 (West Supp. 1985).
- One who negligently or knowingly starts a fire by discarding a cigarette on forest land is liable for the costs incurred in putting out the fire. Reference Date 1981. N.J. STAT. ANN. Section 13:9-44.5 (West Supp. 1985).
- Smoking is prohibited near explosives. Reference Date 1971. N.J. STAT. ANN. Section 21:1-132(D) (West Supp. 1985).
- Violation of the no-smoking provision near explosives is punishable by fines of \$25 to \$500 for a first offense, \$150 to \$500 for a second offense, and \$250 to \$1,000 for subsequent offenses. Permits are also revocable for cause. Reference Date 1960. N.J. STAT. ANN. Section 21:1A-140 (West 1969).
- Discarding an "object, article, or debris of any nature" (deemed to include lighted cigarettes and cigars) from

vehicles is prohibited. Violation is punishable by a fine of from \$100 to \$500. Registered owners or drivers are presumed to be responsible for violations. Signs to this

effect are to be posted on highways. Reference Dates 1921 and 1975. N.J. STAT. ANN. Sections 39:4-64 & 39:4-64.1 (West Supp. 1985).

## New Mexico

### Limitations on Smoking in Public Places

- The New Mexico Clean Indoor Air Act makes it unlawful for any person to smoke in a public place or at a public meeting except in smoking-permitted areas. Public place means any enclosed indoor area used by the public. For places of employment, each employer shall adapt, implement, and maintain a written smoking policy that shall prohibit, at a minimum, smoking in elevators and nurses aide stations or similar facilities for treatment of employees and shall provide for smoke-free work areas to accommodate employees who request such areas.
- Any person who commits an unlawful act under The Clean Indoor Air Act shall be fined not less than \$10 nor more than \$250 for each violation. Reference Date 1985. N.M. STAT. ANN. Sections 24-16-1 to 24-16-11 (1987).

### Commerce

- Each person engaged in the business of selling cigarettes in New Mexico must register with the state. Reference Date 1953. N.M. STAT. ANN. Section 7-12-9 (1983).
- No person shall sell clove cigarettes in New Mexico. Violation is a petty misdemeanor. Reference Date 1985. N.M. STAT. ANN. Sections 57-2-14 & 57-2-15 (1987).

### Taxation

- The tax rate per pack is 15¢ and was last changed in 1986. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- A 25 percent tobacco products tax is imposed on all tobacco products. Reference Date 1953. N.M. STAT. ANN. Sections 7-12-1 to 7-12-10 (1987).
- The law provides for an increase in the cigarette tax and imposes an inventory tax. Reference Date 1978. N.M. STAT. ANN. Sections 7-1-6.11, 7-12-3, 7-12-3.1, 7-12-3.2 & 24-20-1 (1987).
- The cigarette excise tax is increased to the rate of 1¢ for each cigarette sold in the state. Reference Date 1953. N.M. STAT. ANN. Sections 7-1-6.11, 7-12-1 & 7-12-3 (1987).

### Health and Safety Regulations

- Smoking or carrying smoking materials is prohibited in mines or in or near magazines and violation constitutes a misdemeanor. Mine operators are required to search employees at least once a week for such articles. Reference Date 1933. N.M. STAT. ANN. Sections 69-13-2, 69-13-3, 69-19-5, 69-20-17 & 69-32-6 (Supp. 1983).

## New York

### Limitations on Smoking in Public Places

- Smoking is prohibited in churches and schools used as voter registration places. Reference Date 1976. N.Y. ELEC. LAW Section 5-204(7) (Consol. 1977).
- Smoking is prohibited on public transportation vehicles, or in any indoor facility open to the public as a library, museum, or theatre, except by performers as part of the theatrical production. Violation is punishable by a fine between \$10 and \$100. Restrooms, separate lobbies, and other designated smoking areas are exempted. Reference Date 1975. N.Y. PUB. HEALTH LAW Sections 1300-o to 1399-q (Consol. Supp. 1984). (A complaint form is provided following the text of Section 1399-o that may be filed against one who starts a fire in a building by smoking.)

- Smoking or possessing lighted cigarettes and cigars in or near New York Port Authority controlled air and marine terminals where no-smoking signs are posted is prohibited. Violation is punishable by a fine of up to \$50 or up to 30 days imprisonment for a first offense or both, \$25 to \$50 or up to 60 days imprisonment or both for a second offense, and \$50 to \$200 or 60 days imprisonment or both for subsequent offenses. Reference Date 1953. N.Y. UNCONSOL. LAWS Ch. 170, Sections 1 & 2 (Consol. 1984).
- Smoking is restricted to designated areas in factories. No-smoking notices must be posted as directed by the fire commissioner. Reference Date 1921. N.Y. LAB. LAW Section 283 (Consol. 1983).

### **Regulation of Sale to and Use of Tobacco Products by Minors**

- A person, business, or corporation in control of a place that sells tobacco products is required to post a sign that states that sale of cigars, cigarettes, chewing tobacco, powdered tobacco, or other tobacco products to one under 18 years of age is prohibited. A violation of this section is punishable by a fine up to \$100 for the first offense and up to \$250 for all subsequent violations. Reference Date 1965. N.Y. GEN. BUS. LAW Section 399-e (Consol. Supp. 1984).
- One who sells tobacco in any form to one under 18 years of age is guilty of a class B misdemeanor. It is no defense that a child was acting as an agent for another. Reference Date 1965. N.Y. PENAL LAW Section 260.20(5) (Consol. 1984).

