



SPECIAL LEGISLATIVE REPORT

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President
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STATE BALLOT INITIATIVE RESULTS - November 7, 2006

On November 7, 2006, voters decided on **13** tobacco-related ballot initiatives in **9** States. Montana's ballot initiative (V.5 – *Constitutional Initiative 97*) was removed from the ballot on October 28, 2006.

The following **7** ballot initiatives were **approved** by a majority of voters and summarized on pages 2-4:

STATE	BILL NUMBER	ISSUE	EFFECTIVE DATE
[1] Arizona	V.12 (Proposition 201)	Would prohibit smoking in all public places and places of employment, with certain exemptions. Cigarette excise tax increase of \$0.02/pack	11/7/2006
[2] Arizona	V.18 (Proposition 203)	Cigarette excise tax increase of \$0.80/pack and several OTP tax increases (See page 2)	Governor proclamation
[3] Florida	V.4 (Ballot Measure 4)	Would appropriate tobacco settlement monies for State tobacco education and prevention programs.	11/7/2006
[4] Idaho	V.3	Would create an Idaho Millennium Permanent Endowment Fund which would consist of 80% of all future State MSA payments.	1/1/2007
[5] Nevada	V.5 (Statutory Initiative 1)	Would create a more comprehensive smoking ban in public places.	11/17/2006
[6] Ohio	V.5 (State Issue 5)	Would prohibit smoking in all public places and places of employment, with certain exemptions.	30 days after voter approval
[7] South Dakota	V.5 (IM-2)	Cigarette excise tax increase of \$1.00/pack and OTP excise tax increase from 10% to 35% of the Wholesale Purchase Price	1/1/2007

The following **6** ballot initiatives were **not approved** by a majority of voters:

STATE	BILL NUMBER	ISSUE
Arizona	V.15 (Proposition 206)	Would prohibit smoking in all public places and places of employment, with certain exemptions.
California	V.12 (Prop. 86)	Cigarette excise tax increase of \$2.60/pack and OTP excise tax increase
Missouri	V.6 (Const Amen 1)	Cigarette excise tax increase of \$0.80/pack
Nevada	V.6 (Statutory Initiative 2)	Would create a more comprehensive smoking ban in public places.
Nevada	V.7 (Statutory Initiative 3)	Would legalize marijuana. Would allow tobacco product wholesalers and retailers to obtain a license to sell marijuana.
Ohio	V.4 (State Issue 4)	Would prohibit smoking in all public places and places of employment, with certain exemptions.

[1] Arizona

V.12

(Proposition 201) Enacts the Smoke Free Arizona Act. Prohibits smoking in all public places and places of employment, except the following: (1) private residences, except when used as a licensed child care, adult day care, or health care facility; (2) hotel and motel rooms rented to guests as smoking rooms, provided that not more than 50% of all rooms rented to guests are so designated; (3) retail tobacco stores, whereby any smoke originating from the store does not infiltrate into areas where smoking is not permitted; (4) veterans and fraternal clubs when they are not open to the public; (5) smoking when associated with a religious ceremony; (6) outdoor patios; and (7) a theatrical performance or production if the smoking is part of the performance or production. Requires the owner of an establishment that would prohibit smoking to remove all ashtrays and post “No Smoking” signs within the establishment. Authorizes the Department of Health Services to enforce the smoking prohibitions. Imposes a civil penalty of between \$100 and \$500 for each violation of this Act. Requires the Director of the Arizona Department of Health Services to issue a report that analyzes the department’s activities concerning the enforcement of this Act on each June 1st, beginning in 2008.

Increases the cigarette excise tax by 2 cents per pack (from \$1.18 to \$1.20 per pack). Allocates the tax revenues collected by this new increase to the “Smoke-Free Arizona Fund” to be used to enforce this Act. The cigarette excise tax is effective upon enactment, while the smoking prohibitions go into effect on May 1, 2007.

07-Jul-2006	Introduced by	Ballot Measure
07-Jul-2006	Referred to Calendar	On 11/07/2006
07-Jul-2006	Adopted	Ballot Measure: Proposition 201
07-Nov-2006	Voter Approval	Yes: 54.2%, No: 45.8%

[2] Arizona

V.18

(Proposition 203) Enacts the “Arizona Early Childhood Development and Health Initiative.” Creates a Statewide program to provide the necessary coordination and funding for early childhood development and health care that includes increasing access to preventative health programs, offering parents and families support and education about early childhood development and literacy, and providing training and support to early childhood development providers.

