



## **Tobacco Control Legislation Passed in 2008 - by State**

Below is a list and short description of state tobacco control legislation passed during 2008 in each state as of August 11, 2008. The list primarily covers the areas of state tobacco control law that are tracked by [State Legislated Actions on Tobacco Issues \(SLATI\)](#). Citations are linked to actual bill language when possible.

### **ALABAMA**

N/A

### **ALASKA**

N/A

### **ARIZONA**

Cessation Coverage: Authorizes the Arizona Health Care Cost System Administration, which includes the state Medicaid program, to provide nicotine replacement therapies and tobacco use medications to eligible members beginning October 1, 2008.

[S.B. 1418 enacted 4/29/08 and effective 10/1/08.](#)

Fire Safety Standards: Requires all cigarettes sold in Arizona to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[H.B. 2483 enacted 5/6/08 and effective 8/1/09.](#)

### **ARKANSAS**

N/A

### **CALIFORNIA**

N/A

### **COLORADO**

Fire-Safety Standards: Requires all cigarettes sold in Colorado to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[S.B. 08-26 enacted 5/28/08 and effective 1/1/09.](#)

Settlement: Makes small change to provisions concerning how Master Settlement Agreement money is used.

[S.B. 08-127 enacted and effective 4/10/08.](#)

Youth Access: Prohibits the possession and use of tobacco products by minors, requires people to check photo ID before selling tobacco products to minors and makes other changes to youth access laws.

[S.B. 08-88 enacted 5/20/08 and effective 7/1/08.](#)

### **CONNECTICUT**

Tobacco Settlement: Makes some changes to how tobacco settlement money in the Tobacco and Health Trust Fund can be spent.

[H.B. 5020 enacted 6/12/08 and effective 7/1/08.](#)

## **DELAWARE**

N/A

## **DISTRICT OF COLUMBIA**

Fire-Safety Standards: Requires all cigarettes sold in the District of Columbia to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[B17-373 passed by the city council 3/8/08](#), signed by the mayor 3/20/08, passed U.S. Congressional Review Period 5/13/08 and effective 7/1/08.

## **FLORIDA**

Fire-Safety Standards: Requires cigarettes sold in Florida to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[H.B. 1167 enacted 6/10/08 and effective 1/1/2010](#).

Settlement: Extends the Tobacco Settlement Trust Fund within the Agency for Persons with Disabilities indefinitely, including all current balances.

[S.B. 2106 enacted 4/21/08 and effective 7/1/08](#).

## **GEORGIA**

Fire-Safety Standards: Requires all cigarettes sold in Georgia to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[S.B. 418 enacted 4/30/08 and effective 1/1/2010](#).

## **HAWAII**

Fire-Safety Standards: Requires all cigarettes sold in Hawaii to self extinguish when not being smoked to help prevent cigarette-caused fires.

[H.B. 2438 enacted 7/7/08 and effective 9/30/09](#).

## **IDAHO**

Fire-Safety Standards: Requires all cigarettes sold in Idaho to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[S.B. 1398 enacted 3/27/08 and effective 4/1/09](#).

## **ILLINOIS**

N/A

## **INDIANA**

Fire-Safety Standards: Requires all cigarettes sold in Indiana to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[S.B. 28 enacted 3/19/08 and effective 7/1/09](#).

Youth Access: Increases the civil penalties for violating some youth access laws, but allows the mitigation of these penalties if an employee training program meeting specified conditions is in place. Makes various other changes to youth access provisions.

[H.B. 1118 enacted 3/19/08 and effective 7/1/08](#).

## **IOWA**

Smoking Restrictions/Smokefree Air: Prohibits smoking in almost all public places and workplaces, including restaurants and bars. Exempts the gaming floors of casinos, and private clubs with no employees when not open to the general public. Repeals explicit preemptive language.

[H.B. 2212 enacted 4/15/08 and effective 7/1/08](#).