### **Commerce**

- No person shall be a cigarette wholesale dealer unless he has been granted and publicly displays in his place of business a license from the Department of Taxation and Finance. Reference Date 1939. N.Y. TAX LAW Section 480 (Consol. 1975).

- Cigarette marketing standards to regulate and control the sale price of cigarettes within the state at wholesale and retail levels have been established and are defined. Reference Date 1985. N.Y. TAX LAW Sections 483 to 487 (Consol. 1987).

### **Taxation**

- The tax rate per pack is 21¢ and was last changed in 1983. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

### **Health and Safety Regulations**

- Smoking is prohibited within 150 feet of ships, docks, warehouses, piers, wharfs, and other places where petroleum oil is stored or kept for export. Violation constitutes a misdemeanor. Reference Dates 1909 and 1965. N.Y. GEN. BUS. LAW Sections 306 & 306-a (Consol. 1980).
- Following New York's Uniform Commercial Code Section 2-314 (which makes the seller of unmerchantable goods civilly liable) a complaint form for the sale of adulterated cigarettes (e.g. a dead mouse in the tobacco) is provided. N.Y. U.C.C. SECTION 2-314 (Consol. 1981) (Form No. 5).

## **North Carolina**

### **Regulations of Sale to and Use of Tobacco Products by Minors**

- Selling cigarettes or cut tobacco to one under 17 years of age is prohibited and is punishable by a fine up to \$500 and/or imprisonment for up to six months. Reference Date 1891. N.S. GEN. STAT. Section 14-313 (1981).

### **Regulation of Advertising Practices**

- The promotion or sale and use of tobacco statutes is amended and clarified in regards to flue-cured tobacco farmers. Reference Date 1959. N.C. GEN. STAT. Sections 106-568.20 to 106-568.36 (Supp. 1987).

### **Commerce**

- No person shall engage in the business of a distributor of cigarettes without having obtained a license from the Secretary of State. Reference Date 1969. N.C. GEN. STAT. Section 105-113.11 (1979).

### **Taxation**

- The tax rate per pack is 2¢ and was last changed in 1969. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- Income tax deductions are provided for marketing assessments on tobacco grown in North Carolina. Reference Date 1967. N.C. GEN. STAT. Sections 105-130.5 & 105-147 (Supp. 1987).

## **North Dakota**

### **Limitations on Smoking in Public Places**

- For the purpose of separating smokers from nonsmokers, nonsmoking areas must be provided in all places of public

assembly, and are to be designated by the person controlling the place of public assembly. Smoking areas may not exceed 50 percent of the total area. Places of public assembly include enclosed theatres, elevators, health

care facilities, state owned buildings such as hospitals, state institutions, office buildings, libraries, public education buildings, and public transportation vehicles. Restaurants and other food service establishments with seating capacity for more than 50 people are also included. Maximum penalty for violation is \$100. Reference Date 1977. N.D. CENT. CODE Sections 23-12-09 to 23-12-11 (Supp. 1987).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing cigarettes, cigarette papers, cigars, snuff, or tobacco in any other form to a minor, and smoking or use by a minor of cigarettes, cigarette papers, cigars, snuff, or tobacco in any other form constitute class B misdemeanors. Reference Date 1973. N.D. CENT. CODE Section 12.1-31-03 (1976).
- A minor is defined as a person under 18 years of age. Reference Date 1877. N.D. CENT. CODE Section 14-10-01 (1981).

#### **Commerce**

- Each person engaged in the business of selling cigarettes, cigarette papers, snuff, cigars, or tobacco must

secure a license from the attorney general. Reference Date 1941. N.D. CENT. CODE Section 57-36-02 (1983).

- The license fees for wholesalers and retailers of tobacco products is revised. Reference Date 1965. N.D. CENT. CODE Sections 43-31-14, 43-33-08, 43-33-11, 53-06.1-03, 57-36-02, 62.1-01-01 & 62.1-04-03 (Supp. 1987).
- Cigarette distributors and wholesalers may not sell unused stamps. The stamps may be returned for 95 percent of their face value. Reference Date 1941. N.D. CENT. CODE Sections 57-36-07, 57-36-12 & 57-36-25 (Supp. 1987).

#### **Taxation**

- The tax rate per pack is 27¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.
- An additional tax of 6 1/2 mills on each cigarette is levied. Reference Date 1965. N.D. CENT. CODE Section 57-36-32 (Supp. 1987).
- The excise tax on cigars, snuff, and other tobacco products is increased from 11 to 25 percent of the wholesale purchase price. Reference Date 1963. N.D. CENT. CODE Sections 57-36-25 to 57-36-28 (Supp. 1987).

## **Ohio**

#### **Limitations on Smoking in Public Places**

- Smoking is prohibited on public transportation vehicles where no smoking areas are clearly posted. Violation constitutes a minor misdemeanor. Reference Date 1984. OHIO REV. CODE ANN. Sections 2917.41(2) & (3)(E) (Page Supp. 1984).
- Nonsmoking areas must be designated by posted signs in places of public assembly, including enclosed theatres, indoor recreational facilities, classrooms, elevators, rooms in health care facilities, state owned buildings including office buildings, public transportation vehicles, and other public places with a seating capacity of at least 50 people. Smoking is prohibited in designated nonsmoking areas. Restaurants, bowling alleys, and taverns are expressly excluded from coverage. Violation constitutes a minor misdemeanor. Reference Date 1981. OHIO REV. CODE ANN. Section 3791.031 (Page Supp. 1984).
- Upon a street railway employee's request, one is required to stop smoking in a passenger car. Maximum penalty is \$10. Reference Date 1953. OHIO REV. CODE ANN. Sections 4951.57 & 4951.99(c) (Page 1977).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing cigarettes or other tobacco products to one under 18 years of age by manufacturers, producers, distributors, wholesalers, or retailers is prohibited, and selling tobacco products is prohibited in a place without a posted sign prohibiting furnishing of tobacco products to one under 18 years of age. A first violation constitutes a fourth degree misdemeanor and subsequent violations constitute a third degree misdemeanor. Reference Date 1984. OHIO REV. CODE ANN. Section 2927.02 (Page Supp. 1984).