Increases the cigarette excise tax by 80 cents per pack (from \$1.20 to \$2.00 per pack). Increases the excise tax for smoking tobacco, snuff, and fine cut chewing tobacco by 9 cents per ounce (from 13.3 to 22.3 cents per ounce). Increases the excise tax on Cavendish, plug or twist chewing tobacco by 2.2 cents per ounce (from 3.3 to 5.5 cents per ounce). Increases the excise tax on little cigars by 17.8 cents per pack (from 26.3 to 44.1 cents per pack). Increases the excise tax on large cigars that retail at not more than 5 cents per piece by 8.8 cents per 3 cigars (from 13 to 21.8 cents per 3 cigars). Increases the excise tax on large cigars that retail at more than 5 cents per piece by 8.8 cents per piece (from 13 to 21.8 cents per piece). Allocates the tax revenues collected by these new increases to the “Arizona Early Childhood Development and Health Initiative.” Effective upon proclamation by the Governor.

14-Jul-2006	Introduced by	Ballot Measure
14-Jul-2006	Referred to Calendar	On 11/07/2006
14-Jul-2006	Adopted	Ballot Measure: Proposition 203
07-Nov-2006	Voter Approval	Yes: 56.2%, No: 47.4%

[3] Florida

V.4

(Ballot Measure 4) Requires the Legislature to annually utilize monies from the State’s Tobacco Settlement for a comprehensive Statewide tobacco education and prevention program using the “best practices” defined by the Centers for Disease Control. The program includes: (1) an anti-tobacco advertising campaign; (2) an anti-tobacco campaign designed to educate youth; (3) the creation of local community-based partnerships that would discourage tobacco use; (4) the enforcement of the State’s anti-tobacco laws; and (5) the creation of publicly-reported annual evaluations to ensure that the monies designated for this program are properly spent. Sets the annual funding at 15% of the State’s 2005 Tobacco Settlement payment figure, adjusted annually for inflation. Effective upon voter approval.

21-Jul-2006	Introduced by	Ballot Measure
21-Jul-2006	Referred to Calendar	On 11/07/2006 Ballot
21-Jul-2006	Adopted	Ballot Measure: No 4
07-Nov-2006	Voter Approval	Yes: 60.9%, No: 39.1%

[4] Idaho

V.3

Creates the "Idaho Millennium Permanent Endowment Fund." The fund consists of 80% of all future tobacco settlement payments to the State on or after January 1, 2007. Currently, the tobacco settlement monies are deposited into the statutorily created Idaho Millennium Fund. Provides that the Idaho Millennium Fund receives the remaining 20% of tobacco settlement payments to the State with a statutory cap on the fund balance. When the cap is satisfied, then the future settlement payments and earnings transfer back to the Idaho Millennium Permanent Endowment Fund. Effective January 1, 2007.

09-Jun-2006
09-Jun-2006
09-Jun-2006
07-Nov-2006

Introduced by
Referred to Calendar
Adopted
Voter Approval

Ballot Measure
On 11/07/2006 Ballot
Ballot Measure: Senate Joint Resolution 107
Yes: 58.3%, No: 41.7%

[5] Nevada

V.5

(Statutory Initiative 1) Creates the "Nevada Clean Indoor Air Act." Prohibits smoking in the following areas: (1) Childcare facilities; (2) Movie theatres; (3) Video arcades; (4) Government buildings and public places; (5) Malls and retail establishments; (6) All areas of grocery stores; (7) All indoor areas within restaurants; and (8) In school buildings and on school property.

Does not prohibit smoking in the following areas: (1) Within casinos where loitering by minors is already prohibited; (2) Stand-alone bars, taverns, and saloons; (3) Strip clubs and brothels; (4) Retail tobacco stores; and (5) Private residences, including residences which may serve as an office workplace, except if used as a childcare, an adult daycare or healthcare facility. Allows establishment owners in the above areas to voluntarily create non-smoking sections or designate the entire establishment as smoke free. Requires that "No Smoking" signs be clearly and conspicuously placed in every location where smoking would be prohibited by this Act. Requires the removal of all ashtrays and other smoking paraphernalia from any areas where smoking is prohibited. Effective 10 days after voter approval.