Tobacco Settlement: Transfers the balance of the Endowment for Iowa's Health Account to the Healthy Iowans Tobacco Trust at the end of FY2008. Repeals the Healthy Iowans Tobacco Trust and designates

the Endowment for Iowa's Health Account to continue the purposes of the trust.  
[S.B. 2417 enacted 5/13/08 and effective 6/30/08 and 6/30/09.](#)

### **KANSAS**

Fire-Safety Standards: Requires all cigarettes sold in Kansas to self-extinguish when not being smoked to help prevent cigarette-caused fires.  
[S.B. 178 enacted 5/9/08 and effective 7/1/09.](#)

### **KENTUCKY**

N/A

### **LOUISIANA**

Smoking Restrictions/Smokefree Air: Restricts where in nursing homes smoking may be allowed.  
[H.B. 466 enacted 6/25/08 and effective 8/15/08.](#)

Minimum Age: Requests the Department of Health and Hospitals to study issues related to prohibiting the possession of tobacco products by persons under 21.  
[HCR 174 passed by House and Senate and effective 6/16/08.](#)

### **MAINE**

Smoking in Vehicles with Kids: Prohibits smoking in vehicles when a child under 16 years of age is present in the vehicle. For the first year, violation is a written warning; after that it is subject to a \$50 fine per violation.  
[H.P. 1396 \(L.D. 2012\) enacted 4/10/08 and effective 9/1/08.](#)

Flavored Tobacco Products: Repeals the ban on the sale of hard snuff that was enacted during the 2007 legislative session.  
[S.P. 755 \(L.D. 1961\) enacted and effective 3/6/08.](#)

Youth Access: Prohibits the sale of "novelty lighters" defined as a lighter that is designed to appear to be a toy, feature a flashing light or make musical sounds.  
[H.B. 1467 \(L.D. 2081\) enacted and effective 3/24/08.](#)

Flavored Tobacco Products: Makes changes to the criteria for granting exemptions to the ban on flavored cigarettes and cigars.  
[H.P. 1676 \(L.D. 2316\) enacted and effective 4/14/08.](#)

Flavored Tobacco Products: Approves the rules specifying exemptions to the ban on flavored cigarettes and cigars.  
[H.P. 1544 \(L.D. 2170\) enacted and effective 4/1/08.](#)

### **MARYLAND**

N/A

### **MASSACHUSETTS**

Tobacco Taxes: Increases the cigarette tax by \$1.00 to \$2.51 per pack. Dedicates the revenue to the state health insurance plan.  
[H.B. 4899 enacted and effective 7/1/08.](#)

### **MICHIGAN**

Settlement/Securitization: Allows residual MSA interests to be sold to the Tobacco Settlement Financing Authority to provide net proceeds to the state of \$60 million.  
[H.B. 5866 enacted and effective 4/18/08.](#)

## **MINNESOTA**

Smoking Restrictions/Smokefree Air: Increases the penalties for a person smoking in a non-smoking hotel room.

[S.B. 2809 enacted 5/23/08 and effective 8/1/08.](#)

## **MISSISSIPPI**

N/A

## **MISSOURI**

N/A

## **MONTANA**

N/A

## **NEBRASKA**

Smoking Restrictions/Smokefree Air: Prohibits smoking in virtually all public places and workplaces, including restaurants, bars and gaming establishments.

[L.B. 395 enacted 2/26/08 and effective 6/1/09.](#)

Smoking Restrictions/Funding: Appropriates money from the Tobacco Prevention and Control Cash Fund in FY2009 and FY2010 to enforce the statewide smokefree law.

L.A. 395 enacted 2/26/08 and effective 7/1/08 (FY2009) and 7/1/09 (FY2010).

Settlement: Earmarks \$500,000 of MSA monies each year to a Stem Cell Research Cash Fund.

[L.B. 606 enacted and effective 3/25/08.](#)

## **NEVADA**

N/A

## **NEW HAMPSHIRE**

Tobacco Taxes: Changes the definition of cigarette for tobacco tax purposes to include little cigars meaning the state tax rate on them will now be \$1.08 per 20 cigars.