#### **Schools and School Health Education**

- Graded courses of study prescribed for schools include health education with instruction in the use and effects of cigarettes. Reference Date 1980. OHIO REV. CODE ANN. Section 3313.60(E) (Page Supp. 1984).

#### **Commerce**

- No dwelling place may be used to manufacture tobacco for sale, except by members of the family living there, unless it complies with state requirements. Reference Date 1953. OHIO REV. CODE ANN. Section 4107.15 (Page 1980).

- No person shall engage in the wholesale or retail business of trafficking in cigarettes without a license. Reference Date 1959. OHIO REV. CODE ANN. Section 5743.15 (1980).

#### **Taxation**

- The tax rate per pack is 18¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.

#### **Health and Safety Regulations**

- Smoking in a self-service gasoline filling station is prohibited and a no-smoking sign must be posted on each self-service pump island. Reference Date 1979. OHIO REV. CODE ANN. SECTION 3741.14(B)(5)(b) (Page 1980).

- Smoking or carrying lighted smoking tobacco is prohibited where fireworks are stored, and a no-smoking sign must be displayed over the entrance to the storage area. Violation is punishable by a fine of between \$25 and \$500. Reference Date 1953. OHIO REV. CODE ANN. Sections 3743.30 & 3743.99(A) (Page 1980).

- Smoking or carrying smoking materials is prohibited in mines. Smoking in or about surface structures is restricted to places where a fire or explosion cannot occur. Reference Date 1984. OHIO REV. CODE ANN. Section 4157.65 (Page Supp. 1984).

- Members of the Senate support and desire a tobacco-free young Ohio by the year 2000. Uncodified. SR 154 of the 117th OHIO GENERAL ASSEMBLY (1987).

## **Oklahoma**

#### **Limitations on Smoking in Public Places**

- Possession of lighted tobacco is declared a nuisance and a public health danger, and is prohibited in elevators, indoor theatres, libraries, indoor exhibits, recreational facilities, and buses, except where "Smoking Permitted" signs are posted in areas separate from the main area. A knowing violation is a misdemeanor punishable by a fine of between \$10 and \$100. Reference Date 1975. OKLA. STAT. ANN. Title 21, Section 1247 (West 1983).
- The "Smoking in Public Places Act" prohibits smoking in a public place not designated as a smoking area. Reference Date 1987. OKLA. STAT. ANN. Title 63, Sections 1-1521 to 1-1527 (West Supp. 1988).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing cigarettes, cigarette papers, cigars, snuff, chewing tobacco, and other tobacco products to a minor is prohibited and punishable by a fine of between \$25 and \$200 and imprisonment of between 10 and 90 days. Any minor in possession of cigarettes or cigarette papers who refuses to tell where and from whom he or she got the cigarettes is guilty of a misdemeanor. If the minor is 16 years of age or older, he or she may be fined up to \$5 or be imprisoned for up to five days or both. Minors under 16 years of age are to be referred to juvenile court for action that the court deems proper. One fourth of the collected fines are paid to the complaining witness and the remainder to county road funds. Reference Date 1915. OKLA. STAT. ANN. Title 21, Sections 1241 & 1242 (West Supp. 1988).
- A minor is defined as a person under 18 years of age. Reference Date 1972. OKLA. STAT. ANN. Title 15, Section 13 (West 1983).

#### **Schools and School Health Education**

- Tobacco is expressly included as a drug in the Drug Abuse Education Act of 1972, which requires that the effects of drug use be taught. The purpose of the Act is to ensure the development of a comprehensive drug abuse education program for students in grades one through twelve. Implementation includes inservice teacher training. Reports are to be made to the legislature each year by the State Department of Education regarding the status of the program. Reference Date 1972. OKLA. STAT. ANN. Title 70, Sections 1210.221 to 1210.228 (West 1972 & Supp. 1984-1985).

#### **Commerce**

- Each manufacturer, wholesaler, warehouseman, jobber, or distributor of cigarettes in Oklahoma must obtain a license from the tax commission. Reference Date 1975. OKLA. STAT. ANN. Title 68, Section 304 (1966).

#### **Taxation**

- The tax rate per pack is 23¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.

#### **Health and Safety Regulations**

- Depositing litter, defined in part as "any flaming or glowing substances.... [or] any substance which may cause a fire....," on roadways or other public property is prohibited and is punishable by a fine of up to \$100 or 30 days imprisonment, or both. Courts may require violators to pick up litter on a court directed schedule in lieu of imprisonment. Reference Date 1957. OKLA. STAT. ANN. Title 21, Section 1753.3 (West 1983).