14-Aug-2006
14-Aug-2006
14-Aug-2006
07-Nov-2006

Introduced by
Referred to Calendar
Adopted
Voter Approval

Ballot Measure
On 11/07/2006 Ballot
Ballot Measure: Statutory Initiative 1
Yes: 53.9%, No: 46.1%

[6] Ohio

V.5

(State Issue 5) Prohibits smoking in any public place or place of employment with the following exemptions: (1) any private residence, except when those residences are operating as child care or adult care facilities; (2) hotels, motels and other lodging facilities where 20% of the rooms are designated as smoking rooms; (3) family-owned and operated places of employment in which all employees are related to the owner, but only if the enclosed areas of the place of employment are not open to the public, are in a free-standing structure occupied solely by the place of employment, and smoke does not migrate into an enclosed area where smoking is prohibited; (4) any nursing home with an indoor smoking area provided for residents. That area shall be separately enclosed and ventilated so that tobacco smoke does not enter through entrances, windows, ventilation systems or other means into areas where smoking is prohibited; (5) any retail tobacco stores in operation prior to the effective date of this Act. Any retail tobacco stores that begin operation after this Act becomes law would only qualify for an exemption from the ban if they are located in a free-standing structure occupied solely by the business, and if smoke does not migrate into an enclosed area where smoking is prohibited; (6) outdoor patios which are physically separated from enclosed areas; and (7) any private clubs in which (a) there are no employees; (b) the club is a not-for-profit entity; (c) only members of the club are present; (d) no one under the age of 18 is present; (e) the club is located in a free-standing structure; (f) smoke from the club does not migrate into an enclosed area where smoking is prohibited; and (g) a valid D4 liquor permit is held if the club serves alcohol.

Provides that a proprietor of a public place or place of employment shall ensure that smoke does not enter any area in which smoking is prohibited, through entrances, windows, ventilation systems or other means. Makes it unlawful for any person or employer to discharge, refuse to hire, or in any manner retaliate against any individual for exercising any right, including reporting a violation, or performing any obligation under this Act. Allows an owner, manager, operator or other person in charge of an establishment which does not qualify as a public place or place of employment to declare that particular facility as a "nonsmoking place." Requires that "No Smoking" signs or the international "No Smoking" symbol be conspicuously posted in every public place or place of employment, including entrances, where smoking is prohibited. All signs are required to contain a phone number for reporting violations. Also requires that all ashtrays be removed from non-smoking areas.

[6] Ohio**V.5 (Continued)**

Authorizes the Department of Health to promulgate the smoking prohibition rules, educate the public about the rules (including how a violation may be reported) and enforce the smoking ban. Proprietors who allow smoking in a non-smoking area, or who allow smoke from a designated smoking area to enter a non-smoking area are to face a fine of between \$100 and \$2,500. Any person who refuses to stop smoking in a non-smoking area is to face a fine of \$100 for each violation. Creates the "Smoke Free Indoor Air Fund." All fines from violations of the smoking prohibition is to be deposited into this Fund. Effective 30 days following voter approval.

26-Sep-2006	Introduced by	Ballot Measure
26-Sep-2006	Referred to Calendar	On 11/07/2006 Ballot
26-Sep-2006	Adopted	Ballot Measure: State Issue 5
07-Nov-2006	Voter Approval	Yes: 58.5%, No: 41.5%

[7] South Dakota**V.5**

Increases the cigarette excise tax from \$0.53 to \$1.53 per pack. Increases the excise tax on other tobacco products from 10% to 35% of the wholesale purchase price. Effective January 1, 2007.

Allocates excise tax revenues as follows: (1) The first \$30,000,000 to be deposited in the general fund; (2) All revenue in excess of \$30,000,000 to be deposited in the Tobacco Prevention and Reduction Trust Fund; (3) the next \$5,000,000 is to be deposited in the Tobacco Prevention and Reduction Trust Fund to be used to implement the Tobacco Prevention and Reduction Program; (4) 33% of any revenue in excess of \$35,000,000 to be transferred to the Property Tax Reduction Fund; (5) 33% of any revenue in excess of \$35,000,000 to be transferred to the Education Enhancement Trust Fund; and (6) 34% of any revenue in excess of \$35,000,000 to be transferred to the Health Care Trust Fund.

Also annually appropriates from the Tobacco Prevention and Reduction Fund to the Department of Health the following: (1) \$1,700,000 to create a grant program for community and school-based initiatives; (2) \$2,170,000 to fund tobacco cessation and state-wide programs; and (3) \$1,130,000 to fund public education and programs related to tobacco use.

31-May-2006	Introduced by	Ballot Measure
31-May-2006	Referred to Calendar	On 11/07/2006 Ballot
31-May-2006	Adopted	Ballot Measure: Initiated Measure 2
07-Nov-2006	Voter Approval	Yes: 60.8%, No: 39.2%