[H.B. 1309 enacted 6/23/08 and effective 7/1/08.](#)

Tobacco Product Licensing: Moves responsibility for licensing of entities dealing in tobacco products to the state Liquor Commission, and changes licensing provisions and fees.

[S.B. 317 enacted 7/7/08 and effective 1/1/09.](#)

Youth Access: Repeals the restrictions on placement of tobacco product vending machines.

[S.B. 317 enacted 7/7/08 and effective 1/1/09.](#)

Settlement/Tobacco Control Programs: Eliminates the Tobacco Use Advisory Committee and the specific percentage going to tobacco control programs under the state Comprehensive Cancer Plan.

[H.B. 1231 enacted 6/6/08 and effective 6/6/08 and 8/5/08.](#)

Smoking Restrictions/Smokefree Air: Prohibits the state Department of Health and Human Services from promulgating a regulation assessing administrative fines against persons in charge under the statewide indoor smoking restrictions.

SJR 1 adopted and effective 5/7/08.

Smoking Restrictions/Smokefree Air: Sets administrative fines for violation of New Hampshire's law restricting smoking.

[S.B. 532 enacted 7/2/08 and effective 1/1/09.](#)

## **NEW JERSEY**

Smoking Restrictions/Smokefree Air: Allows smoking to be prohibited on the grounds of state psychiatric hospitals if a smoking cessation program is offered a year before the policy takes effect and as long as smoking is prohibited on the grounds. The Commissioner of Human Services may prohibit smoking on the grounds of other human services facilities subject to the same conditions.

[S.B. 625 enacted 4/7/08 and effective 7/7/08.](#)

## **NEW MEXICO**

N/A

## **NEW YORK**

Tobacco Tax: Increases the cigarette tax by \$1.25 to \$2.75 per pack. Also, changes definition of cigarettes to include little cigars meaning they will be taxed at the same rate as cigarettes, and changed the tax on snuff to a weight-based tax of 96 cents/oz.

[S.B. 6807 enacted 4/23/08 and effective 6/3/08 and 7/1/08.](#)

Smoking Restrictions/Smokefree Air: Prohibits smoking in all public and private college dormitories in the state.

[A.B. 538 enacted 7/7/08 and effective 8/15/08.](#)

## **NORTH CAROLINA**

Smoking Restrictions/Smokefree Air: Clarifies that local community colleges can implement a policy prohibiting tobacco use on their campuses.

[S.B. 1669 enacted and effective 7/11/08.](#)

Smoking Restrictions/Smokefree Air: Prohibits smoking in state-owned vehicles, and allows local governments to prohibit smoking in vehicles under their control.

[S.B. 1681 enacted 8/2/08 and effective 1/1/09.](#)

## **NORTH DAKOTA**

N/A

## **OHIO**

Settlement/Tobacco Prevention Spending: Abolishes the Tobacco Use Prevention and Control Foundation and transfers \$40 million of the endowment into a newly-created tobacco-use prevention fund within the state Department of Health to fund state tobacco control initiatives in the remainder of FY2008 and FY2009. The remainder of the endowment was transferred to a Jobs Fund to help fund an economic stimulus plan.

[H.B. 544 enacted and effective 5/6/08.](#)

## **OKLAHOMA**

Fire-Safety Standards: Requires all cigarettes sold in Oklahoma to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[H.B. 3341 enacted 5/12/08 and effective 1/1/09.](#)

## **OREGON**

N/A

## **PENNSYLVANIA**

Smoking Restrictions/Smokefree Air: Prohibits smoking in many public places and workplaces, but exempts some restaurants, all bars and up to 50 percent of casino floors. Does not repeal preemption.