- Tobacco use is prohibited in rooms where dairy products are unpacked or exposed. Reference Date 1965. OKLA. STAT. ANN. Title 2, Section 7-205 (West 1973).
- No-smoking signs must be posted where fireworks are sold. Reference Date 1969. OKLA. STAT. ANN. Title 68, Section 1623(a) (West Supp. 1984-1985).
- Similar provisions are provided for storage and use of explosives for mining. Reference Date 1981. OKLA. STAT. ANN. Title 45, Sections 911(A)(8) & (C)(5) (West Supp. 1984-1985).
- Smoking is prohibited in mining areas where flammables or explosives are stored, or in other areas where fire or explosion hazards exist. No-smoking signs must be posted. Reference Date 1978. OKLA. STAT. ANN. Title 45, Section 910(10)(B) (West 1979).

## Oregon

### Limitations on Smoking in Public Places

- Smoking is prohibited in public elevators and "No-Smoking" signs must be posted. Violation of the smoking prohibition is punishable by a \$10 fine for each violation, and violation of the sign posting requirement is punishable by a fine of \$100. Reference Date 1975. OR. REV. STAT. Section 479.015 (1983).
- Smoking is prohibited in hospital rooms and other patient care areas unless specifically designated otherwise. Reference Date 1977. OR. REV. STAT. Section 441.815 (1983).
- Smoking in or carrying lighted smoking instruments into public meetings is prohibited. Violation is punishable by a \$10 fine. Reference Date 1973. OR. REV. STAT. Sections 192.710 & 192.990 (1983).
- Because smoking is found to be a health hazard, smoking is restricted to designated smoking areas in state-operated places of employment. The state's personnel division is required to adopt rules and standards to implement this provision. This section also requires state agencies and departments providing employee lounges to provide smoke-free lounge areas and to prohibit smoking in nonsmoking areas. Offices occupied exclusively by smokers are exempt. Reference Date 1977. OR. REV. STAT. Sections 243.345 & 243.350 (1983).
- The Oregon Indoor Clean Air Act's stated policy is to reduce the health hazard of tobacco smoke exposure in confined places by requiring nonsmoking areas in public places, including restaurants, indoor recreational facilities, retail stores, banks, commercial businesses, educational facilities, nursing homes, meeting rooms, grocery stores, and rooms in which jury deliberation occurs.
- The person in charge of the public place is to designate nonsmoking areas and to post appropriate signs. No public place allows smoking in all areas except bars, offices occupied exclusively by smokers, private social

functions under the sponsor's control, retail tobacco businesses, and restaurants with 30 or fewer seats.

The Health Division is responsible for adopting rules implementing and enforcing compliance by actions to enjoin repeated violations. Violation of provisions relating to improper designation of smoking areas and sign posting requirements are punishable by a fine totaling no more than \$100 within a 30-day period. Reference Date 1981. OR. REV. STAT. Sections 433.835 to 433.990(5) (1987).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Endangering the welfare of a minor under 18 years of age includes furnishing tobacco and smoking paraphernalia and constitutes a class A misdemeanor. Reference Date 1971. OR. REV. STAT. Section 163.575 (1983).

### Schools and School Health Education

- As part of instruction in ethics and morality, the course of study in public schools includes the effects of smoking. Reference Date 1975. OR. REV. STAT. Section 336.067(d) (1983).

### Commerce

- Every person desiring to engage in the sale of cigarettes as a distributor or wholesaler must obtain a license from the Oregon Department of Revenue. Reference Date 1965. OR. REV. STAT. Sections 323.105 & 323.107 (1981).

### Taxation

- The tax rate per pack is 27¢ and was last changed in 1985. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The changes in the interest rate paid on refunds of excess cigarette taxes are defined. Reference Date 1969. OR. REV. STAT. Sections 118.230, 118.350, 118.865,

119.220, 293.250, 305.115, 305.830, 314.105, 323.318, 323.330, 323.401 & 496.385 (1987).

- The tax rate for cigarettes sold by common carriers is increased to that of cigarette distributors. Reference Date 1965. OR. REV. STAT. Sections 323.040 & 323.225 (1987).

#### **Health and Safety Regulations**

- Discarding lighted tobacco, cigars or cigarettes on forest lands, private roads, public highways, or railroad right of ways is prohibited. Operators of public conveyances must post a copy of this provision. Reference Date 1957. OR. REV. STAT. Section 476.715 (1983).

- Persons causing fires as a result of violating the above provision is civilly liable for all expenses of fighting the fire. Reference Date 1971. OR. REV. STAT. Section 477.090 (1983).

- During closed season in forest protection districts, smoking while working in or traveling through a district is unlawful. Reference Date 1959. OR. REV. STAT. Section 477.510 (1983).

- Violation of Section 477.510 is punishable by a fine of up to \$1,000 or 60 days imprisonment or both. Reference Date 1963. OR. REV. STAT. Section 477.993(1) (1983).

## **Pennsylvania**

#### **Limitations on Smoking in Public Places**

- Smoking is prohibited in hospital patient care areas, nonsmoking patient rooms, and designated nonsmoking public areas of hospitals. Only patients may smoke in designated smoking patient rooms. One who violates this section is subject to a \$10 fine and costs of prosecution. Reference Date 1977. PA. STAT. ANN. Title 35, Section 361 (Purdon Supp. 1985).
- Smoking is prohibited in any auditorium, balcony, or gallery of any theatre. Reference Date 1927. PA. STAT. ANN. Title 35, Section 1225 (Purdon 1977).
- City councils in first through third class cities may prohibit smoking or carrying lighted tobacco products in retail stores accommodating 300 people or more, or employing 25 or more workers. Regulation may be imposed in stores accommodating 100 or more people and 10 or more employees in third class. However, city councils may not, under this Act, prohibit smoking in any restaurant, restroom, beauty parlor, executive office, or any designated smoking room. Reference Date 1947. PA. STAT. ANN. Title 53, Sections 3702 & 37403(33) (Purdon 1972 & 1957).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- It is a summary offense to furnish cigarettes, cigarette papers, or tobacco in any form to one under 16 years of age. Violation of this section is punishable by a fine up to \$25 for the first offense and up to \$100 for the second offense. Subsequent offenses constitute a third degree misdemeanor. Reference Date 1972. PA. STAT. ANN. Title 18, Sections 6305 & 6306 (Purdon 1983).

#### **Commerce**

- Persons under 16 years of age are not to be employed in stripping or sorting tobacco. Reference Date 1971. PA. STAT. ANN. Title 43, Section 44 (Purdon Supp. 1985).
- Provisions governing industrial homework, based on the legislature's recognition that such work is harmful to society, prohibit manufacturing tobacco in a contractor's or employer's home without a permit. Continued violations may be enjoined. Labels or other identification marks must be affixed to materials manufactured by home workers. Fines up to \$1,000 or imprisonment up to 60 days or both may also be imposed for violations, and \$5,000 fines or imprisonment for 60 to 90 days or both will be imposed for a second violation within five years of conviction. Permits may be revoked for conviction. Reference Date 1937. PA. STAT. ANN. Title 43, Sections 491-1 to 491-21.1 (Purdon 1964 & Supp. 1985).
- No person, unless all of his or her sales of cigarettes are exempt from tax, shall sell any cigarettes within the state without a license. PA. STAT. ANN. Title 72, Section 3168.401 (Purdon 1964).

#### **Taxation**

- The tax rate per pack is 18¢ and was last changed in 1970. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

#### **Health and Safety Regulations**

- Smoking on board any ship within 150 feet of a maritime wharf where petroleum is stored is prohibited, unless the person in control of the wharf gives written permission. A knowing violation constitutes a misdemeanor for which

the violator may be fined up to \$50 or up to six months imprisonment or both. Reference Date 1878. PA. STAT. ANN. Title 55, Sections 442 & 443 (Purdon 1964).

- Smoking while handling explosives in a nongassy mine is prohibited. Reference Date 1961. PA. STAT. ANN. Title 52, Section 701-262(j) (Purdon 1966).

## Rhode Island

### Limitations on Smoking in Public Places

- Smoking is declared a public nuisance and public health danger, and is prohibited in the following public places: elevators, indoor theatres, libraries, art galleries, museums, concert halls, buses, schools, colleges, supermarkets, medical offices, and hospitals. Smoking is permitted in areas of places listed above that are separate from use by the public. Eating places with a seating capacity of 50 or more people are required to have separate seating arrangements for smokers and non-smokers. No-smoking signs must be posted and the person in control of a public area must make reasonable efforts to prevent smoking. A violation of this section is punishable by a fine between \$10 and \$100. Bars, nightclubs, lounges, dance clubs, and privately sponsored social functions are exempt from these provisions. Reference Date 1977. R.I. GEN. LAWS Sections 23-20.6-1, 23-20.6-2 & 23-20.6-4 (1979 & Supp. 1984).
- No-smoking signs must be posted prohibiting smoking in stables and surrounding areas. Reference Date 1976. R.I. GEN. LAWS Sections 23-28.31-2 & 23-28.31-8 (1979).
- The Workplace Smoking Pollution Control Act requires employers to adopt a smoking policy and post signs for designated smoking areas. Reference Date 1986. R.I. GEN. LAWS Sections 23-20.7-1 to 23-20.7-7 (Supp. 1987).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing any tobacco product to one under 16 years of age is prohibited and violation is punishable by a maximum fine of \$250 for each offense. A person under 16 years of age who smokes or chews tobacco in any form in public is subject to a fine of \$5. Reference Date 1896. R.I. GEN. LAWS Section 11-9-13 (Supp. 1987).

### Commerce

- Persons under 16 years of age may not be employed in stripping, sorting, manufacturing, or packing tobacco. Reference Date 1943. R.I. GEN. LAWS Section 28-3-9 (1979).
- Each person engaged in the business of selling cigarettes in Rhode Island must secure a license from the tax administrator. Reference Date 1939. R.I. GEN. LAWS Section 44-20-2 (1980).

### Taxation

- The tax rate per pack is 25¢ and was last changed in 1986. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The rate of tax on unstamped cigarettes is increased to 12.5 mills for each cigarette. Reference Date 1948. R.I. GEN. LAWS Section 44-20-13 (Supp. 1987).

### Health and Safety Regulations

- No-smoking signs must be posted at gas dispenser islands. Reference Date 1976. R.I. GEN. LAWS Section 23-28.22-15 (1979).
- Discarding lighted cigarettes, cigars, or ashes where they are likely to cause a forest, brush, grass, or woods fire, and discarding objects from a moving vehicle are prohibited. This section is punishable by a fine between \$25 and \$100. Reference Date 1970. R.I. GEN. LAWS Section 2-12-9 (1976).
- Carelessly causing a fire on another's land or on an adjacent highway is punishable by a fine between \$25 and \$200 or by imprisonment between five and 30 days or both. If causing the fire is willful, punishment is a fine up to \$200 or imprisonment between 30 days and five years or both. Reference Date 1970. R.I. GEN. LAWS Section 2-12-10 (1976).