[S.B. 246 enacted 6/13/08 and effective 9/11/08.](#)

Fire-Safety Standards: Requires all cigarettes sold in Pennsylvania to self-extinguish when not being smoked to help prevent cigarette-caused fires.  
[H.B. 1612 enacted 7/4/08 and effective 1/1/09.](#)

### **RHODE ISLAND**

Tobacco Taxes: Creates a separate section of the tax statutes for little cigars, and requires licensure of entities dealing in little cigars. Permanently caps the tax on cigars at 50 cents per cigar.  
[H.B. 7350 enacted and effective 6/27/08.](#)

Tobacco Industry Protection: Caps the amount of the appeal bond required to appeal a lawsuit judgment for Master Settlement Agreement signatories at \$50 million collectively regardless of the value of the judgment. Allows an exception for intentional dissipation of assets.  
[H.B. 7882/S.B. 2509](#) enacted (became law without governor's signature) and effective 7/4/08 and 7/8/08 respectively.

### **SOUTH CAROLINA**

Fire Safety Standards: Requires all cigarettes sold in South Carolina to self-extinguish when not being smoked to help prevent cigarette-caused fires.  
[H.B. 4900 enacted by veto override 6/5/08 and effective 1/1/2010.](#)

### **SOUTH DAKOTA**

Smoking Restrictions/Smokefree Air: Requires establishments with full service on-sale restaurant licenses as defined to prohibit smoking.  
[S.B. 126 enacted 3/13/08 and effective 7/1/08.](#)

### **TENNESSEE**

Fire-Safety Standards: Requires all cigarettes sold in Tennessee to self-extinguish when not being smoked to help prevent cigarette-caused fires.  
[S.B. 2306 enacted 5/15/08 and effective 1/1/2010.](#)

Smoking Restrictions/Smokefree Air: Exempts places of worship from the sign posting requirement of the statewide smoking restrictions.  
[S.B. 2606 enacted and effective 5/12/08.](#)

Youth Access: Prohibits the sale of novelty lighters as defined with a few narrow exceptions.  
[H.B. 3107 enacted 4/23/08 and effective 7/1/08.](#)

Tobacco Licensing: Makes changes to licensing requirements regarding entities that sell or handle tobacco products.  
[H.B. 3874 enacted 6/3/08 and effective 7/1/08.](#)

### **TEXAS**

N/A

### **UTAH**

Tobacco Taxes: Changes the tax on moist snuff to a weight-based tax of 75 cents per ounce.  
[H.B. 356 enacted 3/17/08 and effective 7/1/08.](#)

### **VERMONT**

Youth Access/Internet Sales: Prohibits the delivery of tobacco products ordered by mail or over the Internet to anyone in the state except specified licensed entities.  
[S.B. 344 enacted 5/6/08 and effective 7/1/08.](#)

Tobacco Licensing: Makes the Department of Liquor Control responsible for issuing tobacco retailer licenses instead of the legislative bodies of municipalities.

[H.B. 149 enacted 5/5/08 and effective 7/1/08.](#)

#### **VIRGINIA**

Fire-Safety Standards: Requires all cigarettes sold in Virginia to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[S.B. 208/H.B. 228](#) enacted 3/2/08 and 3/5/08 respectively and effective 1/1/2010.

#### **WASHINGTON**

Fire-Safety Standards: Requires all cigarettes sold in Washington to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[S.B. 5642 enacted 3/28/08 and effective 8/1/09.](#)

Cessation Coverage: Requires the Department of Social and Health Services to provide coverage under the state Medicaid program for smoking cessation counseling and prescription and non-prescription drugs. Allows unspecified limitations on coverage by rule.

[S.B. 6421 enacted 3/28/08 and effective 6/11/08 \(if funding provided\).](#)

#### **WEST VIRGINIA**

N/A

#### **WISCONSIN**

Fire-Safety Standards: Requires all cigarettes sold in Wisconsin to self-extinguish when not being smoked to help prevent cigarette-caused fires.

[A.B. 717 enacted 4/8/08 and effective 11/1/09.](#)

#### **WYOMING**

N/A