## South Carolina

### Limitations on Smoking in Public Places

- Smoking on school buses is prohibited while the bus is in operation. Reference Date 1937. S.C. CODE ANN. Section 59-67-150 (Law. Co-op 1977).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigarettes, tobacco, cigarette papers, or any substitute therefore, to one under 18 years of age is prohibited. A violation of this section is punishable by a fine between \$25 and \$100, or by imprisonment for between two months and one year or both. One half of any fine imposed is paid to the informer. Reference Date 1889. S.C. CODE ANN. Section 16-17-500 (Law. Co-op 1985).

### Commerce

- Every person engaged in the business of selling, purchasing, or distributing cigars, cigarettes, snuff or smok-

ing or chewing tobacco at wholesale or through vending machines must obtain a license to engage in such business. Reference Date 1962. S.C. CODE ANN. Section 12-21-660 (Law. Co-op 1977).

- The South Carolina Tax Commission requires tobacco distributors and purchasers to obtain licenses. Reference Date 1962. S.C. CODE ANN. Section 12-21-670 (Supp. 1987).

### Taxation

- The tax rate per pack is 7¢ and was last changed in 1977. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.

### Health and Safety Regulations

- No-smoking signs must be posted in places where fireworks are stored and sold. Reference Date 1962. S.C. CODE ANN. Sections 23-35-90 & 23-35-100 (Law. Co-op 1977).

## South Dakota

### Limitations on Smoking in Public Places

- Smoking is prohibited in any hospital or medical or dental clinic, nursing home, public library, museum, indoor theater or concert hall, elementary or secondary school building, public conveyance, jury room, elevator, public meeting, and any building constructed, maintained or supported by tax revenues for public purposes. Restaurant proprietors may designate a portion of their establishment with a seating capacity of 100 or more persons as nonsmoking. Reference Date 1974. S.D. CODIFIED LAWS ANN. Section 22-36-2 (Supp. 1987).

### Regulation of Sale to and Use of Tobacco Products by Minors

- Municipalities possess the authority to prohibit furnishing cigarettes to minors or use of cigarettes by minors. Reference Date 1980. S.D. CODIFIED LAWS ANN. Section 9-29-8 (1981).
- A minor is defined as a person under 18 years of age. Reference Date 1877. S.D. CODIFIED LAWS ANN. Section 26-1-1 (1984).
- It is a Class 2 misdemeanor to knowingly sell or give any tobacco product to a minor. It is a petty offense for any minor to purchase, attempt to purchase, possess, or consume any tobacco product. Reference Date 1987. S.D. CODIFIED LAWS ANN. Sections 10-46-8.3 & 15-7-17 (1987).

- The use of smokeless tobacco by, or the sale of smokeless tobacco to minors is prohibited and violation is a petty offense. Reference Date 1986. S.D. CODIFIED LAWS ANN. Sections 26-10-20 & 26-10-21 (Supp. 1987).

### Commerce

- Municipalities possess the power to license and regulate the manufacture and sale of tobacco products. Reference Date 1890. S.D. CODIFIED LAWS ANN. Section 9-34-6 (1981).
- Certain fees affecting tobacco, motor vehicles, and motor fuel sales are revised. Reference Date 1955. S.D. CODIFIED LAWS ANN. Sections 10-1-13 & 10-1-16.1 (Supp. 1987).

### Taxation

- The tax rate per pack is 23¢ and was last changed in 1985. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The tax rate on tangible personal property sold through vending machines is increased. Reference Date 1987. S.D. CODIFIED LAWS ANN. Section 10-45-8.2 (Supp. 1987).
- The sales tax exemption for the sale of cigarettes is repealed. Reference Date 1935. S.D. CODIFIED LAWS ANN. Sections 10-45-8.2 & 10-45-11 (Supp. 1987).

## Health and Safety Regulations

- Discarding burning tobacco products from a vehicle is prohibited, and is punishable as a Class 2 misdemeanor. Reference Date 1937. S.D. CODIFIED LAWS ANN. Section 34-35-8 (1977).
- No-smoking signs must be posted where fireworks are sold. Reference Date 1971. S.D. CODIFIED LAWS ANN. Section 34-37-10.3 (1977).

## Tennessee

### Regulation of Sale to and Use of Tobacco Products by Minors

- Furnishing cigarettes, cigars, pipes, tobacco, or other tobacco products and smoking paraphernalia to a minor under 18 years of age is prohibited. Minors are prohibited from procuring cigarettes, cigars, pipes, smokeless tobacco, or other tobacco products and smoking paraphernalia and are prohibited from misrepresenting their age to obtain these materials. Merchants shall demand identification containing proof of age before they may sell cigarettes to a person who appears to be a minor. Signs must be posted where smoking materials are sold stating the prohibitions and punishments for violation. Law enforcement officers who send minors, with parental consent, to buy smoking materials are not committing a violation or an act of entrapment. Vendors who violate any of these prohibitions on three occasions are prohibited from selling smoking materials for five years. Each violation is punishable by a fine up to \$500 and imprisonment for up to six months. Reference Date 1981. TENN. CODE ANN. Sections 39-4-411 to 39-4-418 (1982).
- The dissemination, purchase, or acquisition of smokeless tobacco products to or by a minor is unlawful. Reference Date 1981. TENN. CODE ANN. Sections 39-4-411 to 39-4-417 (Supp. 1987).

### Commerce

- Every person engaged in the business of selling, distributing, or handling tobacco products in Tennessee must obtain a license to engage in such business. Reference Date 1937. TENN. CODE ANN. Section 367-4-1015 (1983).

- The type of burley seed unlawful for sale unless certified is defined. Reference Date 1972. TENN. CODE ANN. Section 43-10-105 (1988).
- The licensing fees for retailers of tobacco products are eliminated. Reference Date 1937. TENN. CODE ANN. Sections 67-4-1015 & 67-4-1019 (Supp. 1987).

### Taxation

- The tax rate per pack is 13¢ and was last changed in 1969. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation*, 1986, vol. 21, p. 9.
- The Unfair Cigarette Sales Law is revised to levy an additional sales tax on cigarettes and to provide for strict enforcement of the law. Reference Date 1949. TENN. CODE ANN. Sections 47-25-302, 47-25-308 to 47-25-312 & 67-4-1002 to 67-4-1009 (Supp. 1987).

### Health and Safety Regulations

- No-smoking signs must be posted where fireworks are sold or stored. The presence of smoking materials within 10 feet of where fireworks are stored or sold is prohibited. Violation is punishable by a fine of from \$50 to \$200 or 30 to 60 days imprisonment or both. Reference Date 1959. TENN. CODE ANN. Sections 68-22-111 & 68-22-114 (Supp. 1984).
- Smoking is restricted in mines and mining areas where flammable materials are stored. Violation is punishable by a fine between \$50 and \$500 or by imprisonment up to six months or both. Reference Dates 1951 and 1953. TENN. CODE ANN. Sections 59-6-103(b), 59-6-117, 59-6-510 & 59-7-106(b) (1980).

## Texas

### Limitations on Smoking In Public Places

- Smoking or possession of a burning tobacco product is prohibited in primary and secondary schools, elevators, indoor theaters, libraries, museums, hospitals, public buses, planes, and trains, or as part of a theatrical production, except in designated areas. Signs must be posted stating that smoking is prohibited. Failure to post the sign is a defense to prosecution, as is a failure to provide facilities to extinguish smoking materials. One who

violates this section is guilty of a class C misdemeanor. Reference Date 1975. TEX. PENAL CODE ANN. Section 48.01 (Vernon Supp. 1985).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing cigarettes or tobacco in any form to one under 16 years of age, without parental consent, is punishable by a fine between \$10 and \$100. Reference Date 1899. TEX. CIV. CODE ANN. Section 4476-16 (Vernon 1976).

#### **Schools and School Health Education**

- Students are prohibited from smoking at any school related or sanctioned activity on or off public school property. Reference Date 1987. TEX. EDUC. CODE Section 21.927 (Vernon 1988).
- A school health education program relating to smoking and cancer is to be included in the curriculum for students from kindergarten through grade twelve. Uncodified. Act 1985 69th Legislature HCR 2 (1985).

#### **Commerce**

- A person may not engage in business as a distributor, wholesale dealer, or retail dealer of cigarettes unless he has received a permit from the Comptroller of Public Accounts of the State of Texas. Reference Date 1935. TEX. TAX CODE ANN. Sections 154.001 & 154.101 (Vernon 1982).
- Neighborhood convenience stores are to sell cigarette papers only if they are accompanied by loose tobacco. Uncodified. Act 1987 70th Legislature HCR 177 (1987).

- Cigarette and tobacco taxes and permits as they relate to wholesalers and distributors are defined. Reference Date 1935. TEX. TAX CODE. ANN. Sections 154.001 to 155.110 (Vernon 1988).

#### **Taxation**

- The tax rate per pack is 20.5¢ and was last changed in 1985. The Tobacco Institute, *The Tax Burden on Tobacco: Historical Compilation, 1986*, vol. 21, p. 9.
- The provisions relating to the payment of cigarette taxes are defined. Reference Date 1981. TEX. TAX CODE ANN. Sections 154.050(b) to 154.052(a) (Vernon 1988).
- The administration of the cigarette tax stamp is the duty of the state treasurer. Reference Date 1935. TEX. TAX CODE ANN. Sections 154.041, 154.043, 154.047, 154.055 & 154.056 (Vernon 1988).

#### **Health and Safety Regulations**

- Permitting lighted smoking materials within 10 feet of areas where fireworks are sold is prohibited. No-smoking signs must be posted. The maximum penalty for violation is a fine of up to \$1,000, one year's imprisonment or both. Reference Date 1957. TEX. CIV. CODE ANN. Sections 9205(7) & (11) (Vernon Supp. 1985).
- Minors are prohibited from carrying a lighted pipe or fire in any form where they will endanger the lives of others. Reference Date 1907. TEX. CIV. CODE ANN. Section 5910a (Vernon Supp. 1985).
- The 69th Legislature supports the goal of a smokeless teenage society by the year 2000. Uncodified. Act 1985 69th Legislature HCR 4 (1985).

## **Utah**

#### **Limitations on Smoking in Public Places**

- As an offense against the public welfare, smoking in a public place or at a public meeting place is prohibited except in designated smoking areas, unless an entire place is used for a private social function with seating arrangements controlled by the function's sponsor. Also in workplaces not frequented by the public and where smoke pollution is detrimental to the health or comfort of nonsmoking employees, the local health board is to draw up smoking rules to govern workplace smoking.

Persons in control of public places may designate smoking areas, except places where smoking is prohibited by the fire marshal or some other law and are responsible for posting appropriate signs and arranging for seating and ventilation to provide smokefree areas.

Public place is defined as any enclosed, indoor area used by the general public or serving as a place of work including, but not limited to, restaurants, health care offices, and other commercial establishments, nursing homes, auditoriums, theatres, arenas, meeting rooms, and buildings constructed, maintained, or otherwise supported by tax revenues in whole or in part. In addition, enclosed indoor areas where the proprietor posts no-smoking signs are considered public places. Violation constitutes a class C misdemeanor. Local health boards may also institute court action to enjoin repeated violations. Reference Date 1976. UTAH CODE ANN. Sections 76-10-101, 76-10-106, and 76-10-108 to 76-10-110 (1978).

- Criminal statutory sections 76-10-106 and 76-10-108 through 76-10-110 are deemed to be public health laws enforceable by the health departments. The Health Department is empowered to adopt rules to implement

these criminal provisions. Reference Date 1981. UTAH CODE ANN. Sections 26-15-11 & 26-15-12 (1984).

- Smoking on any bus except a chartered bus constitutes a class C misdemeanor. The passenger who is in violation may be ejected by the bus driver; other passengers may inform the driver of violators and request their discharge. Reference Date 1979. UTAH CODE ANN. Section 76-10-1506 (Supp. 1983).
- The Indoor Clean Air Act shall include public conveyances, buses, railway passenger cars, airport terminals, bus stations, railway terminals, elevators, retail stores, and other commercial establishments. Reference Date 1976. UTAH CODE ANN. Sections 76-10-101 to 76-10-110 (Supp. 1987).

#### **Regulation of Sale to and Use of Tobacco Products by Minors**

- Furnishing cigarettes or tobacco of any kind to one under 19 years of age, procuring cigarettes, cigars, or tobacco in any form, or allowing one under 19 years of age to smoke in his place of business is punishable as a class C misdemeanor. Reference Dates 1973 and 1974. UTAH CODE ANN. Sections 76-10-103 to 76-10-105 (1978).
- Cities and towns are empowered to prohibit the furnishing of tobacco to persons under 21 years of age. Reference Date 1898. UTAH CODE ANN. Sections 10-8-47 & 10-13-9 (1973).
- Furnishing cigarettes to a minor is prohibited. Reference Date 1930. UTAH CODE ANN. Section 59-18-12 (Supp. 1983).
- A person who controls a tobacco vending machine that is accessible to persons under 19 years of age or who provides tobacco to a person under 19 years of age is guilty of a misdemeanor punishable by a fine between \$25 and \$100 or by imprisonment up to 60 days for the first offense. Second offenses are punishable by a fine of \$50 to \$200 or up to 90 days imprisonment. Subsequent offenses are punishable by a fine of \$100 to \$299 or not less than 90 days imprisonment or both. Signs prohibiting tobacco sales to minors must be posted on each machine. One who violates these provisions is guilty of a nuisance and may be enjoined from such activity, and the building itself may be abated as a nuisance. Reference Date 1933. UTAH CODE ANN. Sections 59-18-18 & 59-18-19 (1974).

#### **Schools and School Health Education**

- The State Board is required to adopt rules that provide for instruction in each grade level on the harmful effects of alcohol, tobacco, and controlled substances. Reference Date 1907. UTAH CODE ANN. Sections 53-14-4 & 53-14-4.1 (Supp. 1987).

#### **Regulation of Advertising Practices**

- A warning label that states "Use of this product may cause oral cancer and other mouth disorders and is addictive," is required on all smokeless tobacco products sold in the state. Reference Date 1986. UTAH CODE ANN. Sections 59-14-501 to 59-14-508 (1987).
- Cigarette and other tobacco products advertisements are prohibited on any billboard, streetcar, bus, or any other display except that a cigarette dealer may have a sign in front of his business stating he is a cigarette dealer. Cigarette advertisements may appear in newspapers, magazines and periodicals. Reference Date 1953. UTAH CODE ANN. Section 76-10-102 (1978).

#### **Commerce**

- It shall be unlawful for any person to barter, sell, or offer for sale cigarettes or cigarette papers without having obtained a license therefore from the Utah State Tax Commission. Reference Date 1930. UTAH CODE ANN. Section 59-18-1 (Supp. 1985).
- It is unlawful for any person to sell, offer for sale, give or furnish clove cigarettes in the state. Reference Date 1974. UTAH CODE ANN. Section 76-10-105.3 (Supp. 1987).
- It is unlawful for any person to sell, offer for sale, give or furnish smokeless tobacco or chewing tobacco in the state. Reference Date 1973. UTAH CODE ANN. Sections 76-10-102 & 76-10-111 (Supp. 1987).

#### **Taxation**

- The tax rate per pack is 23¢ and was last changed in 1987. The Tobacco Institute, "Cigarette Tax Data," 1987.
- The "Phase II" changes in the cigarette and tobacco licensing tax laws are clarified and defined. Reference Date 1986. UTAH CODE ANN. Sections 59-14-101, 59-14-201 to 59-14-209 (1987).
- The Tax Code, particularly as it applies to tobacco sales and taxes, is recodified. Reference Date 1953. UTAH CODE ANN. Sections 59-14-101 to 59-14-107 (1987).

#### **Health and Safety Regulations**

- Discarding lighted smoking materials from a moving vehicle, or otherwise discarding substances that may cause fires on highways or wildlands constitutes a misdemeanor. One who starts a fire as a result of violations may also be liable for the costs incurred in fighting the fire. Reference Date 1951. UTAH CODE ANN. Sections 24-2-15 & 24-2-18 (1984).
- Discarding "any lighted material" from a moving vehicle is prohibited, and violation is punishable by a fine between \$25 and \$299 for each violation. Courts may also